



An
Bord
Pleanála

Inspector's Report ABP 300835-18

Development	Mixed use Village Centre development in 3 separate phases.
Location	Athgarvan Inn, Newbridge Kilcullen Road, Athgarvan, Co. Kildare.
Planning Authority	Kildare County Council.
Planning Authority Reg. Ref.	17/393.
Applicant(s)	Jim Rainsford.
Type of Application	Permission.
Planning Authority Decision	Refusal.
Type of Appeal	First Party vs. Refusal.
Appellant(s)	Jim Rainsford.
Observer(s)	Valerie and Alan Hanbury.
Date of Site Inspection	1 st May 2018
Inspector	Susan McHugh.

1.0 Site Location and Description

- 1.1. Athgarvan is a small village located in central Kildare between c. 3km south of Newbridge Town Centre and c. 4km north west of Kilcullen. The town is located along the R416 Regional Road between Newbridge and Kilcullen. The L2032 Local Secondary Road runs east/west through the village connecting Two Mile House to the Curragh.
- 1.2. The subject corner site is located to the north east of the crossroads in the village centre. To the southeast of the crossroads is an area of open space within the Liffey Mill residential estate which comprises two storey detached and terraced residential properties. To the southwest of the crossroads is a large vacant plot. Further south are two local shops and a residential development. Directly west of the crossroads is a grass verge and bus stop beyond which is the Milford residential estate. The village in the main is characterised by established and recently constructed residential developments.
- 1.3. To the north and east of the site are existing detached bungalows within Athgarvan Heights and Rosemount Court respectively. To the southeast is an existing dormer bungalow which is in use as a community-based residential dwelling.
- 1.4. The appeal site has an area of 0.847ha includes the 'Athgarvan Inn' public house and restaurant, guest house and associated surface car park to the rear. The overall site includes a grassed area to the rear further to the east of the car park and to the north of the entrance and car park. The two storey building addresses the corner, with the front elevation facing onto the R416 and the gable facing the L2032. The northern side gable is a single storey element.
- 1.5. The existing splayed vehicular entrance to the surface car park is from the R416 to the west, which also provides a yellow box at the junction. There is an existing bus stop north of the vehicular entrance, along the grass verge. The carriageway to the south along the L2032 includes a solid white line. There are no footpaths on either side of both roads north and east of the existing premises.

- 1.6. There are traffic lights and pedestrian crossings at the crossroads along the R416, and at the junction with the L2032. There is a pedestrian gate to the rear of the guest house.
- 1.7. The site is relatively level and falls slightly to the east. Existing ground levels are approx. 2m above the sites to the north and east. The boundary to the north with No. 13 Athgarvan Heights, and to the east with no, 9 Rosemount Court is defined by a masonry block work wall.

2.0 Proposed Development

- 2.1. The application was lodged with the planning authority on the 11/04/2017 with further plans and details submitted on 10/11/2017. The latter triggered revised public notices.
- 2.2. The proposal as amended comprises:

Permission to develop the Village Centre Site surrounding the 'Athgarvan Inn' in 3 separate phases. It is proposed to provide a new streetscape along the Newbridge/Kilcullen Road and the Two Mile House Road, with residential development to the rear of the overall site arranged around a central area of open space as follows;

- Phase 1:
 - Construction of a detached 2 storey building located to the north of the 'Athgarvan Inn' addressing the Newbridge/Kilcullen Road, consisting of;
 - 5 No. commercial units at ground floor level (turf accountant, chemist, doctors' surgery, restaurant and office unit).
 - 3 No. 2 bedroom apartments at first floor level, located above the three centre units, each with balcony to rear and own door access from the street. A first floor office unit with separate access from the street is also located above the southern end unit.
 - The block and shopfronts are traditional in form. Both end units are stepped back and lower in profile including shopfronts along the north and south elevations respectively. Finishes to the proposed block include nappe plaster finish, hardwood windows and doors, natural slate finish,

cast iron rainwater goods and hardwood fascia and soffit to front façade. Signage is to be hand painted on hardwood.

