



An  
Bord  
Pleanála

## Inspector's Report

### ABP-314749-22

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<b>Development</b>	Construction of 31 residential units.
<b>Location</b>	Lands Between Sallins Wharf, Osberstown Drive and Sallins Pier, Sallins, Co. Kildare.
<b>Planning Authority</b>	Kildare County Council
<b>Planning Authority Reg. Ref.</b>	211276
<b>Applicant(s)</b>	Tony Vaughan.
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Valerie Hutchinson & Others. Mary Gordon Stanislava and Clayton Samuel
<b>Observer(s)</b>	Pat Kidney Frank and Collette Davis

**Date of Site Inspection**

4<sup>th</sup> August 2023.

**Inspector**

Lucy Roche

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## 1.0 Site Location and Description

- 1.1. The appeal site is situated in the town of Sallins in Co. Kildare, approximately 350m southwest of the town centre and c200m west of the Sallins and Naas train station.
- 1.2. The site has a stated area of 0.752ha, it is broadly rectangular in shape, and comprises an area of greenfield interspersed with trees and hedges. The southwest and northeast boundaries of the site are defined by block walls. The Newbridge to Dublin railway line extends along the outside edge of the site's southern boundary while the northern portion of the site opens onto an area of public open space. The Grand Canal runs to the north and west of the site at a distance of c200m at its closest point.
- 1.3. In terms of site surrounds, the area is predominantly residential and generally characterised by conventional two-storey houses in semi-detached and terraced formats. Neighbouring residential estates comprise Osberstown Drive and Sallins Wharf to the northeast, Sallins Pier to the southwest and Oldbridge Station to the south on the opposite side of the railway line. The majority of existing houses back onto the site. Access to the site is available through Sallins Pier.

## 2.0 Proposed Development

- 2.1. The application as originally presented to the planning authority was for:
  - The development of 31 no. residential units comprising:
    - 12 no apartments (4 no. 3 Bed & 6 no. 2 bed and 2 no. 1 bed),
    - 6 no. duplex units (2 no. 3 bed and 4 no. 2 bed) and
    - 13 no. houses (9 no. 3 bed, 4 no. 4 bed),
  - A new vehicular access from Sallins Pier and a new pedestrian access from Osberstown Drive.
  - 5 no. bin stores; 4 no. sheltered bike storage structures and all associated works.
  - Associated hard and soft landscaping, boundary treatments, footpaths, and all other ancillary works above and below ground.

- 2.2. The proposed scheme was revised by way of significant further information which was received by the Planning Authority on 14<sup>th</sup> July 2022. The revised proposal provided for an increase in the number of residential units proposed from 31 no. units to 36 no. units, a redesigned and relocated pedestrian permeable link to Osberstown Drive, bike storage and a public lighting scheme as well as associated layout and landscape changes.
- 2.3. Table 2.1 below provides a summary of the key aspects of the proposed development as originally presented and as amended:

<b>Table 2.1: Site Statistics and Development Details:</b>		
	Original Proposal	Amended Proposal
<b>Site Area</b>	0.752ha	0.752ha
<b>No. Of Residential Units</b>	31	36
<b>Gross Floor Area</b>	3,813sqm	4,204.7sqm
<b>Housing Mix</b>	Refer to table 2.2 below	
<b>Density</b>	41units per hectare	48 units per hectare
<b>Car Parking</b>	50	58
<b>Cycle Parking</b>	61(apartments)	63 (apartments)
<b>Open Space</b>	1,399sqm or c18% of the site area	2000sqm or 27% of site area

- 2.6. Table 2.2 below provides detail of the proposed housing mix.

<b>Table 2.2 Housing Mix</b>		
<b>Houses (10)</b>		
	<b>Original Proposal</b>	<b>Amended Proposal</b>

<b>Unit Type</b>	<b>No. of Units</b>	<b>%</b>	<b>No. of Units</b>	<b>%</b>
3 bed Two Storey House	9	29	6	17
4 Bed Two Storey House	4	13	4	11
<b>Apartments / Duplex Units (26)</b>				
2 bed Duplex	4	13	2	5.5
3 bed Duplex	2	6.5	2	5.5
1 bed apartment	2	6.5	6	17
2 bed apartments	6	19	12	33
3 bed apartments	4	13	4	11

2.7. The application is accompanied by:

- Planning Statement
- Transport Statement
- Engineering Services Statement
- Screening for Appropriate Assessment
- Noise Mitigation
- Site Area and Unit Use Report (updated at further information stage)
- Photomontage Report
- Quality Audit (including Road Safety Audit, Access Audit, cycle Audit and Walking Audit).
- Acoustic Design Statement
- Public Lighting Design

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1. Following an initial request for further information, Kildare County Council (KCC) decide to grant permission for the development (as amended) subject to 30 conditions. The conditions are generally standard for the nature / scale of development proposed.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The initial report of the Planning Officer (Nov. 2021) has regard to the locational context of the site, to the planning history of the site (including pre-planning consultation); and to local and national policy and guidance pertaining to the proposed development. The report also has regard to the third-party submissions and departmental reports received. The following provides a summary of the main points raised in the assessment:

- Regard is had to the residential zoning of the site under the Sallins LAP which supports the principle of the development at this location.
- In terms of density, the report notes that at 41units/ha the density of the proposed scheme is higher than the prevailing pattern of development and higher than that suggested in the Sallins Local Area Plan 2016-2022; however, it may be acceptable subject to high quality design.
- On the layout of the development, it is noted that some of the units are located within the 25m set back from the railway line. Revisions to the layout are therefore required.
- No issues are raised in respect of housing mix, public open space, or car parking. Private open space and internal storage appear to fall short of CDP standards. Concerns are also raised regard the standard of architectural design and the removal of trees/hedgerow.

- While noting the concerns raised by third parties, the report notes that it is national and local policy to promote connections between existing and new residential development to allow better permeability and pedestrian movement.
- The report concludes with a request for further information on the following items:
  - The density of the development
  - The layout of the scheme with respect to the required 25m reservation for the future development of the railway.
  - Design and architectural treatment with noted reference to the hipped roof structure on Block A.
  - Compliance with KCDP Development Management Standards in relation to floor areas, storage, bin storage etc
  - The submission of a tree and hedgerow survey
  - Part V proposals
  - Road layout regarding the need for turning areas for emergency vehicles, the submission of an auto-track analysis and swept path drawing.
  - Background noise including traffic and railway noise.
  - A quality audit on footpaths and permeability links
  - The Design of the permeability link
  - Bicycle storage for terraced units and apartments
  - The design and finish of parking areas
  - Public lighting
  - Land Ownership
  - Issues raised by third parties.

The second and final report of the Case Planner (Sept 2022) has regard to the further information received on the 14th of July 2022, and to the third-party



submissions and reports received. The following provides a summary of the main points raised in the assessment:

- The density of development (as amended) is acceptable having regard to the proximity of the site to public transport (rail), the prevailing lower densities and national guidance.
- The revised proposals adequately address the concerns raised in relation to design and the quality of the residential units.
- The additional landscaping proposed will improve design and layout of the development and add character.
- The report concludes with a recommendation to grant permission subject to condition.

### 3.2.2. Other Technical Reports

Water Services: No objection subject to condition.

MD Engineer: Refers to Roads Design Report

Transportation:

Oct. 2021 Request further information in relation to background noise including traffic and railway noise, quality audit on footpath and permeability links, design details of permeability link, bicycle storage, permeable paving, turning areas and public lighting.

Sept. 2022 No objection subject to condition

Housing: Initial report requests further information. The second report makes observations and recommends conditions.

