



An
Bord
Pleanála

Inspector's Report PL.09.247056

Development	Permission for 6 no. two storey terrace type housing in 2 no. blocks, on-street car parking, connection to mains sewer, and all associated site development works.
Location	The Pike, Skenagun, Castledermot
Planning Authority	Kildare County Council
Planning Authority Reg. Ref.	16/212
Applicant(s)	M and M Sitrine Consulting Ltd.
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Patrick Costigan
Observer(s)	None
Date of Site Inspection	28th October 2016
Inspector	Joanna Kelly

1.0 Site Location and Description

The appeal site is located on the northern end of Castledermot, a village settlement in south county Kildare. The appeal site has a stated site area of 0.159h and is rectangular in shape. It is located along the Main Street, bounding the R-448 (old N9) to the east, the L-8054 to the north and residential uses to the west and south. There is a single storey cottage immediately south of the site. There are two single storey properties to the western boundary of the appeal site. There are residential developments located west of these properties. There is a national monument, tower in ruins, approx. 100m south of the appeal site. The main uses along this section of the main street are residential uses. There is a single storey structure which appears to be in use as a health centre opposite the appeal site.

2.0 Proposed Development

- 2.1. The proposal is to construct 6 no. two storey dwelling in two separate blocks. Off street parking is provided to the southern end of the site and along the public road to the front of the site. Units 1 and 6 also have vehicular access to the rear.
- 2.2. The proposed units are three bed units with a floor area of approx. 108sq.m. The plans submitted also indicate an optional single storey kitchen extension.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority granted permission subject to 37 conditions. Of note are the following:

Condition 24 No parking to the rear of units 1 and 6 and revised plans providing 12 spaces to be submitted.

Condition 34 Archaeological monitoring to be undertaken

Condition 37 Financial contribution

3.2. Planning Authority Reports

3.2.1. Planning Reports

28.04.2016

Further information was recommended in respect of

- Sightlines from proposed entrance to off-street parking
- Surface water details
- Lighting proposals
- Clarification regarding foul sewer that traverses site
- Archaeology
- Details in respect of ground, finished floor levels and location of boundary treatment and minor design amendments.

Report 13.07.2016

- All outstanding issues have been addressed.
- Proposal would represent a positive addition to the built fabric of the area
- Recommends permission be granted subject to conditions

3.2.2. Other Technical Reports

A/Senior Architect

Part V does not apply

Heritage Officer report

Site lies within zone of archaeological potential and monitoring to be carried out

Subsequent report sets out that all mitigation measures in the archaeological survey submitted shall be attached to grant of permission.

Water Services

Further information required in respect of ground infiltration tests, gully proposals for parking area, details of foul connection which runs through the site

Subsequent report recommends conditions.

Environment Section

No objection subject to conditions

Conservation Officer

Architectural significance report to be submitted

Transportation Section

Details regarding sightlines required.

Subsequent report sets out no objections subject to conditions

Chief Fire Officer

No objection subject to conditions

Local Area Office

Development premature pending resolution of surface water drainage, details of footpaths and lighting proposals.

3.3. Prescribed Bodies

Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs

Conditions recommended for a grant of permission.

Section 131 Notices

Referred to An Taisce, Development Apps Unit, The Heritage Council, An Chomhairle Ealaíon, and Fáilte Ireland,

Response noted from Development Apps Units which refers to previous report and that archaeological mitigation measures should be adhered to.

3.4. **Third Party Observations**

3 no. third party observations were noted in the planner's report raising concerns about privacy, impact on services, alleyway development, parking and access for elderly.

4.0 **Planning History**

File Ref. No. 05/1132 Permission granted for 14 no. apartments on the site. This permission was extended (File Ref. No. 11/540) until 21st June 2016. And has now withered.

5.0 **Policy Context**

5.1. **Development Plan**

The Kildare County Development Plan 2011-2017 is the statutory plan. Castledermot Local Area Plan was adopted as part of the County Development Plan.

The site has a land use zoning objective 'A – Town Centre' "to provide for the development and improvement of appropriate town centre uses including residential, commercial, office and civic uses."

Map 7.2 identifies that the site is within the zone of archaeological potential.

5.2. **Natural Heritage Designations**

The River Barrow/Nore SAC is located approx. 240m southeast of the appeal lands.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

- The development will totally overlook appellant's property.
- Reference is made to the development plan and that a balance needs to be struck between protection of amenities, privacy and established character which the appellant feels has not been considered.

- Reference is made to the provisions of guiding principles in the development plan where “private areas should be protected from undue overlooking”.
- Reference is made to the requirement for 12 parking spaces to the rear of the property which was not submitted at further information stage but has been conditioned by the planning authority.
- The planning authority has created a back alley which is the subject of anti-social behaviour and this behaviour will be increased on foot of this permission.
- Condition 10 provides for the applicant to re-route the appellant’s sewerage.

