



An
Bord
Pleanála

Inspector's Report PL10.247834

Development	Residential development of 35 no. units, comprising of 31 no. apartments and 4 no. houses with all associated site works.
Location	Junction of Walkin Street and Old Callan Road, Kilkenny.
Planning Authority	Kilkenny County Council
Planning Authority Reg. Ref.	16/482
Applicant(s)	Oaklee Housing Trust Ltd.
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Jerry & Noreen Molloy Residents of Walkin Street, etc.
Observer(s)	Cllr. Malcom Noonan
Date of Site Inspection	18 th February 2017
Inspector	Sarah Moran

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	4
4.0 Planning History.....	6
5.0 Policy Context.....	7
6.0 The Appeal	8
7.0 Assessment.....	14
8.0 Recommendation.....	32
9.0 Reasons and Considerations.....	33
10.0 Conditions	34

1.0 Site Location and Description

1.1. The site has a prominent corner location in an established residential area on the southern side of Kilkenny City. It is less than 1 km from the city centre, i.e. walking distance. The site has a stated area of 0.2774 ha and is currently occupied by a partially constructed development comprising a basement and podium slab granted under previous planning applications, as set out below. According to the documentation on file, development commenced in 2008 but works stopped soon after. There are existing two storey houses to the immediate south of the site, nos. 14–17 Old Callan Road and nos. 40-43 Old Callan Road. There are also residential properties on Walkin Street to the immediate east, as well as a public open space, Walkin Street Green. The grounds of St. Kieran's College are also adjacent to the south east. The site has a curved road frontage to Walkin Street and Old Callan Road to the north and west. There is an existing pedestrian crossing at Old Callan Road in front of the site. The area is served by the public sewer and water supply.

2.0 Proposed Development

2.1. Given that previous permissions on the subject site have expired, it is now proposed to re-use the site and to construct a new development on the foundations and basement car park already constructed. Permission is sought to construct 35 residential units as follows:

- Block A facing Old Callan Road, 4 storey block containing 23 no. apartments with private gardens / balconies;
- Block B facing Walkin Street, 3 storey block containing 8 no. apartments and office space at ground floor level;
- Single storey community building and amenity space adjoining the eastern side of Block B (110 sq.m.);
- Block C containing 4 no. townhouses with private gardens to the rear, at the southern side of the site;
- Central public open space / courtyard with a play area and pedestrian access to Walkin Street / Old Callan Road;

- Basement area containing bin storage, apartment storage, car and cycle parking, vehicular access via a ramp to Old Callan Road;
 - Landscaping outside the site boundary, at the frontage to the junction of Walkin Street and Old Callan Road, to integrate with the existing pedestrian crossing.
- 2.2. The applicant submitted a revised design on foot of a further information request by the planning authority. This omitted 4 no. apartments in block A and thereby reduced the total number of residential units to 31 (27 no. apartments and 4 no. houses). The submission also included a traffic impact assessment (TIA) and a road safety audit and public lighting report.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The planning authority requested further information on 8th September 2016, as per the issues raised in the planning and roads reports. Permission was granted on 9th December 2016 subject to 17 no. conditions. Of note, condition no. 2 specifies that the development shall only be undertaken by an Approved Housing Body (AHB), in accordance with the provisions of section 6 of the Housing (Miscellaneous Provisions) Act 1992. Condition no. 7 requires the submission of a revised layout for the children's play area. Condition no. 11 requires the establishment of a management company. Condition no. 17 requires the developer to agree a revised roof ridge connection so as to provide a unified ridge profile for block A when viewed from approaches on Walkin Street and Old Callan road.

3.2. Planning Authority Reports

- 3.2.1. Initial planning report (undated) recommends a request for further information relating to clarification of current proposal compared to previous permission; schedule indicating compliance with development standards; further details of proposed design and layout and relationship with adjacent properties; photomontages; roads particulars as per the Roads report on file. Second planning report dated 9th December 2016 considers the further information response to be satisfactory and recommends permission.

3.2.2. Other Technical Reports:

- AA screening, 6th September 2016, significant impacts can be ruled out, AA not required.
- Roads Report, 7th September 2016, requests further information for details of design and layout of basement car park, car parking assessment, traffic impact assessment (TIA), details of refuse storage, public lighting, compliance with DMURS, road side and footpath boundary treatments. Second Roads report dated 25th November 2016 on foot of further information, no objection subject to requirements.
- Executive Engineer, Housing Capital, 8th September 2016, is supportive of the development as it will contribute to addressing significant housing need in Kilkenny city. There are currently 1740 families / individuals on the housing list for Kilkenny city. 77% of the list is approved one or two bed units, of which there is very limited supply in the city. The development would help to address this imbalance and provide smaller units close to the city centre.

3.3. Prescribed Bodies

- 3.3.1. Irish Water, 15th August 2017, no objection.

3.4. Third Party Submissions

- 3.4.1. The planning authority received a large volume of third party submissions and 2 no. representations from elected members (Cllr. Malcom Noonan and Cllr. Joe Malone). These generally object to the development on grounds similar to those raised in the third party appeals, i.e. traffic issues; impacts on visual and residential amenities; lack of public consultation; heritage issues; poor quality of residential development; excessive density, height and scale of development; lack of adequate refuse storage; inadequate provision for disabled parking and access; impacts on the existing local community; disruption during construction phase of the development; additional pressure on local water and sewerage services.
- 3.4.2. The planning authority received 11 no. additional third party submissions on foot of the further information submission. These again generally objected to the scheme on

grounds relating to visual impact, traffic issues, sewage issues in the area, social issues, impacts on residential amenities and overdevelopment of the site.

4.0 Planning History

4.1. 05/9900108 (Kilkenny Borough Council Reg. Ref. 05/108)

- 4.1.1. Relating to the western side of the subject site, the location of proposed blocks A and C. Permission sought by DNE Developments Ltd. to demolish existing retail outlets known as The Lighthouse Stores and Marble City Fireplaces and to construct 28 apartment units, 5 townhouses, 540 sq.m. ground floor retail space, lower level car parking with vehicular entrance from Old Callan Road and all associated landscaping and site works. Permission was granted for 20 no. apartments, 4 no. houses and 4 commercial ground floor units.

4.2. PL62.221813 06/990102 (Kilkenny Borough Council Reg. Ref. 06/102)

Relating to the eastern side of the site at Walkin Street, the location of proposed block B. Permission sought by DNE Development Ltd. to demolish the existing 'Lighthouse Pub' structure and residence and to construct a residential and commercial development with 3 stories plus penthouse containing a ground floor convenience store/shop and off-licence and 6 no. apartments. Permission was granted for a 2 storey building containing 3 no. apartments over a ground floor retail space. A first party appeal, ref. PL62.2218143, was withdrawn.