CFO: Initial report requests further information in relation to the provision of turning areas for fire appliances. The second report (July 2022) raises no objection subject to condition.

Heritage Officer: No objection/comment

Environment: No objection subject to condition

Enforcement: Warning letter issued re: alleged unauthorised palisade fence. Ownership of land requires clarification.

EHO: No objection subject to condition re: construction Management Plan, noise, air-quality, ventilation, external lighting and waste facilities.

### 3.3. Prescribed Bodies

Irish Water: No objection subject to condition

Iarnrod Eireann: Object to the development as originally proposed as some of the proposed housing units were situated within the 25m reservation for future development of the railway.

### 3.4. Third Party Observations

3.5. The planning authority received a significant number of third-party submissions following the lodgement of the application and following the receipt of further information and revised public notices. The issues raised in the submissions are similar to those set out in the grounds of appeal / observations received and can be summarised as follows:

- Inadequate site notices.
- Concerns raised regarding the proposed pedestrian / cycle link with Osberstown Drive and its impacts on existing residents.
- The proposed scheme, due to its density, height, type, and design is out of keeping with existing development.
- Impact on adjoining residential properties by way of overlooking, loss of privacy, visual/overbearing
- Concerns regarding the adjoining estate not been taken in change and the track record of the developer.
- The additional traffic generated by the proposed scheme and safety at road junctions.
- Impacts during construction (noise, construction traffic)
- Loss of trees

- Impacts on existing public open space (sub-division)
- Lack of social infrastructure in Sallins to cater for the development.
- Environmental impacts - impacts on flora and fauna.
- Inadequacies in water services

## 4.0 Planning History

None considered relevant to the consideration of the proposed scheme.

## 5.0 Policy Context

### 5.1. Development Plan

- 5.1.1. The application was assessed by Kildare County Council in accordance with the policies and objectives of the Kildare County Development Plan 2017-2023. The Kildare County Development Plan 2023-2029 was adopted by Kildare County Council on the 9th of December 2022 and came into effect on the 28<sup>th</sup> of January 2023. I have assessed the proposal under the provisions of the operative Development Plan, namely the Kildare County Development Plan 2023-2029.
- 5.1.2. Chapter 2 - Core Strategy and Settlement Strategy, categorises Sallins as a Tier 4 'Town'. Towns along with villages are defined in the plan as are settlements with local service and employment functions. Table 2.8 sets out the Core Strategy for the County and allocates a housing target of 174no. units to Sallins for the period 2023-end 2028. Figure 2.8 also identifies a target residential density of 35-40 units/ha for the settlement. The population of Sallins is given as 5,849 people as per the 2016 Census.
- 5.1.3. Chapter 3 Housing: the following sections, policies and objectives are noted:
- Section 3.7 Residential Density* – The guidance and density ranges provided in Sustainable Residential Development in Urban Areas - Guidelines for Planning Authorities, DEHLG (2009) have been considered in preparing the Core Strategy

table contained in Chapter 2 of the Plan. The Core Strategy table includes a Target Residential Density (Units per Hectare) for each settlement based on its function within the settlement hierarchy. The Target Residential Density for Sallins is 35-40 units/ha.

*Section 3.8 Protecting Existing Residential Amenity* - Residential amenity is influenced by a range of factors, such as private outdoor amenity space, privacy, and natural light. The relationship of buildings to each other and their individual design can have a significant impact on these factors and on residents' comfort. In older residential areas, infill development will be encouraged, while still protecting the existing residential amenity of these areas.

*Section 3.9 Regeneration, Compact Growth and Densification* - A key objective of the NPF and RSES is to increase the density of development in all built up areas, in order to achieve the indicated population targets in a compact and sustainable manner. Increased densities will facilitate optimising the use of serviced lands and maximising the viability of investment in social and physical infrastructure, in particular public transport. It will be necessary to make the best possible use of under-utilised land and buildings, including 'infill', 'brownfield' and publicly owned sites and vacant and under-occupied buildings, with higher housing and jobs densities, serviced by existing and proposed facilities and public transport.

#### 5.1.4. **Noted Policy's / Objectives:**

It is the policy of the Council to:

- |       |   |
|-------|---|
| HO P5 | Promote residential densities appropriate to its location and surrounding context.  |
| HO P6 | Promote and support residential consolidation and sustainable intensification and regeneration through the consideration of applications for infill development, backland development, re-use/adaptation of existing housing stock and the use of upper floors, subject to the provision of good quality accommodation. |

It is an objective of the Council to:

- CS O1        Ensure that the future growth and spatial development of County Kildare is in accordance with the population and housing allocations contained in the Core Strategy which aligns with the regional growth strategy as set out in the National Planning Framework and Regional Spatial and Economic Strategy for the Eastern and Midland Region
- CS O13        Require that the design of future development complies with the 10-minute settlement principle through the creation of a safe, attractive, permeable, and universally accessible environment for all, including permeability to existing estates to require public consultation which maximises the potential for active modes of travel along with accessibility to both present and planned public transport options and to advocate for increased public transport options to meet this goal where none are in place.
- HO O6        Ensure a balance between the protection of existing residential amenities, the established character of the area and the need to provide for sustainable residential development is achieved in all new developments.
- HO O7        Promote, where appropriate and sensitive to the characteristics of the receiving environment, increased residential density as part of the Council's development management function and in accordance with the Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities and the accompanying Urban Design Manual, DEHLG, May 2009.
- HO O8        Support new housing provision over the Plan period to deliver compact and sustainable growth in the towns and villages in the County, and supporting urban renewal, infill and brownfield site development and regeneration, to strengthen the roles and viability of the towns and villages, including the requirement that at least 30% of all new homes in settlements be delivered within the existing built- up footprint.
- TM O21        Ensure site layout proposals detail present and possible future connections to pedestrian/cycle links and improve permeability

between existing and proposed developments including adjacent developments thereby facilitating the '10-minute settlement' concept.

## 5.2. National Policy / Guidelines

The following policy documents are relevant to the current application and appeal before the Board.

- **National Planning Framework (NPF) is the Government's high-level strategic plan for shaping the future growth and development of Ireland to the year 2040.** The NPF forecasts that Ireland will continue to experience population growth above the EU average over the next 20 years, with an expected increase of around one million people above 2016 levels by 2040. The strategy to accommodate this growth in a sustainable way focuses on 10 national strategic outcomes that include Compact Growth, Sustainable Mobility, Enhanced Amenity and Heritage, a Low Carbon and Climate Resilient Society and the Sustainable Management of Water, Waste and Environmental Resources

- **Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities (2024)**

The Guidelines set out policy and guidance in relation to the planning and development of urban and rural settlements, with a focus on sustainable residential development and the creation of compact settlements. These Guidelines replace the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities issued as Ministerial guidelines under Section 28 of the Act in 2009, which in turn replaced the Residential Density Guidelines issued in 1999. They build on and update previous guidance to take account of current Government policy and economic, social and environmental considerations. There is a renewed focus in the Guidelines on the renewal of existing settlements and on the interaction between residential density, housing standards and quality urban design and placemaking to support sustainable and compact growth.

In accordance with the provisions of Section 34 of the Act when making a decision in relation to an application that includes a residential element or

other elements covered by these guidelines, the planning authority is required to have regard to the policies and objectives of the Guidelines and to apply the specific planning policy requirements (SPPRs).