- Construction of a public footpath along the front of the units, public realm area with bicycle parking, parallel car parking and selected planting areas and public lighting along the Newbridge/ Kilcullen Road.
- Phase 2:
 - Construction of 6 No. terraced 2 storey 3 bedroom houses located to the east of the 'Athgarvan Inn' addressing the Two-Mile House Road. These are traditional in style with staggered building line.
 - Dedicated car parking spaces and communal bin storage area are located to the rear with pedestrian entrance gates from the rear garden wall to each house.
 - Construction of the continuation of the public footpath along the length of front site boundary with parallel parking, landscaped areas and public lighting.
- Phase 3:
 - Construction of 6 No. Age Friendly (Step Down) single storey houses in 2 Blocks as follows: -
 - Block 1 is a terraced Block of 4 No. 2 bed Houses located to the north and
 - Block 2 is a semi-detached Block of 2 No. 2 bed Houses located to the east.
 - Dedicated parking and communal bin storage is located in the north east corner and the houses face onto a shared green.

2.3. All 3 phases are subject to an overall site masterplan incorporating communal car parking, public open space and landscaping in conjunction with the 'Athgarvan Inn' (on the Newbridge/Kilcullen Road) to serve the overall development.

2.4. It is proposed to widen the existing vehicular entrance from the Newbridge/Kilcullen Road retain the existing pedestrian gate and provide a new pedestrian entrance onto the Two-Mile House Road.

2.5. Surface water disposal is by way of underground surface water attenuation tank which is located centrally within the site beneath the area of open space. It is proposed to connect to the public watermain and foul sewer on a phased basis.

2.6. The application was accompanied by:

- Planning Report and Design Statement
- Digital images and photomontages
- Landscaping plan
- Traffic Report

2.7. In response to the further information request the following were submitted:

- Revised Digital images and photomontages
- Mobility Management Plan and Road Safety Audit Stage 1
- Site Specific Flood Risk Assessment
- Services Design Report

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to refuse permission for three no. reasons.

1. Having regard to the established low-rise residential character of the immediate area surrounding the subject site in the village of Athgarvan, and the significant variance in associated ground levels between the established residential area to the north and east of the site, and the proximity of the proposed development upon the mutual site boundaries to the north and east, with inadequate separation distances between the existing and proposed built form; the proposed development would result in an overbearing development which would seriously injure the residential and visual amenity of established residential property in the vicinity, and would therefore be contrary to the proper planning and development of the area.

2. The proposal to create an intensification of an old inappropriately located vehicular entrance to the development will create additional traffic hazards; without addressing the need to improve both, (a) sightlines at the entrance and (b) reduce conflict close to the adjacent busy junction between the R416 and L2032. Furthermore, the proposed development would result in a significant shortfall in on-site car parking provision for future occupiers and would result in an obstruction of the entrance and inappropriate parking near an adjacent busy junction and would be contrary to Kildare County Development Plan 2017-2023, parking standard provisions of Table 17.10 therein. The traffic movements generated by the proposed development would endanger public safety by reason of a traffic hazard and obstruction to road users and would, therefore be contrary to the proper planning and sustainable development of the area.
3. The proposed development of the 3 Bed terraced house type 2, would result in a shortfall in the required minimum storage provisions for housing units, as per Policy 17.4.5 of the Kildare County Development Plan 2017-2023, and would result in a loss of residential amenity for future occupiers and therefore be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. The **1st Planner's Report** dated **02/06/2017** is the basis for the Planning Authority decision. It includes;

- **Phase 1** – *Commercial/retail units and apartments*; First floor apartments meet the required minimum floor areas and Standards as per the 'Sustainable Urban Housing: Design Standards for new Apartments' and the standards as outlined in Chapter 17 Development Management Standards of the Kildare County Development Plan.
- The overall dimensions of the block are considered appropriate given the location of the site in a rural village, however concerns in relation to the proposed finished floor level which is approximately 3 metres above the existing/adjacent lands to the immediate north. Similar concerns regarding finished floor levels elsewhere on the site, given the adjacent residential lands

topography which are lower. Boundary treatment to the north should be set back in line with the staggered frontage of phase 1. Recommends section drawings and revised drawings be submitted.