4.3. 09/990020 (Kilkenny Borough Council Reg. Ref. 09/20)

Relating to the Walkin Street (eastern) side of the subject site, adjoining Walkin Street Green. Permission granted to Pat Moore for revision to the development granted under reg. ref. 06/990102 consisting of (i) elevational changes (ii) change of use from duplex apartments to medical consultancy rooms on the first floor with associated storage space at attic level and (iii) increasing the parking facility in the forecourt of the property.

4.4. 11/990027 (Kilkenny Borough Council Reg. Ref. 11/27)

Permission granted to DNE Development Ltd. on 12th September 2011 for a 5 year extension of duration of the permission granted under 05/9900108.

5.0 Policy Context

5.1. Kilkenny City and Environs Development Plan 2014-2020

5.1.1. The site is within the original Kilkenny Borough boundary. The site and surrounding lands are zoned 'existing residential' under the current development plan, the policy for which is to protect, provide and improve residential amenities. The following development plan policies and objectives are considered particularly relevant to the proposed scheme:

- Chapter 5: Housing and Community. In particular section 5.1 on unfinished housing estates and sections 5.2 and 5.3 regarding residential development and universal design;
- Chapter 6: Recreation, Tourism and Arts. In particular section 6.5.4 relating to open space in new residential developments.
- Chapter 10: Transport, in particular development management standard for walking and cycling in new developments, table 10.2 bicycle parking standards, section 10.4.8 on car parking and table 10.5 car parking standards.
- Development management standards set out in chapter 11 including section 11.4.1 on residential density, section 11.7.3 relating to open space in new residential developments, section 11.4 on urban design, 11.5 on apartments, 11.7 on open space and 11.8 on infill development.

5.2. Natural Heritage Designations

5.2.1. The following Natura 2000 sites are located within 15 km of the development site:

Site (site code)	Distance from subject site.
River Nore SPA (004233)	c. 800m
River Barrow and River Nore SAC (002162)	c. 400m
Thomastown Quarry SAC (002252)	c. 14.75 km

6.0 The Appeal

6.1. Grounds of Third Party Appeals

6.1.1. A total of 2 no. third party appeals have been submitted by or on behalf of local residents. The main points raised in both appeals are similar and may be summarised in conjunction as follows:

- The developers did not carry out adequate consultation with local residents prior to applying for permission. Concerns expressed by local residents were not taken into consideration in the design of the proposed scheme. A total of 335 local residents signed objections to the development. It is submitted that the planning authority had a conflict of interest in assessing the development.
- The height of the development is out of scale with the existing buildings in the area and will have an adverse visual impact. The 4 storey block is significantly higher than the surrounding 2 storey housing, particularly due to the high ground floor level over the existing basement car park. Kilkenny County Council recently refused permission for a 4 storey building in the vicinity.
- The scheme would result in overdevelopment of the site. It provides inadequate public open space. There is little public space in the immediate area.
- Kilkenny County Council have completed several high quality, successful infill housing and apartment developments in the surrounding area, including developments at Gaol Road Crescent and Fr. Albert Place. Photographs of same are submitted. A similar proposal would be suitable for the subject site.
- Existing roads in the area are already operating beyond capacity and the existing traffic management scheme in the area is not working. Traffic generated by the development will exacerbate existing traffic congestion. The site is close to schools, to the main Garda station for Kilkenny city and county and to the main fire station. It is also on a route to St. Luke's General Hospital. The TIA was conducted on a day when schools were closed.
- The proposed roads and parking layout is inadequate. The entrance would cause a hazard to pedestrians including schoolchildren and the elderly. Traffic

difficulties associated with refuse collection and emergency vehicular access to the basement car park.

- There are already parking issues in the area. The development will result in a loss of existing parking spaces and will generate additional on-street parking demand, particularly the community centre. The development does not comply with development plan parking standards.
- The previous permission on the site included a community gain with retail and medical centre.
- The existing sewage and storm water infrastructure in the area is deficient. It has given rise to problems such as blocked pipes and sewage pouring onto the public road. The capacity of the system to cater for the development is questioned.
- There are concerns about a security risk presented by the proposed service walkway to the side / rear of the townhouses.
- There were numerous complaints to Kilkenny County Council during the previous works carried out at the site. The developer did not suffer any consequences.
- Conditions nos. 5, 6, 7, 8, 11, 13, 16 and 17 will have a direct impact on the local community.

6.2. Applicant Response

6.2.1. The applicant's response to the grounds of appeal may be summarised as follows.

- The development was amended by way of a further information submission to address concerns of local residents and the planning authority, as follows:
 - Height of block A was reduced from 4 to 3 stories. Removal of 4 no. apartments and associated lift and stair core to achieve this.
 - Revised elevational treatment of block A with a slate pitched roof to the front and back of the building. Roof profile stepped down to 3 stories. Reduced visual impact and massing. Reduced area of brickwork, interspersed with plaster elements.
 - Increased distance between the gable of block A and no. 14 Old Callan Road, to mitigate impacts on that dwelling.

It is submitted that these measures significantly reduce the mass and visual impact of block A, also that they addressed the concerns of the planning authority, such that permission was granted.

- The level of the constructed podium slab is as permitted under reg. ref. 05/108. The proposed service walkway is at podium level and is provided to facilitate occasional maintenance access to the natural ventilation points from the basement car park. The area is to be secured through gated access and is not accessible to residents of the scheme or the public. The development will be managed by Oaklee House on completion. The applicant is willing to accept a condition that the proposed 2.1m high timber fence forming the rear boundary of houses nos 2, 3 and 4 is moved to inside the existing boundary wall to the adjoining properties, eliminating the service walkway. The applicant will render blockwork walls to both the development and to adjoining property sides. No extensive boundary works were carried out during the planning process. Some works were undertaken to mitigate an identified risk at the site boundary, where areas of plywood had degraded.
- The permitted retail units and medical centre were not constructed at the site. There are existing vacant retail units in the area. The development includes a significant community gain with the construction of the community centre. The footprint of the proposed retail units will be developed as residential accommodation with private garden space to the street at podium level.
- Detailed foul and waste water drainage designs, calculations and drawings were submitted with the application. Irish Water did not object to the development. Permission was granted subject to a bond to ensure the making good of any damage to public services / utilities which may occur along Old Callan Road and Walkin Street. The applicant accepts this condition.
- The TIA submitted was based on traffic counts carried out on 19th and 20th October (am and pm peak) by Roadplan Consulting. All schools were open during the count. An additional site visit was carried out on 26th and 27th October, in order to observe and verify traffic movements in the area. The TIA concludes that the junction at the site would operate with a significant amount of reserve capacity in all assessment years. The proposed access to Old Callan Road has a

45m sight distance at a 2.4m setback. The proposal is satisfactory to the Road Design Office of the planning authority. Correspondence by Roadplan Engineers is submitted in support of the response.