6.2. Applicant Response

No response noted

6.3. Planning Authority Response

No response noted

7.0 Assessment

The issues raised in the appeal by the third party are the substantive issues pertaining to the proposed development and as such the issues will be examined under the following headings:

- Design and Layout
- Protection of existing residential amenities
- Parking
- Appropriate Assessment

7.1. Design and Layout

The proposed development comprises of two blocks of three two storey dwellings along the Main Street in Castledermot. The site is located at a key focal point on the approach into the village from the northern end. The overall design of the dwellings

is considered such that is in keeping with the traditional style and village setting at this location. The applicant submitted revised plans incorporating windows at either gable end so as to provide passive surveillance to the parking area and street to the northern end. This also improves an otherwise blank gable wall. The provision of optional kitchen extension provides for flexibility and adaptable units for future residents. In general, it is considered that there is adequate private amenity space to serve the dwellings. Units 5 and 6 have reduced rear gardens mainly due to the configuration of the site. However minimal standards are complied with and exceeded if the kitchen extension is not constructed. I don't consider it necessary to preclude the possibility of an extension to the rear of said properties as the increased floor space within the dwelling off-sets the reduction in rear amenity space and the future occupants can determine what best suits their needs.

7.2. Protection of Existing Residential Amenities

- 7.2.1. The appellant has raised a number of concerns in respect of creation of back alley and overlooking. With regard to overlooking and overshadowing, the proposed units comply with minimum separation distances in this regard. The ground levels also provide that the proposed two storey units can be accommodated without unduly impacting on the contiguous residential amenities. There are no overshadowing issues.
- 7.2.2. With regard to creation of a back alley I am somewhat unclear as to what specifically is being referred to. The layout is not such that gives rise to a "back alley" in my opinion. Parking is being provided within a designated area to the southern end of the site adjacent to Unit 1. This area will have a security gate and will be overlooked to some degree from said unit. Only residents will have access to this area. It is proposed to have a landscaped mound to the western (party) boundary of the site. There is an existing block wall at this location which would appear to be outside the control of the applicant. This application proposes to retain existing grounds levels and given the adjoining higher lands there is a difference of 1.4m that needs to be accommodated. The retention of this mound is also due in part to the presence of

archaeological features that remain in situ. One of the mitigation measures recommended in the archaeological assessment report is that a retaining wall be constructed at the base of the sloping bank in the south-western area of the site. This can be accommodated without impacting on existing residential amenity.

7.3. Parking

7.3.1. The applicant indicated on the revised site layout plan in response to the further information request 12 parking spaces. Six of these spaces are contained in the area to the south along with bin storage. Four spaces are provided along the road and two other spaces are provided within the curtilage of units 1 and 6. Condition 24 of the notification of grant of permission specifically precludes the provision of vehicular parking to units 1 and 6 and provides that a revised plan indicating a minimum of 12 spaces shall be submitted. Given the further information request and concerns about sightlines raised by the planning authority it is unclear how the applicant would comply with such a request if parking cannot be provided along the full frontage of the site. Pursuant to site inspection, I consider that the additional parking could be provided along the full site frontage. The provision of a grass verge as proposed is at odds with the current urban streetscape and most likely would give rise to unauthorised parking by residents in the absence of a barrier impeding access to this area. Notwithstanding the condition restricting parking, pursuant to site inspection, I do not consider that the provision of parking to units 1 and 6 such that constitutes a hazard or public safety issue. The site is located within an urban area within a 50kph speed zone. Castledermot is a rural village that does not suffer from traffic congestion typical of an urban area and the movements and access proposals to unit 1 and 6 could easily be accommodated without compromising public safety. I therefore consider that the layout plan submitted to the planning authority on foot of the further information request is acceptable. The Board may differ in their view on this matter.

7.4. Appropriate Assessment

Having regard to the nature and scale of the proposed development and the nature of the receiving environment on a serviced site in a town centre location it is considered that no appropriate assessment issues arise. It is considered, therefore, that the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on a European site.

8.0 Recommendation

I recommend that permission is granted subject to conditions.

9.0 Reasons and Considerations

Having regard to the planning history, the pattern of development in the area and the nature and scale of the proposed development, it is considered that the provision of housing units on a brownfield site, where public services and infrastructure are available, would provide appropriate infill development within the village, would not seriously injure the residential or visual amenities of the area or property in the area and, subject to the following conditions, would therefore be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 16 day of June 2016, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. (a) The roofs of the proposed dwellings shall be blue-black or slate-grey in colour throughout including ridge tiles using slates or flat-profile tiles only.
(b) The render finish to be used on the external walls shall be of a uniform colour, a sample of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground.

Reason: In the interests of orderly development.

4. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health and to ensure a proper standard of development.

5. Parking shall be provided in accordance with the site layout plan submitted to the planning authority 16 day June 2016.

Reason: In the interests of clarity

6. Proposals for naming and house numbering scheme shall be submitted to, and agreed in writing with, the planning authority prior to commencement of

development The proposed name shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

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

7. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

8. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

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

9. The developer shall carry out the mitigation measures contained in the archaeological impact assessment report submitted to the planning authority 16 day June 2016.

In this regard, the developer shall also facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -

(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,

(b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and

(c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

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

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

10. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing

with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:

- (a) Location of the site and materials compound(s) including area identified for the storage of construction refuse;
- (b) Location of areas for construction site offices and staff facilities;
- (c) Details of site security fencing and hoardings;
- (d) Details of on-site car parking facilities for site workers during the course of construction;
- (e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- (f) Measures to obviate queuing of construction traffic on the adjoining road network;
- (g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- (h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- (i) Provision of parking for existing properties during the construction period;
- (j) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- (k) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- (l) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- (m) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

Reason: In the interest of amenities, public health and safety.

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

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

Joanna Kelly
Planning Inspector

03 November 2016