- *Existing Bus Stop* – Would benefit from inclusion in the public domain improvements, proposals to be submitted.
- **Phase 2** – *Terraced housing to the southern boundary*; The terrace is of neo-Georgian styling with double-height canted bay window features, applicant should submit revised and more innovative design approach which integrates well with the existing streetscape. Designated parking for the terraced units to be identified. The west facing end of the terrace units gable end would benefit from additional fenestration/feature to enhance the streetscape and increase passive surveillance of pedestrian access and surface car park. Boundary wall to rear gardens should be planted, and communal bin storage areas and screening to be detailed.
- **Phase 3** – *'Age-friendly' residential units*; The contiguous front elevation illustrates stepped access however the change in level is not indicated on plans. Concern regarding overall height of units in close proximity to mutual boundaries with adjacent housing, longitudinal and cross sections and reduction in ridge height to single storey only recommended to be submitted. Revised details in relation to western side of terrace boundary wall.
- Recommends further information.

3.2.2. The 2nd **Planner's Report** dated **03/01/2018** included the following;

- **Phase 1** – *Commercial/retail units and apartments*; Concerns regarding level differential and associated proximity of the proposed development to adjoining low rise residential development; longitudinal site sections do not illustrate the existing finished floor levels of adjacent residential dwellings, landscaping plan is noted along with the setback of the northern perimeter of the buildings footprint, the bus stop area to the side of a pedestrian footpath and main vehicular entrance to the overall site is not considered appropriate, details of finishes noted.

- **Phase 2** – *Terraced housing to the southern boundary*; Revised elevational treatment which is traditional or pastiche is an improvement, revised site layout showing notated car parking is noted, aggregate floor areas for each unit supplied, revised boundary treatments are satisfactory, communal bin storage area screening noted and a revised western gabled elevation of the end terrace unit is noted.
- **Phase 3** – *'Age-friendly' residential units*; Overall ridge height reduced and screening of a 2 metre high masonry wall noted by applicants will ease potential overlooking, the planning authority however still note proximity of the units and variance in levels is of serious concern in terms of overbearing impact, revised boundary treatment on landscape master plan noted.
- Recommends refusal.

3.3. Other Technical Reports:

- **Transportation Department:** The **1st Report** dated 01/06/2017 recommended further information. A mobility management plan is required, consideration to be given to the relocation of the main vehicular entrance on the Newbridge side due to a danger of a queue of northbound traffic trying to enter the new development, a detailed stage 1 & 2 Road Safety Audit required, investigate the need to signal upgrade at the Athgarvan Cross Roads, footpaths to be 2m wide, a car parking schedule to be submitted, issues such as manoeuvrability, parking bay dimensions, cycle parking to be considered and details submitted, a swept path analysis to be carried out. Applicant requested to submit a drawing showing sight lines at the exit in compliance with DMURS, and details in relation to public lighting.
- The **2nd Report** dated - 05/12/2017 recommends **refusal** noting that the proposed vehicular entrance had not been moved further north and has the potential to block the Athgarvan Cross Roads, the response to further information did not address the danger of a queue forming of more than four southbound vehicles, along the northern arm of the Athgarvan Cross Roads, which will result in the entrance being blocked for both access and egress. Notes the over dependence on driver compliance with an existing yellow box,

and recommends the developer reposition the entrance. Notes the further information response on the signalised junction operation was inaccurate, and states that a Vehicle Actuated Controller is in place at the intersection between the R416 and L2032 and not a MOVA system. The report notes that the L2032 is one of the few River Liffey Crossings near Newbridge and is therefore, a strategically important route. The L2032 carries significant traffic volumes and there is an increased risk of side-swipe collisions if a queue forms on the R416.

A stage 2 Road Safety Audit (RSA) was required and only a Stage 1 RSA was carried out. No details submitted in relation to third party stakeholders to set back boundaries or to reposition existing bus stops on either side of the R416. In relation to car parking vehicles in parking spaces 21-24 would obstruct the sightlines of drivers exiting the development, while the RSA recommended removal of these parking spaces, failure to address sight visibility distances at the entrance would endanger public safety by reason of traffic hazard. There appears to be a shortfall of 21 spaces for this out of town settlement which is likely to create significant problems for future residents. There are issues of manoeuvrability, and parking bays should ideally meet minimum dimensions. The swept path analysis such as 'auto-track' will have to be redone to demonstrate manoeuvrability for refuse trucks, and delivery vehicles which avoid pedestrian route. A revised layout should be submitted indicating the relocated entrance and parking. In relation to access and egress the drawing submitted 117-A23-LP01 shows the line of sight clashing with recessed parking areas along the R416. The Road Safety Audit Stage 1, demonstrates that without revised parking layout, visibility is not yet in compliance with the Design Manual for Urban Roads and Streets (DMURS).