- Roadplan carried out an assessment of car parking demand for the development, which identifies a shortfall of 4 no. spaces with regard to development plan parking standards. The proposed community centre is to be operated and used for residents of both the development and the local community. It will be within walking distance of a significant portion of the community it serves. Any evening or night time uses will avail of existing public parking in close proximity. The development is in close proximity to the city centre.
- There is no proposed change to the existing road junction in front of the site. The footprint of the development does not impact on existing residential car parking spaces.
- The applicant has consulted a national refuse collector who offers a collection service in the locality. They have been advised that the safest option for commercial bin collection is by reversing and collecting as demonstrated in the further information response submitted. Large communal bins are suitable for the proposed multi unit development, rather than a domestic collection service model of multiple smaller bins per residential unit. The collection of these bins is best done off street as proposed. The proposal as presented has been accepted by the planning authority without condition.
- The development will be subject to a Fire Safety Certificate application in due course. Provision will be made for a dry-riser to serve the 4 no. townhouses.
- Public consultation was carried out in advance of the application, schedule supplied (meetings at the Club House Hotel on the 8th June 2016 and the 15th July 2016). Both meetings attracted a large attendance from local residents.

6.3. PA Response

6.3.1. The main points made may be summarised as follows:

- The current application is a site resolution development that follows on from a significant amount of development carried out on foot of reg. ref. P.05/9900108 and P.06/990102 as amended under P.09/990020. The bulk and nature of the

development originally commenced in 2008 was very similar to that currently proposed.

- The unfinished site is currently a significant gap in the built fabric of the area, dangerous and an eyesore. The development was included on the Unfinished Housing Developments Survey (DoEHLG) in 2013. Kilkenny County Council carried out safety works in 2013.
- The current proposal is a response to the precedent already set at the site and to the retrofitting of a structure over the basement car park already constructed.
- The development will give a significant boost to the delivery of housing supply in Kilkenny city. The units to be supplied are 1, 2, and 3 bed units, which are in high demand, as per the Kilkenny County Council housing strategy.
- The scale of the development is acceptable in such close proximity to the city centre. It is a sustainable use of a brownfield site. The scale and massing of the scheme has been reduced by stepping down at the at the southern end along Old Callan Road and at the eastern end along Walkin Street. The bulk has been reduced by the incorporation of the 4th storey within the roof profile.
- The planning authority made a detailed analysis of the issues raised in the third party submissions.
- The Roads Section of the planning authority considers that the traffic generated by the development would be of such a limited scale that it would not materially affect the overall background traffic volumes in the Old Callan Road / Rioch Street area. The ASTI website does not indicate that a strike took place on the date of the traffic survey, i.e. 19th October 2016, the survey did therefore account for school traffic.
- The site is located close to all amenities within the city such as community facilities, schools and commercial activity. The development has a reduced need for car parking due to its proximity to all facilities. The total parking requirement for the final no. of apartments is 56 and 52 no. spaces are provided. Each unit should have at least one parking space, with the shortfall only potentially being visitor parking.

- The recent refusal referred to by the objectors is reg. ref. 16/573, involved the construction of a 4 storey building containing 8 no. apartments and 6 no. terraced houses at the junction of Old College Road, Callan Road and Circular Road, Kilkenny City. The development was refused for one reason relating to design and lack of integration with the existing urban fabric, injury to visual and residential amenities.
- The planning authority considers that, having regard to the site location, the development history and the opportunities created by developing this brownfield site, the development would not be contrary to the proper planning and development of the area.

6.4. **Observation by Cllr. Malcom Noonan**

6.4.1. The main points made may be summarised as follows:

- The observer is not opposed to the development of the site or to its development for social housing.
- The site is to be very intensively developed. The development does not meet the criteria set out in development plan section 11.4:

Kilkenny Local Authorities will ensure that all new developments enrich the urban qualities of the city which means encouraging a distinctive response which complements the setting. A high standard of design is considered essential to this process. Creating a distinctive sense of place, taking into account site history and setting, is important.

ABP should consider the proposed density with regard to the criteria set out in development plan section 11.4.1.

- The development is not sympathetic to the surrounding residential community in both scale and material finishes. The height is out of keeping with the existing scale and sets an undesirable precedent. The observer suggests reducing the total number of units and using a pitched roof with solar panels, also the use of different materials and finishes. The development on the opposite side of the road is a good example of the use of vernacular styles to fit in with the urban form.

- The local community has a strong sense of social identity and a deep social history. The planning authority should direct the developer into a more inclusive and participative planning process and conduct a meaningful engagement with the community and other stakeholders in order to achieve an outcome that is:
 - Acceptable to all parties
 - Reflective of the needs and views of the local community
 - Reflective of a fully open and transparent process.

Residents state that the consultation process was inadequate and that not all residents received information on the community meetings. Local residents should have been consulted before the plans were drawn up. There was no consultation on the further information submission.

- The development is located at an already busy junction and on ancillary route of the Kilkenny Central Access Scheme (KCAS). All supporting routes of KCAS will experience significant traffic growth once the scheme opens due to the absence of a completed Northern Ring Road section and ‘induced’ traffic (traffic growth directly related to the opening of a new road). Kilkenny County Council have not produced any comprehensive traffic management plan to deal with the impact of KCAS. All additional planning permissions will add to the cumulative impact of traffic movement. The area is not currently served by public transport or by ‘Smarter Travel’ cycling and walking routes.

7.0 Assessment

7.1. The following are considered to be the principal issues for consideration in this case:

- Principle of development;
- Residential density, design and layout;
- Traffic and parking issues;
- Other matters;
- Conclusion.

These matters may be considered separately as follows.

7.2. Principle of Development

- 7.2.1. The site and surrounding areas have the general zoning objective “*Existing Residential. To protect, provide and improve residential amenities*” under the current development plan. Section 3.3.1 of the Kilkenny City & Environs Development Plan 2014-2020 states:

“Existing residential reflects the existing built up areas of the city where there is limited potential for additional residential development in the form of small scale infill development.”