- **Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities 2023** set out national policy and standards for apartment development, in order to ensure greater consistency of national policy across local authority areas. This includes recommended standards in relation to housing mix and minimum floor areas.
- **The Urban Development and Building Height Guidelines** for Planning Authorities 2018 set out national policy considerations in relation to building height in order to guide planning authorities in developing local planning policy and in determining planning applications. These Guidelines reinforce the national policy objectives of the NPF relating to compact growth and set a framework for a performance-based approach to the consideration of building height.
- **Design Manual for Urban Roads and Streets** sets out design guidance for new and existing urban roads and streets in Ireland, incorporating good planning and design practice. This manual puts well-designed streets at the heart of sustainable communities. DMURS places a strong focus on the needs of pedestrians, cyclists and public transport and on improving the safety of streets and enhancing placemaking.

### 5.3. **Natural Heritage Designations**

The appeal site is not located on or within proximity to any designated Natural 2000 site, the closest site being the Ballynafagh Bog SAC (Site Code 000391) c8.6km to the northwest. The Grand Canal NHA is located to the north and west of the subject site at a distance of 0.2km at the closest point.

### 5.4. **EIA Screening**

See completed Form 2 on file. Having regard to the nature, size, and location of the proposed development and to the criteria set out in schedule 7 of the regulations I have concluded at preliminary examination that there is no real likelihood of

significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.1.1. Three, third-party appeals have been received in respect of Kildare County Council's notification of decision to grant permission for this development proposal. The issues raised in each submission can be summarised as follows:

#### 6.1.2. Stanislava and Clayton Samuel (Residents of 24 Sallins Wharf)

- *Impact on Residential Amenity:* Block A, due to its height, design and proximity to the site boundary will have a negative impact on the amenities of neighbouring properties in Sallins Wharf (No's 20 to 30) by way of overlooking, loss of privacy and visual obtrusion.
- *Footpaths:* - the plans detail footpaths through a green area that is widely used by residents of neighbouring estates. The footpaths shown would cut this area in half and therefore impact its use.
- *Planning Notice:* No site notice was erected at the main entrance to the land – the entrance to the Osberstown Court estate, contrary to regulations. The application is therefore invalid.
- *Design and Layout:*
  - The three storey Blocks A and B, exceed the prevailing building height in the area (two-storey houses)
  - The design of the development is out of character with the existing development in the area.
  - The proposed street lighting is markedly different from what already exists.
- *Density:* The density of the proposed development exceeds that outlined in the Sallins LAP.
- *Access, Traffic and Parking:*



- The traffic volumes generated by the proposed development will increase traffic congestion particularly at the junction of Osberstown Court and the R407 Sallins Road.
- The estate road at the junction of Osberstown Court and the R407 Sallins Road is frequently used for parking by local residents and visitors to the area, as a result the intersection is effectively one-way at most times of the day and night.
- Insufficient parking is proposed for the new development.
- *Lack of Social and Community Infrastructure*: local amenities, including schools and GP services are already operating at or above capacity. Sallins GAA Club and Sallins Celtic Soccer Club are currently operating under severe capacity constraints, both clubs are awaiting progress on developing the designated community amenity lands within Sallins to facilitate current playing numbers and growing demand. A timeline for this development should be addressed before further residential development within Sallins is approved.

#### 6.1.3. Mary Gordon (Resident of 22 Osberstown Drive)

- *Impact on 22 Osberstown Drive*: - The proposed development, in particular Block C, will have a profoundly negative impact on the appellant's residential and visual amenity by way of overlooking / loss of privacy, over shadowing and overbearing.
- *Pedestrian / Cycle Access to Osberstown Drive*: - while improved pedestrian facilities in the area are welcomed, the appropriateness of the form, layout and detail of the proposed pedestrian and cycle link is questioned. The proposed link passes across the front of the appellants property / driveway and will result in a loss of residential amenity, loss of privacy, noise disturbance as well as creating a traffic hazard and conflict for road users. The proposed link will result in cars parking within Osberstown Drive as this provides them with access to the proposed development and to the wider road network.
- *Poor Design Quality*: - the proposed development is poorly designed design in the context of overall size and orientation. It lacks integration with surrounding developments, fails to address the character and identify of the area and

inappropriately responds to boundary conditions that result in negative impacts on adjoining residential amenity and privacy. The proposal amounts to an overdevelopment of the site.

- *Inadequate and Poor Quality Public Open Space*: - the majority of open space is proposed as part of the required 25m set-back from the railway line that allows for potential future widening of the railway, if required. The remaining open space amounts to only 6.6% of the site area and there are no proposals for paths / links to the north that the applicant can provide.

#### 6.1.4. Valerie Hutchinson & Others (Residents of 11, 12 and 18 Osberstown Drive)

- *Contravention of the Naas Local Area Plan 2021-2027*. While the NLAP promotes a permeability strategy all proposed permeability measures are to be subject to a public consultation process as part of the overall consent procedure – this has been ignored on this occasion.
- *Pedestrian access through Osberstown Drive*; - would expose residents to traffic on foot, bicycles, and e-scooters. The path will not be of benefit to the residents of Osberstown Drive and will have a major negative impact.
- Concerns around *Anti-social Behaviour* in the area between the new build and the railway line which would be secluded and unmonitored adjacent to the link between the estates.
- *Impact on 22 Osberstown Drive* due to its proximity (c11m) to a proposed 3-storey apartment block and to the new path and to the turnaround area for emergency services and vehicles.
- *Dangerous pedestrian movements*: Access to the railway station is halfway between Osberstown Drive and Osberstown Court. Traffic lights are closest to the Court which may result in pedestrians leaving Osberstown Drive and crossing the road mid-traffic to the station.
- Osberstown Drive has not been taken in charge by Kildare County council. Footpaths and public lighting have not been maintained.

## 6.2. Applicant Response

The applicant's response to the issues raised in the grounds of appeal is set out in correspondence received 8<sup>th</sup> November 2022 and can be summarised as follows:

### Impacts on Residential Amenity - Block C

- There is potential for overlooking from 4no living room windows at second and third floor levels. Bedroom windows on these floors are not as actively habited and therefore do not constitute rooms with potential for overlooking.
- The view from the 2<sup>nd</sup> floor living room windows is obstructed by an approx. c1.8m high wall and landscaping.
- There is ultimately no direct "window-to-window" overlooking in this instance.
- Overlooking of neighbouring private amenity space from neighbouring upper floor windows is standard and acceptable.
- Separation distances are reasonable and while Block C would have an impact on the adjacent property, which considered in conjunction with boundary treatment / landscaping it is neither 'unacceptable' or 'conflicting or contravening' with adopted development plan standards.
- Alternative design solutions for 2<sup>nd</sup> floor living room windows are possible, for example high level windows.
- Windows at third floor level are velux windows (rooflights). The roof plane has a slope of 47degrees. Windows are set at 1100mm above ground level to comply with fire regulations. Any views from these 'velux' windows would be fleeting and direct line of sight would not draw occupants eyeline to rear amenity areas.
- In respect of front and rear balconies, balconies are orientated in a different direction to that of the appellants house, the view from these balconies is towards landscaped areas. They also provide passive surveillance of the adjoining pedestrian/cycle lane.
- In terms of overbearing, it is submitted that the mass and form of Block C is similar to the existing houses, with two floors to eaves and a ridged and hipped roof incorporating accommodation. The northwest elevation is broken up with

fenestration which would reduce the impact of the different scales of the buildings. Block C could not be overbearing by way of physical separation distances, orientation, and design aspects appropriate employed.

#### Alleged Overlooking – Block A

- Windows in Block A are located approximately 15-16m from the rear of houses in Sallins Wharf and are situated at an angle to the boundary and therefore do not directly overlook the appellants property.
- The majority of windows are bedroom windows. One window serves a living room at second floor level, the applicant could undertake to install an opaque window at this location.
- Attainable views are off-centre, angled and would not undermine the overall development nor neighbouring residential amenities.