- **Water Services:** Report dated 12/05/2017 recommended further information with regard surface water drainage and attenuation and flood risk.
- **Environment Section:** Report dated 25/05/2017 - no objection subject to conditions.
- **Area Engineer:** Report dated 22/05/2017 - no objection subject to conditions.

- **Housing:** Report dated 25/05/2017 recommended further information clarifying details of Part V units. Report dated 29/11/2017- no objection subject to conditions.
- **CFO:** Report dated 24/05/2017 - no objection subject to conditions.

3.4. Prescribed Bodies

- **Irish Water:** Report dated 16/05/2017 - no objection subject to conditions.
- **Inland Fisheries:** Report dated 22/05/2017 - no objection subject to conditions.

3.5. Third Party Observations

3.5.1. Five no. observations were submitted from the following parties;

1. Bridget Parnell and Ping Lee
2. David Fitzgerald
3. Noreen Byrne
4. James and Anne Marie Kelly
5. Mel and Trish Mimmagh

3.5.2. The issues raised are summarised as follows;

- *Concurrent application* - P.A. Reg. Ref. 17/429, query commercial viability of proposed scheme.
- *Traffic and Parking* - Notes existing neighbourhood centres and car parking provision in comparison to proposed development; concerns regarding on site public car parking to cater for commercial and residential development, concern regarding parking for apartments given proximity of commercial units, need for traffic management study to be carried out, to identify traffic speeds, address need for turning areas for vehicles.
- *Premature* - road widening and a bus stop proposed in a previous Local Area Plan and concerns proposed development is premature.
- *Existing bus stop* - considered to be a safety hazard for passengers.

- *Local national school* – is at capacity, and current proposal does not include any community facilities contrary to the LAP for the area.
- *Co-ordinated development of the village centre* – the planning authority should seek further information from an architect.
- *Drainage* – concern regarding local sewage system and additional loading.
- *Negative impact on residential amenity* – overlooking and overshadowing of adjoining residential plots given raised site levels, noise pollution, and devaluation of residential property.

Two third party observations were submitted in response to the further information response from the following parties;

- Valerie and Alan Hanbury
- Mel and Trish Mimmagh

3.5.3. The issues raised are summarised as follows;

- Proximity of the proposed development to adjoining residential development.
- Overlooking and overbearing impact.
- Location of bin storage area and associated nuisance to residential amenity.
- Senior housing should be safeguarded by condition.
- Insufficient car parking.
- Traffic and danger to pedestrians.
- Overdevelopment of the site and the village.
- Traffic audit submitted is misleading and does not take account of adjacent development.
- The site should be developed in a more co-ordinated manner for the overall benefit of the local community.

4.0 Planning History

4.1. Appeal Site

P.A. Reg. Ref. 97/1383: Permission **granted** 04/03/1998 for change of use from existing dwelling to guest house on first floor level incorporating new 2 en-suite bedroom extensions and change of use from existing residential sitting room, dining room, kitchen, lounge, entrance hall and toilet to new at Athgarvan Inn.

4.2. *Adjacent Corner site to south west of the Crossroads*

P.A. Reg. Ref. 17/429: Permission **refused 2/05/2018** for mixed use development as follows:

- (A) Two storey mixed use building consisting of 1 no. corner shop unit and 5 no. apartment units at ground floor and 1 no. medical suite unit-3 consultants and 5 no. apartments at first floor level,
- (B) Courtyard area, connection to mains sewer, car parking, landscaping, boundary walls, services and all associated site development works
- (C) Demolition of single storey derelict building facing onto Kilcullen Road.

Permission was refused for three reasons, referring to a limited mix of uses, lack of active street frontage, and the quality of private amenity space and inappropriate location of apartment numbers 1 and 6 which are single aspect and north facing that do not overlook a significant amenity.

5.0 Policy Context

5.1. Kildare County Development Plan 2017-2023

- 5.1.1. **Chapter 3** Athgarvan is identified in the County Settlement Hierarchy Table 2.2 as a 'Small Town'.

In respect of small towns **Chapter 4** sets out indicative density levels in Table 4.2 for centrally located sites within Small Towns/Villages of between 30-40 units per ha.