The development plan Core Strategy envisages continued population growth and falling household sizes, with a consequent demand for new housing. Additional lands are zoned for new housing in the Western Environs and Loughnamask areas of Kilkenny, to be developed on a phased basis. The proposed development would facilitate the accommodation of additional population on zoned, serviced land close to the city centre, in accordance with the recommendations of the DoECLG *Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities* (2009) for infill sites. It would also be in accordance with the ‘compact city’, which is a key principle of the development plan Core Strategy and includes the provision of a wide range of dwelling types and densities within the city boundary. I also note the previous permissions for infill housing at this location and the fact that the development would resolve an existing unfinished housing development.

- 7.2.2. The site is to be developed by an Approved Housing Body (AHB), Oaklee Housing Trust Limited, i.e. social / affordable housing. I note that the Housing Strategy set out in the development plan identifies a requirement for a greater mix of unit types due to an increase in the number of single persons requiring accommodation. In addition, there is an aim to counteract undue segregation in housing between persons of different social backgrounds. The site is located in an area predominantly characterised by two storey, suburban style housing. The comment on file by the Housing Capital section of the planning authority supports the development and states that there are currently 1740 families / individuals on the housing list for Kilkenny city. 77% of the list is approved one or two bed units, of which there is very limited supply in the city. The development would help to address this imbalance and provide smaller units close to the city centre. The provision of apartments at this

location is therefore a desirable aspect of the development and in accordance with the above Guidelines.

7.2.3. The development is considered to be acceptable in principle on this basis.

7.3. Residential Density, Design and Layout

7.3.1. The density, design and layout of the scheme may be considered with regard to the guidance provided in the following documents:

- *Kilkenny City and Environs Development Plan 2014-2020*;
- The DoEHLG documents *Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas* (2009) and the accompanying *Urban Design Manual*;
- The DoEHLG *Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities* (2015);
- *Managing and Resolving Unfinished Housing Developments Guidance Manual* produced by the DoECLG and the Housing Agency in 2011.
- The *Design Manual for Urban Roads and Streets* (DMURS), which was jointly issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Planning and Local Government in 2013.

7.3.2. Details of Proposed Layout

The scheme has a courtyard type layout that generally falls within the envelope of that previously permitted at the site, albeit with a higher residential density as ground floor commercial elements have been omitted in favour of apartments in the current proposal. The layout was designed subject to the constraints presented by the existing basement, basement car park access and podium slab, as constructed. In addition, the stair and lift core and the front and rear wall positions of block A were also fixed due to the presence of in-slab reinforcement below.

Block A is 3 storey with penthouse and contains 23 no. apartments in the original application. It is located within the inherited parameters and faces Old Callan Road and St. Rioch's Street. There are private gardens along the street frontage, which are enclosed by brick walls. There is a landscaped area to the front of Block A, at the street junction and pedestrian crossing, which is to be landscaped to the satisfaction

of the planning authority. The design and layout of block A were revised in the further information submission such that the western side of the building at Old Callan Road was reduced to 3 storey, the external finishes were amended and the penthouse level replaced by a sloping roof. These amendments resulted in the omission of 4 no. apartments within block A. The setback between block A and the side of no. 14 Old Callan Road was also increased to reduce impacts on residential amenities.

Block B comprises a 3 storey apartment block containing 8 no. apartments, ground floor office space to be used by Oaklee Housing Office and a single storey community building. It is located at the eastern side of the site facing Walkin Street and bounded to the side by the open space at Walkin Street Green. There is an amenity space to the rear of the community building, which is enclosed and does not have access to the public realm or to the remainder of the proposed scheme. The external finishes of block B were revised in the further information submission, in order to match the revised design of block A.

There is pedestrian access from Walkin Street between blocks A and B to a paved courtyard to the rear of block A. The courtyard contains a large ventilation shaft for the basement, which is to be landscaped as a feature. The courtyard also contains a 'children's soft play area', stated area 85 sq.m., no detailed layout is provided for same.

Block C, 4 no. 2 storey townhouses, is located at the rear (southern) end of the site. It overlooks the central courtyard, with private open spaces to the rear of each house. There is a 'secure service walkway' to the side / rear of block C, which is to provide access to the basement services.

7.3.3. Public Open Space Provision

The relevant policies set out the following requirements:

- Section 4.20 of the the DoECLG sustainable urban housing guidelines recommends a public open space provision of at least 10% of the total site area for infill sites.
- The development (as amended by further information) may be considered with the requirements for communal amenity space set out in the DoEHLG apartment guidelines as follows:

	DoEHLG Standard	No. of units proposed (F.I.)	Total Requirement
1 bed	5 sq.m.	8	40 sq.m.
2 bed	7 sq.m.	16	112 sq.m.
3 bed	9 sq.m.	3	27 sq.m.
Total		27	179 sq.m.

The DoEHLG apartment guidelines recommend the provision of children’s play spaces (c. 85 – 100 sq. m.) for the specific needs of children under 6, with suitable play equipment, seating for parents/guardians, and within sight of the apartment building for schemes of 25 or more units. The proposed children’s play area has a stated area of 87 sq.m.

- Development plan section 11.7.3 states:

“The Council will require a minimum public open space provision of 2.4 hectares per 1,000 population. For the purposes of this calculation, public open space requirements are to be based on residential units with an occupancy rate of 2.8 persons per unit. A reduction to this standard will only be permitted in exceptional circumstances as determined by the local authority. Where such a relaxation occurs the provision of open space within any scheme should not be below 10% of the site area.”

Development plan section 11.7.3 also provides:

“Where a proposed development is located in close proximity to an established park area or zoned open space, the open space requirement may be relaxed depending on the nature and quality of existing provision. However, a financial contribution will be required towards the improvement and extension of the existing facility to cater for extra demand.”

In addition, development plan section 11.7.3.1 states:

“A standard of a minimum of 10 sq.m. of dedicated playable space per residential unit is to be provided as an integral part of the required open space for each new

development. This playable space can form part of the overall open space provision of a development but must be dedicated to play.”

The development as amended by further information provides for 31 no. residential units, i.e. a total requirement of 310 sq.m. of ‘playable space’ to meet the above requirement.

Given that the open space to the rear of the community building is completely enclosed and inaccessible to the remainder of the development, it is not considered as part of the ‘communal amenity area’ provision of the development. In addition, the adjacent public open space at Walkin Street Green to the immediate east would not be directly accessible from scheme. The central courtyard with pedestrian access to Walkin Street is therefore the only communal open space available to residents of the development.