#### Objections to proposed pedestrian link:

- *Increase in Pedestrian Traffic:* It is submitted that the appellants have not considered the importance of facilitating permeability in housing estates. An increased passage of pedestrians accessing the train station via this route would not have a negative impact on the existing occupants of Osberstown Drive.
- *Conflict with Driveway for 22 Osberstown Drive:* The appellants do not own the portion of land to the front of their driveway where they current park their car. The pedestrian link has been designed to integrate this portion of land as it forms an existing link to the footpath that runs along Osberstown Drive.  
  
It is submitted that all vehicular movements out of such driveways have the potential to collide with pedestrians using adjacent footpaths. In such cases the onus is on the driver to ensure the path is clear.
- The applicant does not accept the contention that the provision of the pedestrian link would lead to a greater level of cars parking on the road or the assertion that the pedestrian link would lead to a negative impact on the appellants residential amenity.

- *Anti-social behaviour*: Prevention of anti-social behaviour has been considered in the design – public lighting, landscaping, and passive surveillance.

#### Increased Traffic

- It is not accepted that the proposed development would introduce 60 cars due to its proximity to the railway station and the increase in fuel costs.

#### Design and Density

- The proposed two storey dwellings respond to the scale of the existing two storey dwellings to the west. These two storey dwellings are bookended at the northwest and southeast by higher density three storey blocks which overlook large expanses of open space. It is submitted that the proposed development has evolved in response to site conditions and surrounding development and infrastructure.
- Proposed house types and block designs are similar in height, scale, and mass to existing surrounding development.
- The higher density of the proposed development represents efficient use of zoned land in a scale that integrates with the form and mass of existing development in the area.

#### Open Space:

- The applicants disputed the contention that the area of open space to the southeast of the development, proposed in order to allow for a 25m set-back from the railway line, does not constitute meaningful and functional open space and therefore contributes to the required development management standard.
- The applicant has included a letter of consent from the adjoining landowner to the north which allows the applicant to continue the cycle/pedestrian pathway through his lands.

#### Parking

- The planning application proposed 50 car parking spaces, a shortfall of 8 spaces which the applicant considers reasonable. It is submitted in the

context of rising fuel prices, capacity on commuter railway services will increase in the future allowing a greater number of citizens to choose a car-free life.

- Site Notices:
- Three site notices were erected for the purposes of this application. given the number of submissions on the application and the fact that the site notices were inspected and validated by Kildare County Council, it is submitted that a valid application has been made.

Inadequate Community Facilities:

- This is a prime site for development and its development would not be premature in the context of the expansion of the town.

**6.3. Planning Authority Response**

- No further comments

**6.4. Observations**

Two observations have been received from third parties. The issues raised can be summarised as follows:

**6.4.1. Frank and Collect Davis (residents of 23 Sallins Wharf)**

- Concerns raised in relation to Block A which they consider will overlook their property and impact on their privacy and enjoyment of their home.
- The nature (apartments / Duplexes), scale and height of development is not in keeping with the area.
- A Site notice was not displayed in the Sallins Wharf estate – the main route to the development.

- The applicant is showing a walkway through the existing greenspace, on lands he does not own. Such works have not been included as part of the planning application.

#### 6.4.2. Pat and Edel Kidney and on behalf of Sallins Pier Residents Association

- This is a small infill site located between three estates. The estates where the services are to be connected have not been taken in charge and many of the diagrams submitted with the application represent an incomplete picture of the existing estate. Therefore, it is not possible to fully assess if water service infrastructure is adequate to cater for the proposed development.
- A site notice was not erected at the entrance from the main road.
- The number of parking spaces proposed is insufficient and will lead to overspill parking into neighbouring estates.
- The density is higher than the zoning of the site and is out of context with adjoining estates.
- The proposed development, due to its density, height and design is out of context with adjoining sites.
- The applicant failed to engage with residents of neighbouring estates impacted by the proposal and failed, at further information stage to address the issues raised by third parties. The Planning Authority also failed to consider the issues raised.

#### 6.5. **Further Responses**

None

### 7.0 **Assessment**

#### 7.1. **Introduction**

- 7.1.1. Having examined the application details and all other documentation on file, (including the submissions received in relation to the appeal), and inspected the site,

and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are:

- The Principle of the Development
- The Density of the Development
- Impact on the Character of the Area
- Residential Amenity for Future Occupants
- Impact on Existing Residential Amenity
- Permeability
- Traffic and Parking
- Other

7.1.2. I note to the Board that the proposed development was subject to a further information request from the Planning Authority. My assessment below is based on the revisions made by the applicant in their response to this request due to the qualitative improvements that it gave rise to.

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

7.2.1. The proposal (as amended) comprises the construction of 36 residential units on lands in Sallins County Kildare. The application was assessed by Kildare County Council in accordance with the policies and objectives of the Sallins Local Area Plan 2016-2022 and the Kildare County Development Plan 2017-2023. The Sallins Local Area Plan 2016-2022 has since expired, and as such, the residential land use zoning assigned to the appeal site under this plan, no longer applies. In addition, the Kildare County Development Plan 2017-2023 has been superseded by the Kildare County Development Plan 2023-2029 (KCDP 2023-2029) which came into effect on the 28<sup>th</sup> of January 2023, this is now the operative plan for the area. As the KCDP 2023-2029 does not include zoning objectives for Sallins, I consider it necessary to ensure that the development of these lands for residential purposes as proposed, is adequately supported by relevant planning policy and is appropriate in the context of the site and its location.



- 7.2.2. The National Planning Framework (hereafter NPF) is the Government’s high-level, strategic plan for shaping the future growth and development of the country to 2040. National Policy Objective 1B identifies population growth of between 490,000 and 540,000 persons for the Eastern and Midland Region. The strategy seeks to accommodate this growth in a sustainable manner which includes the promotion of ‘Compact Growth’. To this end, National Policy Objective 3c seeks to deliver at least 30% of all new homes that are targeted in settlements other than the five Cities and their suburbs, within their existing built-up footprints.
- 7.2.3. Informed by the NPF the Regional Spatial and Economic Strategy for the Eastern and Midlands Regional Assembly, 2019 (hereafter RSES) sets out a growth strategy for the Region, identifying key locations for population and employment growth, coupled with investment in infrastructure and services to meet those growth needs. The Regional Policy Objectives of RSES require local authorities, in their core strategy, to set out measures to achieve the compact urban development targets set out in the NFA (including NPO 3c). Local authorities are also required to determine a hierarchy of settlements to ensure that towns grow at a sustainable and appropriate level.
- 7.2.4. The Settlement strategy for Kildare, as set out KCDP 2023-2029, designates Sallins as a tier four ‘Town’. Towns along with villages are defined in the plan as are settlements with local service and employment functions. Table 2.8 sets out the Core Strategy for the County and allocates a housing target of 174no. units to Sallins for the period 2023- end 2028. The proposed scheme (as amended) would account for approximately 20% of the total housing allocation for the settlement.
- 7.2.5. The appeal site itself is an infill site in an established residential area. The development of these lands for residential purposes, as proposed, would support the consolidation and sustainable intensification of the existing built-up area of Sallins while also delivering population growth on serviced lands in accordance with NPF Objectives. The proposal would also accord with KCDP Objective HO 08 which seeks to *‘support new housing provision over the Plan period to deliver compact and sustainable growth in the towns and villages in the County, and supporting urban renewal, infill and brownfield site development and regeneration, to strengthen the*

*roles and viability of the towns and villages, including the requirement that at least 30% of all new homes in settlements be delivered within the existing built-up footprint.*

- 7.2.6. The site is with walking distance of Sallins Town Centre and a variety of local services and facilities including Sallins National School and Sallins-Naas train station, which is located c 200m to the east of the site. The development as proposed includes for improved permeability links to the main street to the benefit of existing and future residents. With respect to the specifics of the subject proposal, it is of relevance to note that while that the Salins LAP 2016-2022 has now expired, the appeal site was previously zoned for residential purposes under this plan, and as such, was deemed by the Local Authority as being suitable to accommodate this type of development.
- 7.2.7. Having regard to the foregoing, I consider that the development of the subject site for residential purposes would facilitate the consolidation of the existing built footprint of the town, in a manner that would reflect the established residential character of the neighbouring lands at this location. I also consider that there is sufficient policy support at local, regional, and national level to facilitate the residential development of the site. Therefore, I am satisfied that the development of these lands for residential purposes as proposed is acceptable in principle, subject to the consideration of all other relevant planning issues, including the impact, if any, of the proposal on the amenities of neighbouring properties and the overall character of the wider area.