The total site area is stated as 0.2774 ha (2774 sq.m.). The exact dimensions of the proposed public open spaces are not provided. I estimate that the total area of the central courtyard would exceed 10% of the total site area, in accordance with the 10% recommendation for infill sites in the DoEHLG sustainable urban housing guidelines and the minimum provision recommended in the development plan. I consider that a reduced 10% provision is acceptable on the basis of the location of this infill site in an established residential area close to the city centre. In addition, the proposed development is to be encouraged as an opportunity to resolve an existing unfinished housing development at a location where there is severe housing demand. I also note that the surrounding residential areas are generally well served with private and public open spaces, i.e. the development would not result in an excessive residential density overall.

With regard to the quality of the space, the overall layout is entirely enclosed and does not connect to any surrounding development. I consider that the presence of Walkin Street Green to the immediate east represents a ‘missed opportunity’ to create a shared open space and increase pedestrian permeability, as recommended in DMURS. However, I accept that the current design is constrained by the basement and podium slab as constructed and the presence of surrounding residential development to the south and east. The central courtyard space allows for passive overlooking and is accessible to all residents of the scheme. However,

the courtyard is dominated by a raised, landscaped ventilation shaft for the basement car park. While the landscaping would create a visual feature, the remaining paved courtyard areas would effectively be circulation spaces with little amenity value. In addition, the children's play area would have a limited area of 87 sq.m. and no details of same are provided, e.g. boundary treatment, play equipment or provision of public seating. I accept that it would be difficult to achieve the development plan standard of 10% of playable space per residential unit at this urban infill location, however the development should still provide a useable play area as provided for in the apartment guidelines. In addition, I am concerned that the presence of 4 no. houses on the southern side of the courtyard would overshadow the courtyard at many times of the day / year, further reducing its amenity value.

The proposed public open space provision is therefore considered to be deficient, as the courtyard layout and children's play area do not provide a satisfactory standard of amenity.

7.3.4. Residential Design and Layout

The submitted schedule of floor areas indicates that the total apartment floor areas, aggregate floor areas for living / dining/ kitchen areas and aggregate bedroom floor area all meet or exceed the minimum standards set out in the DoEHLG apartment guidelines. There are 4 no. single aspect north facing apartments in block A, ref. apartments nos. 02, 05, 102 and 202. The ground floor apartments nos. 02 and 05 look onto private patios, which ameliorate the single aspect issue somewhat. However, apartments nos. 102 and 202 at first and second floor levels respectively are north facing single aspect with a minimal private open space in the form of a 5 sq.m. balcony. Apartments nos. 108 and 208 within block B are single aspect facing east towards Walkin Street Green and the private open space to the rear of the community building, again less of a concern. The remaining apartments have private open spaces in the form of enclosed / recessed balconies. The quantitative private open space provision is in accordance with the DoEHLG apartment guidelines. A total of 11 no. apartments in block A and 5 no. apartments in block B are deficient with regard to private storage space provision. It is proposed to provide designated secure, enclosed storage space at basement level for these units, details of same have been submitted. The proposed apartment design and layout is considered acceptable overall with regard to the DoEHLG apartment standards.

I note the following standards provided in Table 5.1 of the 'Quality Housing for Sustainable Communities - Best Practice Guidelines for Delivering Homes Sustaining Communities', which accompanies the 'Delivering Homes Sustaining Communities – Statement on Housing Policy' (DoEHLG, 2007).

House Type	Target GFA	Minimum Main Living Room	Aggregate Living Area	Aggregate Bedroom Area	Storage
2 storey 3 bed / 5 p	92 sq.m.	13 sq.m.	34 sq.m.	32 sq.m.	5 sq.m.
2 storey 2 bed / 4 p	80 sq.m.	13 sq.m.	30 sq.m.	25 sq.m.	4 sq.m.
2 storey 2 bed / 3 p	70 sq.m.	13 sq.m.	28 sq.m.	20 sq.m.	3 sq.m.

In addition, article 50 of the Planning and Development Regulations, 2001 (as amended) specifies the following floor areas as the minimum size of accommodation required by eligible persons for the purposes of meeting Part V housing requirements:

- for 3 persons, a house with 2 bedrooms and a GFA of 52 sq.m.;
- for 4 persons, a house with 2 bedrooms and a GFA of 62 sq.m.;
- for 5 persons, a house with 3 bedrooms and a GFA of 74 sq.m.;
- for 6 persons, a house with 3 bedrooms and a GFA of 78 sq.m.

The proposed 2 storey townhouses have the following stated floor areas:

House Type / No.	GFA	Aggregate Living Area	Aggregate Bedroom Area	Storage
Houses nos. 1, 2, 3 2 bed, 4 person (2 double bedrooms)	72 sq.m.	22 sq.m.	23 sq.m.	3 sq.m.
House no. 4, 3 bed, 5 person (1 single, 2 double bedrooms)	90 sq.m.	30 sq.m.	34 sq.m.	2 sq.m.

The above floor areas comply with the requirements of article 50. They are deficient or marginal with regard to the requirements of the 'Quality Housing for Sustainable Communities - Best Practice Guidelines', however that document provides guidance only, as it does not have the status of section 28 of the Planning and Development Act 2000 (as amended), i.e. a Ministerial policy directive.

Development plan table 11.5 specifies the following private open space requirements for houses:

Type of Unit	Minimum Private Open Space Provision
1 / 2 bedroom houses	48 sq.m.
3 / 4 bedroom houses	60–75 sq.m.

The layout submitted as further information indicates rear garden sizes of 34–39 sq.m. for the 2 bed houses nos 1, 2 and 3. There is no stated area for the rear garden of house no. 4. It is considered that the proposed rear garden provision is deficient with regard to the above policy. The applicant has proposed to incorporate the service walkway to the side / rear of the houses into the private open spaces, however this would not significantly increase the quantity or quantity of the private open spaces to the rear of the townhouses. This matter is considered further below with regard to residential density.

7.3.5. Impacts on Visual and Residential Amenities

The site has a prominent location at the junction of Old Callan Road / St. Rioch's Street / Walkin Street / Dean Cavanagh Place. There are residential properties to the immediate south and east of the site at Old Callan Road and further to the east at Walkin Street.

The southern side of block A abuts the side of no. 14 Old Callan Road, a 2 storey end of terrace property. There is currently a high breeze block wall along the shared boundary. The design of block A, as revised by further information, is stepped down to 2 storey plus roof level apartments at this side of the site, with a ridge height of c. 3m higher than that of no. 14 Old Callan Road. This side of block A is designed to prevent direct overlooking to the south and its front and rear building lines match

those of no. 14 Old Callan Road. The intervening boundary wall is to be lowered to facilitate adequate sight distances for the car park ramp, however this will be to the front boundary only and therefore will have no impact on the private open space to the rear of no. 14 Old Callan Road.