### **7.3. The Density of the Development**

- 7.3.1. Table 2.8 'Core Strategy Table' of the KCDP 2023-2029 sets out proposed residential density targets for each settlement. The town of Sallins has been set a density target of 35-40 dwellings per hectare (dph). The proposed development (as amended) comprises the construction of 36 residential units on a development area of 0.752ha (as stated), this equates to a net residential density of 48dph which would

exceed the density target for the settlement identified in the KCDP. This has been raised as a concern by third parties.

- 7.3.2. I note that the residential density targets set out in the KCDP are based on the guidance and density ranges provided in Sustainable Residential Development in Urban Areas - Guidelines for Planning Authorities, DEHLG (2009) which have now been superseded by the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024), hereafter referred to as the Sustainable and Compact settlement guidelines. Under the Sustainable and Compact Settlement Guidelines, Sallins with a stated population of 5,849 (as per KCDP Table 2.8 – Core Strategy Table) would fall within the definition of a ‘Large Town’. It is a policy and objective of these Guidelines that residential densities in the in the range 30 dph to 50 dph (net) shall generally be applied at suburban and urban extension locations of Key Towns and Large Towns, and that densities of up to 80 dph (net) shall be open for consideration at ‘accessible’ suburban / urban extension locations. The current proposal, at 48dph, would meet with this objective.
- 7.3.3. While I would acknowledge that the density of the proposed development is higher than that of the surrounding area, which is dominated by conventional suburban housing, in my opinion, it nevertheless provides for a comparatively small-scale development of 36 no. residential units, on a serviced infill site, in an established residential area within a short walking distance of Sallins town centre and Sallins – Naas Train Station. On this basis and having regard to the Objectives of the KCDP, namely Objective HO07 which seeks to promote, where appropriate, increased residential density and Objective HO06 which seeks to ensure a balance between the protection of existing residential amenities, the established character of the area and the need to provide for sustainable residential development in new residential developments, I consider that the density of development proposed is acceptable in principle, provided that it can be established that the site can cater for the number of units proposed and that the development would not give rise to a negative impact on the character and residential amenity of the area it is to be located within/ adjoins.

#### **7.4. Impact on the Character of the Area**

- 7.4.1. The third-party appellants have raised concerns regarding the height, nature, scale, and design of the proposed development which they consider is out of character with the prevailing pattern and form of development in the area.
- 7.4.2. The appeal site is an infill site that is bounded by residential development to the south, west and east and by open space to the north. Existing residential development in the vicinity of the site comprises mainly low-density, two-storey houses in semi-detached and terrace formats. The Board will note that the majority of existing units back onto the appeal site.
- 7.4.3. The proposal (as amended) comprises a total of 36no. residential units in the form of 10no houses and 26no duplex/apartments units. All houses are three-storey (including attic accommodation) with a ground to ridge height of c9.35m. Houses are set out in two, five-unit terraced blocks which have been positioned in a linear fashion along the western site boundary, backing onto a row of two-storey houses in Sallins Pier. All houses face onto an internal estate road and an area of public open space beyond.
- 7.4.4. The apartment / duplex units are proposed in three, three-story blocks ranging in height from c9.4m (Block C) to c10.89m (Block B). Duplex Blocks A and B occupy the northern section of the site which opens onto an existing area of public open space. Block A is orientated to the northwest and is positioned close (c1.5m) to the site's northeastern boundary which is the shared with the neighbouring residential development of Sallins Wharf. Block B has a northeast orientation and is arranged at a right angle with Block A. Block C, the apartment block, occupies the southern portion of the site. It has a northwestern orientation and backs onto an area of public open space which also serves as a land reservation for the possible future development of the railway.
- 7.4.5. As previously established, I have no issue, in principle, with the density proposed. Development at this density allows for a mix of house type, size, and tenure to cater

for a variety of housing need which in turn contributes to the establishment of more sustainable residential communities. Given the location of the site, its proximity to public transport and the prevalence of traditional two-storey dwellings in the vicinity, a mix of unit types and sizes is to be encouraged. The proposed scheme (as amended) provides for a mix of houses, apartments, and duplexes; houses in the form of three and four-bedroom units, apartments in the form of one- and two-bedroom units and duplexes in the form of two- and three-bedroom units. The mix of units proposed is I consider acceptable.

- 7.4.6. In terms of layout, the development potential of this site is I consider somewhat restricted due to its infill nature and relationship with adjoining properties / areas of open space; its shape (long and narrow, c50m wide) and its proximity to the railway line. Having considered the plans submitted and having inspected the site, I am satisfied that the layout of the development as proposed represents an acceptable, if somewhat formulaic, response to these constraints. In my opinion the layout of the proposed development responds adequately to existing and proposed areas of open space. All proposed units address an area of public open space, which will contribute to their visual and recreational amenity. In addition, the multi-aspect apartment / duplex blocks provide for active elevations and high levels of passive surveillance which I consider will contribute positively to the safety and enjoyment of public areas.
- 7.4.7. In terms of design, both the housing and apartment / duplexes are I consider visually acceptable, the use of brick as an external finish on multi-occupancy units is I consider appropriate in terms of long-term care and maintenance. While I note the concerns raised by third parties relating to the introduction of three storey residential units / blocks into an area of predominantly two-storey dwellings, having visited the site and surrounding area, I am satisfied that the proposal would not represent a significant variation from the established character and pattern of development in the area.
- 7.4.8. Overall, having regard to the location of the proposed development on an infill site within the established built-up area of Sallins, the pattern of development in the area, and the identified constraints of the site, I am satisfied that the proposal represents

an appropriate design response that is sympathetic to its setting and that would not detract from the visual amenities or character of the area.

## **7.5. Residential Amenity – Future Occupants**

- 7.5.1. The applicants have provided a quantitative assessment of the proposed residential units to demonstrate compliance with development standards set out in the KCDP and Sustainable Urban Housing: Design Standards for New Apartments. This document indicates that all units meet/ exceed the minimum requirements in terms of floor area and that adequate storage space is available to serve the needs of the future residents of these units.
- 7.5.2. All proposed duplex/apartment units are dual or treble aspect and the standards in respect of ceiling height and units per stair/lift core, as set out in the apartment guidelines, have been met.
- 7.5.3. Each of the proposed housing units are provided with an area of private open space in the form of rear gardens, ranging in size from 65sqm-87sqm. Private open space for the proposed duplex/ apartment units is provided in the form of ground floor terraces and balconies, all of which exceed the required standard. No specific areas of communal open space have been provided for; however, I am satisfied that this issue may be addressed by way of condition in the event of a grant of planning permission.
- 7.5.4. The proposed development includes the provision of c2000sq m of public open space, which equates to c27% of the total site area, exceeding the minimum standard set out in the KCDP (minimum15% of the site area). All open spaces appear to be adequately overlooked thereby providing for good passive surveillance.
- 7.5.5. I note that 1,530sqm or c76% of the public open space proposed within this scheme has been provided on lands which have been identified by Iarnrod Eireann as being necessary for the possible future development of the railway line. This is raised as an issue by the third-party appellants who query the adequacy of public open space proposals. However, given the overall quantum of public open space proposed, the

quantum and quality of public open space available in the wider area, and the uncertainty regarding the nature, scale of works (if any) that may be required on these lands, I consider that the proposed scheme is acceptable in terms of public open space provision.

- 7.5.6. On the basis of the foregoing, it is my opinion that the proposed residential scheme accords substantially with the requirements of the 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2020' and the KCDP 2023-2029 and would provide for a satisfactory level of residential amenity for the future occupants.

## 7.6. **Impact on Existing Residential Amenity**

- 7.6.1. The third-party appellants / observers, as residents of the area, have raised concerns in relation to the impact of the proposal, in particular duplex Block A and apartment Block C, on the residential amenities of adjoining properties by way of overlooking, loss of privacy and visual intrusion / overbearing. In relation to the proposed houses, I am satisfied that adequate separation distances are available between them and opposing dwellings in Sallins Pier to ensure that an adequate level of residential amenity is maintained. Duplex Block B does not adjoin any residential property. I shall address the potential impacts of Blocks A and C separately as follows:

### Block A

- 7.6.2. Block A, a three-storey duplex structure with a stated ground to ridge height of 9.7m, is positioned c1.5m from the northeastern site boundary. The boundary at this point also delineates the rear boundaries of No's 23 and 24 Sallin's Wharf, a pair of two-storey, semi-detached dwellings which, in accordance with the information lodged with the third -party appeal (residents of 24 Sallins Wharf), have a ground to ridge height of c7.8m. No's 23 and 24 Sallin's Wharf are positioned at an angle to their rear boundary resulting in varying rear garden depths of between c13m and 20m.

- 7.7. In terms of overbearing, Block A, due to its height and proximity to the site boundary, will alter the outlook from No's 23 and 24 Sallin's Wharf. However, in my opinion, the arrangement of buildings as proposed (i.e. the position of a building side-on and to the rear of a dwelling and in close proximity to the party boundary) is not unusual in residential areas and while Block A at 9.7m is c1.9m higher than the existing units in Sallin's Wharf, the separation distance available should be sufficient to ensure that no significant undue impacts in terms of overbearing occur. Similarly, the arrangement of buildings and the separation distances available, should be sufficient to ensure no undue impact by way of overshadowing/loss of light.
- 7.8. The side (Northeastern) elevation of Block A incorporates several windows serving habitable rooms. For clarification it should be noted that as per the definition provided in the Sustainable and Compact Settlements Guidelines (Jan 2024), 'habitable rooms' comprise primary living spaces such as living rooms, dining rooms, studies, and bedrooms. While the orientation of buildings and available separation distances (+15m) should, I consider, be sufficient to mitigate any direct overlooking between opposing windows at first and second floor levels, these windows would look directly onto the private amenity spaces serving No's 23 and 24 Sallin's Wharf and would therefore have a negative impact on the privacy and amenity of those houses. However, as all first and second floor windows in the northern elevation, serve either dual aspect habitable rooms or uninhabitable rooms (bathrooms) I consider that the impact of overlooking could be adequately mitigated either by omission or design. In this instance, given the proximity of Block A to the boundary I would recommend that all windows serving habitable rooms in the side (northwest) elevation of Block A be omitted.

### Block C

- 7.9. Block C, a three-storey apartment Block with a stated ground to ridge height of 9.4m has been positioned c6m from the northern eastern site boundary, the shared boundary with No. 22 Osberstown Court. Having assessed the architectural drawings submitted and having inspected the site, I am satisfied, having regard to the height and design of Block C, which incorporates a pitched roof at second floor level, and the separation distances available, that no significant overbearing or overshadowing impacts are likely to arise. Furthermore, as there are no directly



opposing first / second floor windows, no undue overlooking of habitable rooms is likely to occur.

7.10. There is potential for overlooking of the private amenity areas serving No.22 Osberstown Drive and No.13 Sallins Wharf, from first and second floor windows in the side (northeastern) elevation of Block C and from the first and second floor balconies serving apartment No's 8 and 12. However, I am again satisfied that the extent of overlooking and its impact on adjoining properties could be adequately mitigated either by way of omission or redesign. In this instance I would recommend to the Board that all windows at first and second floor level in the northeast elevation of Block C and serving combined living/kitchen/dining areas, be fitted with obscure glazing. This would leave only the first and second floor windows serving the bedrooms of apartments No's 8 and 12 with potential for overlooking. However, given the direction of view from these windows and the separation distances available, the extent of any new overlooking from these windows is I consider unlikely to be significant or beyond what would normally be deemed acceptable in residential areas. In relation to the balconies, I would recommend that their design be amended to include for the provision of an opaque screen, at a minimum of 1.8m in height, along their northeastern elevation.

7.11. In conclusion, while I am of the opinion that the proposed development as presented has the potential to negatively impact the residential amenities of adjoining properties by way of overlooking / perceived overlooking, I am satisfied that the degree of this impact could be adequately mitigated through redesign and that this could be achieved by way of condition. Therefore, I do not recommend that permission be refused on this basis.

#### 7.12. **Permeability**

7.12.1. It is an objective of the KCDP 2023-2029 (TM O21) to ensure site layout proposals detail present and possible future connections to pedestrian/cycle links and improve permeability between existing and proposed developments including adjacent developments thereby facilitating the '10-minute settlement' concept.

7.12.2. In accordance with this objective, the proposed scheme includes for a new pedestrian access to the appeal site from Osberstown Drive, the neighbouring

residential cul-de-sac to the southeast. This proposed access would provide an alternative and more direct route for pedestrians / cyclists to Sallins Mainstreet (R407) and would support the '10-minute settlement' concept by facilitating reduced journey times to local services and amenities, as well as to and from the Sallins and Naas Train Station. Furthermore, the proposed access and associated pedestrian/cycle infrastructure would I consider, benefit existing residents of Osberstown Drive, by providing more direct access to existing public amenity areas to the northwest, along the Grand Canal. On this basis I would support, in principle, the provision of a new permeability access from Osberstown Drive. However, I note that the third-party appellants have raised concerns in relation to the proposal.

- 7.12.3. The third-party appellants, as residents of Osberstown Drive, have queried the appropriateness of providing a pedestrian and cycle link through Osberstown Drive which they consider unsuitable to cater for additional pedestrian / cycle traffic. They consider that the proposal has the potential to impact on the amenities of existing residents, by way of loss of privacy and noise generation, they also consider that it has the potential to attract anti-social behaviour and non-resident parking on the cul-de-sac.
- 7.12.4. Osberstown Drive, a residential cul-de-sac of 22 houses, is served by a two-way, single carriage road that is bounded by grass verges and concrete footpaths. The footpath to the north of road extends the full length of the cul-de-sac, stopping just short of the western site boundary, which is delineated by an existing c2.1m high block wall. A section of this wall is to be removed to facilitate the proposed access to the proposed development site. It would appear from the information available on file, including land registry details, that the applicant has sufficient control over the lands to execute the proposed works, however this is ultimately a matter for the applicant.
- 7.12.5. Having visited the area, I am satisfied the existing pedestrian and road infrastructure on the cul-de-sac and on surrounding road network (Sallins Main Street) is adequate to cater for additional pedestrian / cycle movements. The proposed access permeability link is I consider unlikely to generate levels of noise or disturbance beyond what would normally be expected within residential areas. While I note the

contention of the appellants (Residents of No.22 Osberstown Drive) that the proposed link will result in additional parking on the cul-de-sac I find no evidence to support this claim.