The southern side of the site is to the rear of nos. 40 – 42 Old Callan Road, all 2 storey terraced properties with large rear gardens. The first floor rear elevations of the proposed 4 no. townhouses on the southern side of the site would be between c. 5.2 and 11.2 m to the southern site boundary. The first floor plans of the houses indicate that there would be no direct overlooking from habitable rooms towards the rear of the adjacent properties at Old Callan Road. The orientation of the proposed houses to the immediate north of the shared boundary obviates potential overshadowing. The rear elevations are modest in scale with a ridge height of 7m, it is not considered that they would be visually obtrusive. The proposed 'service walkway' to the side and rear of the townhouses has caused significant concern to local residents due to potential overlooking and security risk. The applicant's response to the appeal suggests that the 2.1m high timber fence forming the rear boundary of houses nos. 2, 3 and 4 is moved to inside the existing boundary wall to the adjoining properties, eliminating the service walkway. The applicant will render blockwork walls to both the development and to adjoining properties. I recommend that this amendment is required by condition if the Board is minded to grant permission for the proposed townhouses, see my recommendations below.

The eastern side of the site abuts nos. 48 and 49 Walkin Street, 2 no semi-detached 2 storey properties with side / rear gardens. The communal open space and the side of townhouse no. 1 and the service walkway abut the rear boundaries of these houses. The presence of block C (townhouses) would cause some overshadowing of the side / rear of nos. 48 Walkin Street and no. 47 Walkin Street, also nearby to the east, however those properties have large rear gardens and severe impacts on residential amenities are unlikely. There is no potential for direct overlooking. The outlook to the rear of nos. 48 and 49 Walkin Street would change, however they would overlook the communal open space within the scheme rather than the existing

derelict site. Some landscaping inside the shared boundary is proposed to ameliorate this impact. The 3 storey element of block B is located to the side / north of no. 49 Walkin Street, with an intervening setback of c. 4.5m. There are balconies to the southern elevation of block B, however the presence of a 2 storey extension to the rear of no. 49 Walkin Street prevents direct overlooking of that property. The single storey community building element of block B further to the north of no. 49 Old Callan Road would not result in any significant residential impact. It is considered that the design of the community building would enhance the outlook from Walkin Street Green and that the development would not have any adverse visual impact on Walkin Street.

The proposed street frontage to the Old Callan Road / Walkin Street junction was amended in the further information submission, with revised finishes and the introduction of a sloping roof design. I consider that the revised elevations present an attractive frontage to the street. Both blocks A and B have been stepped down where they meet adjoining 2 storey housing and the open space at Walkin Street Green. The central 3 storey element is broken up by the introduction of recessed balconies and successfully addresses the Old Callan Road / St. Rioch's Street / Walkin Street junction. The pedestrian access between blocks A and B provides some visibility of the central courtyard and the townhouses at the rear of the site. I note that condition no. 17 of the permission requires the developer to agree a revised roof ridge connection so as to provide a unified ridge profile for block A when viewed from approaches on Walkin Street and the Callan road. I recommend that a similar condition be imposed if the Board is minded to grant permission. The development includes landscaping at the junction of Walkin Street and Old Callan Road, which enhances the street frontage of the scheme. However, the private open spaces of the ground floor apartments facing the street are enclosed by a c. 2m high wall, with gates providing access to individual apartments. The wall presents a blank façade and prevents any interaction between the street and the residential development. This would contravene the DMURS recommendations, ref. section 4.2.3, which recommends active street edges to provide passive surveillance of the street and

promote pedestrian activity. I consider that the issue could be remedied by the provision of fencing and landscaping, which could be required by condition if the Board is minded to grant permission. The proposed street frontage is acceptable on this basis.

Section 5.9(i) of the DoEHLG *Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas* (2009) states:

In residential areas whose character is established by their density or architectural form, a balance has to be struck between the reasonable protection of amenities and privacy of adjoining dwellings, the protection of established character and the need to provide residential infill.

Having regard to the above assessment, I am satisfied overall that the development achieves such a balance and will not have significant adverse impacts on the visual amenities of the area or on the residential amenities of adjoining properties at Old Callan Road and Walkin Street, such as would warrant a recommendation of refusal of permission.

7.3.6. Density

The site has an inner suburban location close to the centre of Kilkenny city. Section 5.9 of the DoEHLG sustainable urban housing guidelines recommends that inner suburban areas of towns and cities are suitable for infill residential development and states:

“In residential areas whose character is established by their density or architectural form, a balance has to be struck between the reasonable protection of amenities and privacy of adjoining dwellings, the protection of established character and the need to provide residential infill.”

There is no specific density standard applicable to the subject site. Development plan section 11.4.1 does not prescribe a maximum residential density standard. The development plan instead requires a high standard of architectural design and layout for housing developments and seeks to ensure that new developments have individuality and a sense of place, generated by the interaction between the physical characteristics and features of the site and its surroundings and the layout,

landscaping and design of the new housing. The appropriate residential density in any particular location is to be determined by the following particulars:

- i) The extent to which the design and layout follows a coherent design brief resulting in a high quality residential environment;*
- ii) Compliance with qualitative and quantitative criteria set out (including the 12 design criteria);*
- ii) Proximity to points of access to the public transport network;*
- iv) The extent to which the site may, due to its size, scale and location, propose its own density and character, having regard to the need to protect the established character and amenities of existing adjoining residential areas;*
- v) Existing topographical, landscape or other features on the site, and;*
- vi) The capacity of the infrastructure, including social and community facilities, to absorb the demands created by the development.*

The site is considered suitable for higher residential density given its location close to Kilkenny city centre and with regard to the above guidance. The development of 31 no. residential units (as per the further information submission) on a site of 0.2774 results in a density of that is significantly higher than that of the existing residential developments in the surrounding area. However, having regard to the above assessment, I consider that the development would not have any significant adverse impact on residential or visual amenities and that the apartments provide a generally satisfactory standard of residential accommodation. I also note that the development includes an element of community gain in the provision of the community centre. These elements of the scheme are therefore acceptable, notwithstanding the proposed high density. However, the townhouses are problematic and the central courtyard does not provide a satisfactory standard of public open space as it would be dominated by a raised ventilation shaft, significantly reducing useable amenity space. The difficulties are fundamental and I consider that they could not be resolved by way of a revised layout or landscaping scheme. It is therefore recommended that the townhouses are omitted by condition, with the resultant additional area to be used as landscaped communal open space to serve the apartments and to provide access to the basement services. This would result in a satisfactory standard of residential accommodation for residents of the scheme, in accordance with the

design principles set out in the DoEHLG *Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas* (2009) and the accompanying urban design manual and the relevant development plan policies.