7.12.6. The proposed link and surrounding areas of public open space will be overlooked by the proposed apartments in Block C and by existing dwellings in Osberstown Drive. This high level of passive supervision should be sufficient to discourage anti-social behaviour.

7.12.7. As detailed on the revised site layout plan (Drawing No:2008 AP02 received by the Planning Authority on the 14<sup>th</sup> of February 2022), the proposed access will connect with the existing footpath in Osberstown Drive, which crosses to the front of the driveway serving no.22 Osberstown Drive. The residents of No.22 Osberstown Drive, the closest residential unit to the proposed access, have raised concerns regarding the design and position of the proposed access, which they consider will have a negative impact their existing parking arrangements and interfere with traffic turning movements at the driveway. In response the applicants state that there is adequate space outside of the appellants ownership to facilitate the proposed pedestrian link and to connect it with the existing footpath on Osberstown Drive. The need for vehicles to cross public footpaths to enter and egress in-curtilage parking is I consider, commonplace in residential areas and I agree with the contention of the appellant that the onus is on the driver to ensure that their path is clear. I note that the design of the permeability link includes proposals to lower a section the existing boundary wall adjacent to No.22 to a height of 1m to improve visibility.

7.12.8. In summary, I am satisfied that the applicant's proposal to facilitate a pedestrian / cycle link between the proposed development and Osberstown Drive is acceptable and appropriate in light of current planning policy and guidance. The Board will note that the neither the Planning Authority nor the Transport Section of KCC raised any objection to the proposal.

7.12.9. In addition to the proposed new access with Osberstown Drive, the layout of the development (as amended) allows for possible future pedestrian / cycle connections to the existing road network in Sallins Wharf. This proposal, as detailed on the

revised site layout plan, would necessitate the construction of a new pedestrian/cycle infrastructure across the existing area of public open space to the north of the appeal site, on lands which appear to be outside of the applicant's control. Third parties are concerned that the provision of such infrastructure, would undermine the usability of the open space. In my opinion, any proposed works to the area of public open space to the north of the appeal site is a matter for the landowner, who has the responsibility of ensuring that appropriate consents for such works are in place. I note that the applicant has submitted, as part of his response to the grounds of appeal, a letter from the adjoining landowner confirming that he (the applicant) has consent to connect to the adjoining area of open space via a combined cycle / pathway. This is I consider sufficient for the purpose of assessment.

### **7.13. Traffic and Car Parking**

- 7.13.1. The appeal site is located to the west of the R407 (Sallins Main Street), a regional two-way single carriageway road between Kilcock (to the north) and Naas (to the south). The R407 is subject to a 50km/h speed limit through the urban area. The area has benefited from the Sallins by-pass to the west of the town. Vehicular access to the appeal site is from the R407 via the existing estate roads serving Osberstown Court, Sallins Wharf and Sallins Pier. The proposed relatively small-scale residential development is I consider unlikely to generate significant traffic movements beyond the capacity of the existing road network. The Transportation Statement accompanying the application supports this contention.
- 7.13.2. In terms of car parking, third parties have raised concerns in relation to the quantum of parking proposed, which they consider insufficient and likely to result in overflow parking to neighbouring residential areas. The proposed scheme allows for the provision of 58no car parking spaces which, in accordance with the standards set out in the Table 15.8 of the KCDP, is the maximum number of spaces permissible within a scheme of the nature/scale proposed. Regard is had to the Sustainable and Compact Settlements Guidelines, 2024 (now in effect), under which it is a specific planning policy requirement (SPPR 3) to substantially reduce car-parking provision in accessible locations. SPPR 3 allows for a maximum rate of car parking provision of

1.5 no spaces per dwelling which in this instance would equate to a maximum of 54no spaces permissible. On this basis, the Board may wish to consider, in the event of a grant of permission, a condition requiring a reduction in parking provision on site as per SPPR3.

#### **7.14. Other**

##### *Site Notice*

7.14.1. In relation to third-party concerns relating to the number and location of site notices, I note that the notices were considered acceptable by the planning authority and the application was deemed valid. Furthermore, I am satisfied on the basis of the documentation on file that there would appear to be no evidence to suggest that the rights of any third party were compromised as a consequence of the absence of the provision of additional Site Notices.

##### *Lack of social and Community Infrastructure*

7.14.2. I am satisfied that the area is sufficiently serviced to accommodate a development of the nature and scale proposed. The area is well serviced by public transport and the scale of development proposed is not sufficient to overwhelm existing services. The site is located within walking distance of the town centre, and the proposed scheme includes proposals for the provision of improved pedestrian and cycle linkages which should encourage a greater modal shift away from private car use. The development of this site as proposed is unlikely to overwhelm retail, education, and social services in the area.

#### **7.15. Appropriate Assessment – Screening**

7.15.1. The Habitats Directive deals with the conservation of natural habitats and of wild fauna and flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in

combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, section 177U and section 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section.

7.15.2. The proposal (as amended) comprises a residential scheme of 36 units on an infill site within the established built-up area of Sallins. The site is served by public mains water and foul drainage. Surface water from road surfaces is to be attenuated, treated for hydrocarbons and discharged in a controlled manner using a hydrobrake to the public surface water network. No untreated stormwater is to be discharged from the site.

7.15.3. 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). 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 in view of the conservation objectives of those sites.

7.15.4. The planning application documentation includes an AA screening report as prepared by Dúlra is Dúchas Teoranta, Ecological Consultants and which concludes with a finding of no significant effects, and as such, an AA is not required. Kildare County Council's Planning Officer also reached the conclusion that an AA was not required in this instance. The Screening report identifies six Natura 2000 sites within 15km of the appeal site, namely:

- Ballynafagh Lake SAC (side code: 001387) 10 km to the north-west.
- Ballynafagh Bog SAC (side code: 000391) 8 km to the north-west
- Mouds Bog SAC (side code: 002331). 9km southwest of the site
- Red Bog SAC (site code: 000397), 10.5 km to the southeast.
- Pollardstown Fen SAC (site code: 000396), 13 km to the southwest.

- Poulaphouca Reservoir SPA (site code: 4063). 13km to the southeast of the site

7.15.5. In addition to the above I note that there may be indirect hydrological pathways to European Sites within Dublin Bay via the public foul and surface water networks. The European Sites within Dublin Bay which may be deemed to be within the zone of influence of the site are the South Dublin Bay and River Tolka Estuary SPA (site code: 4024), the South Dublin Bay SAC (site code: 0210), the North Bull Island SPA (site code: 4006) and the North Dublin Bay SAC (site code: 0206). These sites are approx. 33km from the application site (as the crow flies).

7.15.6. Having regard to the nature and scale of the proposed development on fully serviced lands, to the intervening land uses and distances from other European sites, and lack of direct connections with regard to the source – pathway – receptor model, it is reasonable to conclude on the basis of the information on file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on the above listed European sites or any other European site, in view of the said site's conservation objectives and a Stage 2 Appropriate Assessment is not therefore required.

## 8.0 Recommendation

I recommend that permission for the development (as amended) be granted subject to condition as outlined below.