7.3.7. Conclusion

To conclude, the proposed residential density, design and layout are considered acceptable subject to the omission of the 4 no. townhouses at the southern end of the site.

7.4. **Traffic and Parking Issues**

7.4.1. Access Design / Layout

The site is located within the 50 kph zone at the junction of Walkin Street to the east, Old Callan Road to the south and St. Rioch's Street to the north. There is also a junction between Old Callan Road and Dean Cavanagh Place in front of the development, with an existing pedestrian crossing at Old Callan Road. The vehicular access to the basement car park from Old Callan Road has been constructed as permitted under reg. ref. 05/108.

Development plan figure 10.2 indicates a street hierarchy such that Old Callan Road is classified as a 'primary street', at the second level of the hierarchy, described as:

"Routes providing access to main car parks and main delivery routes and also carrying high pedestrian volumes"

This corresponds to a 'link' street as per the DMURS typology, i.e. linking arterial streets or major distributor routes with local access as per DMURS figure 3.3. The development plan classifies Walkin Street as a 'secondary street' at the third level of the street hierarchy, described as:

"Predominantly providing local access for vehicles and potentially carrying relatively high pedestrian volumes."

This corresponds to a 'local' street as per the DMURS typology, i.e. providing access within communities or to arterial and link streets. There are no significant development plan roads, cycle or pedestrian objectives in the immediate vicinity of the site.

The development incorporates the constructed car park ramp and partially constructed basement. The access is a simple priority junction from Old Callan Road, as recommended in DMURS section 4.4.3 for junctions between 'local' and 'link' streets. The existing footpath along the street frontage of the site is to be retained, to intersect with the vehicular access with a dropped kerb. The ramp width at 5.5m is compliant with DMURS section 4.4.1. Proposed tactile paving at the intersection was omitted as recommended in the Road Safety Audit, in order to avoid confusion between pedestrian / driver priority. DMURS section 4.4.4 requires a sightline of 45m in both directions at a 2.4m set back within the 50 kph zone. This can be achieved at the proposed access, subject to the use of appropriate boundary treatment. The existing northern boundary wall is to be lowered to 0.75m height to achieve visibility to the left / north along Old Callan Road. The application notes that visibility to the left along Old Callan Road may be limited for drivers exiting the car park, to cars parked along Old Callan Road, however controlling car parking at this location is outside the applicant's control.

The design and layout of the vehicular access are considered to be acceptable and generally in accordance with the requirements of DMURS.

7.4.2. Parking

The basement car park layout provides 52 no. spaces (as per the further information submission), including 4 no. disabled spaces. Development plan table 10.5 specifies the following car parking standards:

Development	Car Parking Standard	Requirement
4 no. houses	2 spaces per unit	8
27 no. apts (F.I)	1.25 spaces per unit	33.75
Visitor parking 31 no. units	0.25 spaces per house / apt	7.75
Churches, theatres, public halls 30 seats	1 space per 10 seats	3
Office 50 sq.m.	1 car space per 15 sq.m. GFA and additional space to be determined by the planning authority.	3.33
Total Requirement		56

The proposed provision of 52 no. spaces falls short of this requirement. However, I note that the DoEHLG apartment guidelines recommend a benchmark standard of 1 car parking space per unit, i.e. 31 no. spaces for the residential element of the development. In addition, the development plan makes an allowance for non-coincidental parking arising from the mixed nature of a development. Section 10.4.8 states:

“... where a developer can demonstrate to the satisfaction of the Planning Authority that parking spaces will be utilised throughout the day by a number of different users, availing of different facilities within a proposed development, the Planning Authority may, in the interest of sustainability, take this multi use into account when assessing parking needs.”

The applicant submits that the community and office uses within the scheme would predominantly generate day time parking demand, when many of the residential units would be unoccupied. This is reasonable and, given that there is a shortfall of only 4 no. spaces and with regard to the location of the site in an established area within walking distance of the city centre, the proposed parking provision is considered acceptable. The submitted Road Safety Audit includes swept path analyses for vehicles circulating within the car park. The layout was revised such that there are 2 no. disabled spaces adjacent to lifts. This layout is satisfactory overall.

The basement layout indicates 40 no. cycle parking spaces in stands close to lift / stair access. This exceeds the following cycle parking standards set out in development plan figure 10.2:

Development	Cycle Parking Standard	Requirement
4 no. houses 27 no. apts (F.I)	1 space per residential unit	31
Place of worship / public hall / community centre 30 seats	1 space per 20 persons	2
Office 50 sq.m.	1 car space per 50 sq.m. GFA	1
Total Requirement		34

The proposed car and cycle parking provision is considered to be acceptable on this basis.

7.4.3. Access to Refuse Storage

Communal bin storage for the entire development is to be provided at an area within the basement car park. The applicant submitted details of proposed refuse collection as further information. A local refuse collection operator was consulted to advise on likely refuse collection requirements, based on average annual family waste generation rates. This indicates that the development would require 4 x 1100lt general waste bins, 4 x 1100 lt recycling waste bins and 3 no. 140 lt compost bins, to be collected weekly. These are to be stored within a secure area in the basement, details of same are submitted. The contractor has advised that the bins are to be collected by reversing from Old Callan Road into the basement. An autotrack analysis of bin lorry movements has been submitted. The provision of refuse storage at ground floor level is generally preferable to basement refuse storage. However, given that the scheme does not include street level vehicular access, the proposed arrangement is acceptable and I am satisfied that the refuse storage and collection will not result in a traffic hazard.

7.4.4. Traffic Impacts

The TIA is based on traffic counts carried out on 19th of October 2016 during the AM and PM peak periods, at the existing Old Callan Road / Dean Cavanagh Place / Walkin Street / St. Rioch's Street junction. The appeals state concerns that the traffic counts were carried out on the day of a teachers' strike, when schools were closed, and therefore are not indicative of true traffic conditions in the area. However, the planning authority response to the appeal notes that the ASTI website does not indicate that a strike took place on the date of the traffic survey and that the survey did therefore account for school traffic. The TIA future traffic estimates were carried out using a PICADY model for a development completion year of 2018, 2023 5 years after completion and 2033 15 years after completion. Capacity assessments were carried out for the Old Callan Road / Dean Cavanagh Place / Walkin Street / St. Rioch's Street junction and for the proposed site access from Old Callan Road. Both junctions are operating within capacity at present. Predicted Ratio to Flow Capacity (RFC) figures are well within acceptable parameters (<0.85) for both junctions for the opening year of 2018 and the design years of 2023 and 2033. Having regard to this analysis, I am satisfied that the development would not have any undue adverse impact on traffic in the vicinity.