## 9.0 Reasons and Considerations

10.0 Having regard to the objectives of the Kildare County Development Plan 2023-2029, the nature, scale and design of the proposed development (as amended), its location on serviced lands within an established residential area and the pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the

residential or visual amenities of the area, would provide an adequate level of amenity for future occupants and would be acceptable in terms of the safety and convenience of pedestrians and road users. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 11.0 Conditions

1.	<p>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 the planning authority on the 14<sup>th</sup> day of July 2022, 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.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>The proposed development shall be amended as follows:</p> <ul style="list-style-type: none"> <li>(a) All first and second floor windows on the (side) northeastern elevation of duplex Block A serving habitable rooms shall be omitted. All bathroom windows in this elevation shall be glazed with obscure glass.</li> <li>(b) All first and second floor windows in the (side) northeastern elevation of Block C serving living/kitchen/dining areas, shall be glazed with obscure glass.</li> <li>(c) Opaque screens, to a minimum height of 1.8m, shall be fitted to the side (northeast) elevations of the balconies serving Apartment No's 8 and 12 in Block C</li> <li>(d) Dedicated communal amenity space(s) for the apartments shall be provided in accordance with Section 4.0 and Appendix 1 of the</li> </ul>



	<p>Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, July 2023</p> <p>Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interests of residential amenity.</p>
3.	<p>Details of the materials, colours, and textures of all external finishes to the proposed dwellings/buildings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interests of visual amenity.</p>
4.	<p>The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths and kerbs shall be in accordance with the detailed construction standards of the planning authority for such works and design standards outlined in the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2019, as amended.</p> <p><b>Reason:</b> In the interests of traffic safety.</p>
5.	<p>A maximum of 54 no. car parking spaces shall be provided within the site. The location(s) and layout of these spaces shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> To ensure adequate off-street parking provision is available to serve the proposed development.</p>

6.	<p>All of the communal parking areas serving the residential units shall be provided with functional electric vehicle charging points, and all of the in-curtilage car parking spaces serving residential units shall be provided with electric connections to the exterior of the houses to allow for the provision of future electric vehicle charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> in the interest of sustainable transportation.</p>
7.	<p>Public lighting shall be provided in accordance with a scheme which shall include lighting of the proposed pedestrian / cycle link with Osberstown Drive, details of which shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.</p> <p><b>Reason:</b> In the interest of amenity and public safety.</p>
8.	<p>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.</p> <p><b>Reason:</b> In the interests of visual and residential amenity</p>
9.	<p>Proposals for a naming scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all street signs, and apartment numbers, shall be provided in accordance with the agreed scheme.</p> <p><b>Reason:</b> In the interest of urban legibility.</p>

10.	<p>The developer shall enter into water and wastewater connection agreements with Uisce Eireann prior to the commencement of development.</p> <p><b>Reason:</b> In the interest of public health.</p>
11.	<p>Drainage arrangements, including the disposal and attenuation of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p><b>Reason:</b> In the interest of public health</p>
12.	<p>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 traffic management, intended construction practice for the development, including noise management measures and off-site disposal of construction / demolition waste.</p> <p><b>Reason:</b> In the interests of public safety and residential amenity.</p>
13.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p><b>Reason:</b> In order to safeguard the residential amenities of properties in the vicinity.</p>

14.	<p>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.</p> <p><b>Reason:</b> In the interest of sustainable waste management.</p>
15.	<p>The landscaping scheme prepared by Hayes Ryan Landscape Architectus and submitted to the planning authority on the 14th <b>day of July , 2022</b>, shall be carried out within the first planting season following the commencement of the development.</p> <p>All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p><b>Reason:</b> In the interest of residential and visual amenity.</p>
16.	<p>Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an</p>

	<p>agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.</p> <p><b>Reason:</b> To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.</p>
17.	<p>Prior to the commencement of any house or duplex unit in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house), pursuant to Section 47 of the Planning and Development Act 2000, as amended, that restricts all houses and duplex units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p> <p><b>Reason:</b> To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good</p>
18.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the</p>

	<p>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.</p> <p><b>Reason:</b> 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.</p>
19.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p><b>Reason:</b> To ensure the satisfactory completion of the development.</p>

*I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.*

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Lucy Roche  
 Planning Inspector  
 7<sup>th</sup> February 2024

## Appendix 1 - Form 1

### EIA Pre-Screening

[EIAR not submitted]

<b>An Bord Pleanála Case Reference</b>	314749-22		
<b>Proposed Development Summary</b>	Construction of 36 dwellings etc (increased from 31)		
<b>Development Address</b>	Lands Between Sallins Wharf, Osberstown Drive and Sallins Pier, Sallins, Co. Kildare		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	<b>X</b>
		<b>No</b>	
<b>2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) or does it equal or exceed any relevant quantity, area or limit where specified for that class?</b>			
<b>Yes</b>		Class.....	EIA Mandatory EIAR required
<b>No</b>	<b>X</b>	The development involves 36 no. residential units on an overall site of c. 0.752ha. It is therefore considered that it does not fall within the above classes of development and does not require mandatory EIA.	Proceed to Q.3
<b>3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?</b>			
		<b>Threshold</b>	<b>Comment (if relevant)</b>
		<b>Conclusion</b>	
<b>No</b>		N/A	No EIAR or Preliminary Examination required

Yes	X	<p>Item (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:</p> <p>Construction of more than 500 dwelling units</p> <p>Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere. (In this paragraph, "business district" means a district within a city or town in which the predominant land use is retail or commercial use.)</p>		Proceed to Q.4
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4. Has Schedule 7A information been submitted?		
No	X	Preliminary Examination required
Yes		Screening Determination required

Inspector: \_\_\_\_\_

Date: \_\_\_\_\_




## Appendix Form 2

### EIA Preliminary Examination

<b>An Bord Pleanála Case Reference</b>	314749-22	
<b>Proposed Development Summary</b>	Construction of 36 dwellings,	
<b>Development Address</b>	Lands Between Sallins Wharf, Osberstown Drive and Sallins Pier, Sallins, Co. Kildare	
<p>The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations.</p>		
	<b>Examination</b>	<b>Yes/No/ Uncertain</b>
<p><b>Nature of the Development</b> Is the nature of the proposed development exceptional in the context of the existing environment?</p> <p>Will the development result in the production of any significant waste, emissions or pollutants?</p>	<ul style="list-style-type: none"> <li>• The site is located within an established residential area which served by public mains water and sewerage and is well served by public transport and social infrastructure.</li> <li>• Localised construction impacts will be temporary.</li> <li>• The proposed development would not give rise to waste, pollution or nuisances that differ from that arising from other housing in the area.</li> </ul>	No

<p><b>Size of the Development</b></p> <p>Is the size of the proposed development exceptional in the context of the existing environment?</p> <p>Are there significant cumulative considerations having regard to other existing and/or permitted projects?</p>	<ul style="list-style-type: none"> <li>• The size of the development is not exceptional in the context of the existing built-up urban environment.</li> <li>• Given the nature, scale and location of the proposed within an established residential area, no significant cumulative impacts are anticipated.</li> </ul>	<p>no</p>
<p><b>Location of the Development</b></p> <p>Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?</p>	<ul style="list-style-type: none"> <li>• There are no ecologically sensitive locations in the vicinity of the site.</li> <li>• The site is not within a European site, there are several designated sites within 15km f the site. Any issues arising from the proximity /connectivity to a European Site can be adequately dealt with under the Habitats Directive.</li> </ul>	<p>no</p>
<p><b>Conclusion</b></p>		

<p><b>There is no real likelihood of significant effects on the environment.</b></p> <p>EIA not required.</p>	<p><b>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</b></p> <p>Schedule 7A Information required to enable a Screening Determination to be carried out</p>	<p><b>There is a real likelihood of significant effects on the environment.</b></p> <p>EIAR required.</p>
		

**Inspector:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**DP/ADP:** \_\_\_\_\_ **Date:** \_\_\_\_\_

(only where Schedule 7A information or EIAR required)