7.4.5. Conclusion

The proposed vehicular access and the design and layout of the scheme, including the parking provision, are generally in accordance with the guidance provided in DMURS. It is considered that the development is not likely to generate significant amounts of additional traffic such as would result in a substantial increase in traffic congestion in the vicinity. The proposed roads design and layout and parking provision are therefore satisfactory.

7.5. **Other Matters**

7.5.1. Site Services

The civil and structural engineering planning report submitted with the application states that the below slab basement runoff / rainwater drainage is complete. The attenuation tank and storage volume area are as permitted under 05/108 and are cast in situ reinforced concrete walls, from basement to the underside of the podium level. The tank is to be cleaned out and remediated as part of the development. The outfall point is as per 05/108. The development includes a new surface water layout for the ground level landscaping and roof areas, which will drain to the basement attenuation tank. There is no increase in hardstanding to that permitted under 06/102, therefore the existing volume is to be retained and a hydrobrake fitted to discharge rainwater at a controlled rate. All foul and watermain loads are similar to those granted in the previous planning permission. It is proposed to position foul sewer drainage lines underneath the suspended podium slab and discharge out through the retaining wall of the development to a proposed new manhole at Old Callan Road, which will connect to the existing public sewer system. The development is to be served by the existing 100mm diameter watermain from the adjacent road network. I note that the planning authority has no objection to the arrangements and that the Irish Water report on file, dated 18th July 2016, states no objection. The proposed site services are therefore considered acceptable.

7.5.2. Appropriate Assessment

I note the AA screening report on file by the planning authority, dated 6th September 2016, which concludes that significant impacts can be ruled out and / or AA is not required. I note the urban location of the site, the lack of direct connections with regard to the source-pathway-receptor model and the nature of the development. It

is reasonable to conclude on the basis of the information available on the file, which I consider adequate in order to issue a screening determination, that the 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 sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

7.5.3. Part V and Development Contributions

7.5.4. The development is to be carried out by an AHB. Section 96(13) of the Planning and Development Act 2000 (as amended) specifies that the provision of houses by an approved body for social housing and / or affordable housing is exempt from Part V requirements. The conditions recommended below therefore do not include a requirement to meet Part V requirements but do specify that the permitted development must be carried out by an AHB. I note that the current Kilkenny County Council section 48 development contribution scheme adopted by members on 20th June 2016 provides the following exemptions:

“Where a planning permission is issued for the construction of residential units, which is constructed by a Voluntary Housing body, and is not to be used mainly for profit or gain and which is recognised as such by the Planning Authority.

Social housing units which are provided in accordance with an agreement under Section 96 of the Planning and Development Acts, 2000-2015 to Kilkenny County Council / Voluntary Housing Body which is recognised as such by the Planning Authority.”

It is considered that these exemptions apply to the proposed development and therefore conditions requiring development contributions are not recommended.

8.0 **Recommendation**

8.1. I recommend that planning permission should be granted, for the reasons and considerations as set out below.

9.0 Reasons and Considerations

Having regard to the site's location close to Kilkenny city centre on lands zoned as 'Existing Residential' in the Kilkenny City and Environs Development Plan 2014-2020, the nature, scale and design of the proposed development, the availability in the area of a wide range of social infrastructure, to the pattern of existing and permitted development in the area, and to the provisions of the Kilkenny City and Environs Development Plan 2014-2020, the Urban Design Manual – A Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May, 2009, the Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government in December, 2015 and 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, 2013, 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 or of property in the vicinity, would respect the existing character of the area and would be acceptable in terms of traffic and pedestrian safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 14th day of November 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. The development shall only be undertaken by an Approved Housing Body (AHB), in accordance with section 6 of the Housing (Miscellaneous Provisions) Act 1992. Neither the development in its entirety nor separate units shall be disposed of, except for the purposes of 'not for profit' voluntary housing provision.

Reason: In order to comply with the requirements of section 96(13) of the Planning and Development Act 2000, as amended.

3. The proposed development shall be amended as follows:
 - (a) omit Block C, houses numbers 1 to 4 and use this area as landscaped communal open space for residents of the scheme and as access to basement services.
 - (b) The roof profile of block A shall be revised so as to provide a unified ridge profile when viewed from approaches on Walkin Street and Old Callan Road.
 - (c) The wall enclosing the private open spaces accessed from Old

Callan Road at ground floor level of block A shall be replaced by fencing and soft landscaping.

Reason: In order to create a satisfactory standard of residential development and in the interests of visual amenities.

4. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

(a) A plan to scale of not less than 1:500 showing –

(i) The species, variety, number, size and locations of all proposed trees and shrubs;

(ii) Details of screen planting;

(iii) Details of roadside/street planting;

(iv) Hard landscaping works, specifying surfacing materials, furniture, play equipment and finished levels;

(b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment;

(c) A detailed layout and specification for the play area, to include seating for parents / guardians;

(d) A timescale for implementation.

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.

Reason: In the interest of residential and visual amenity.

5. The developer shall retain the services of a suitably qualified Landscape Architect throughout the life of the site development works. A Practical Completion Certificate shall be signed off by the Landscape Architect when all landscape works are completed to the satisfaction of the planning authority in consultation with the Parks and Landscape Services Department, and in accordance with the permitted landscape proposals.

Reason: In the interest of the proper planning and sustainable development of the area.

6. The open spaces shall be developed for, and devoted to public use.

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

7. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any dwelling.

Reason: In the interests of amenity and public safety.

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

Reason: In the interest of visual and residential amenity.

9. 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.

10. Proposals for a name, numbering scheme and associated signage for the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of orderly development.

11.
 - (a) The roads and traffic arrangements serving the site (including signage) shall be in accordance with the detailed requirements of the planning authority for such works and shall be carried out at the developer's expense.
 - (b) The footpaths shall be dished at the basement car park access ramp in accordance with the requirements of the planning authority.
 - (c) The materials used in any roads/footpaths provided by the developer shall comply with the detailed standards of the planning authority for such road works.
 - (d) The developer shall carry out a Stage 3 Road Safety Audit of the

constructed development on completion of the works and submit to the planning authority for approval and shall carry out and cover all costs of all agreed recommendations contained in the audit.

Reason: In the interests of traffic, cyclist and pedestrian safety.

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

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

13. 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.

14. 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 hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

15. A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

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

16. (a) All areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company.

(b) Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the dwellings are made available for occupation.

Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

17. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and

maintenance until taken in charge of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be determined by An Bord Pleanála.

Reason: To ensure the satisfactory completion of the development.

Sarah Moran
Senior Planning Inspector

27th April 2017