- 5.1.2. **Chapter 5** In respect of small towns 'the Council will seek to encourage local employment opportunities that assist in reducing long distance commuting patterns and support sustainable communities.'

5.1.3. **Chapter 9** sets out Retail Strategy, and identified within the Retail Hierarchy as a Small Town Level 4.

5.1.4. **Chapter 16** sets out Urban Design Guidelines.

5.1.5. **Chapter 17** sets out Development Management Standards.

Table 17.9 sets out car parking standards.

Section 17.7.6 refers to car parking standards are set out in Table 17.9 which are *‘to guide proposed development. Other than ‘Residential’, parking standards are maximum standards, having regard to the need to balance demand for parking against the need to promote more sustainable forms of transport, to limit traffic congestion and to protect the quality of the public realm from the physical impact of parking. Therefore, the number of spaces provided should not exceed the maximum provision.’*

5.2. **Athgarvan Small Town Plan**

5.2.1. The site is within an area zoned ‘A – Town Centre’, the objective for which is *‘to provide for the development and improvement of appropriate town centre uses including residential, commercial, office and civic use’*.

5.2.2. While the purpose of this zoning is to protect and enhance the special character of the town centre and to provide for an improve retailing, residential, commercial, office, cultural and other uses appropriate to the centre of a development town, it is an objective of the Council to encourage the use of buildings and backlands. The size and scale of all new developments particularly retail developments should not be out of character with the already established town centre area. Dwelling are ‘permitted in principle’ within this zoning objective.

5.2.3. The following objectives are relevant;

AT 1: *‘Seek the development of lands for residential development during the lifetime of this Plan largely within the town centre zone, areas designated as existing residential / infill and on lands zoned for residential, in accordance with the principles of proper planning and sustainable development’*.

5.2.4. **Section 1.2.7.2** refers to Economic Development:

‘Athgarvan is identified in the Economic Development Hierarchy of County Kildare as a local employment centre, However, there is a scarcity of local employment

facilities in the town, other than the Athgarvan Frain Company Ltd, the school, local shops and public house’.

It is an objective of the Council to:

AT 3: *‘Encourage the development of industrial and employment uses which are compatible with the character of the town.’*

AT 4: *‘Encourage the further development of tourist activity based on the amenity of the River Liffey and the Curragh.’*

5.2.5. **Section 1.2.7.3** refers to Town Centre:

It is an objective of the Council to:

AT 5: *‘Provide for the consolidation of the urban fabric of the town centre through the provision of additional retail/commercial floorspace.’*

AT 6: *‘Promote the identified town centre development site for appropriate town centre uses. (See Section 1.2.7.11)’.*

AT 7: *‘Prepare an Environmental Improvement Scheme for the town centre to visually enhance the streetscape and key town spaces’.*

5.2.6. **Section 1.2.7.4:** refers to Movement and Transport:

It is an objective of the Council to:

AT 11: *‘Carry out the following road improvements: - Improve the R416 Regional Road at Athgarvan as part of the overall improvement works from Kinneagh to Newbridge. These improvement works should also include consideration of adequate walking and cycling provision.’*

Traffic and Parking

AT 12: *‘Prepare a traffic management study for the town’.*

AT 13: *‘Improve road markings on all approach roads to the town and within the town centre’.*

AT 14: *‘Designate shared parking for local uses where appropriate in the town’.*

AT 19: Provide new footpaths at the following locations:

- *‘Along the Twomilehouse Road from Athgarvan Crossroads to Rosemount Court.’*
- *‘Along the eastern side of the R416, north of Athgarvan Crossroads to beyond Athgarvan heights.’*

Public Transport

AT 23: *'Upgrade the existing bus stops to the north of Athgarvan Crossroads, incorporating appropriate shelters and pick-up and setdown areas.'*

5.2.7. **Section 1.2.7.7** refers to Retail and Commercial Development:

'Athgarvan is identified in the Kildare County Retail Hierarchy as a Level 4, Tier 2 Small Town Centre. The Council will seek to consolidate the town centre through the re-use and regeneration of lands and buildings within the town.'

It is an objective of the Council to:

AT 33: *'Increase the retail/commercial offer in Athgarvan, to serve local needs, by seeking development of redundant, vacant and/or underutilised town centre sites'.*

AT 34: *'Actively pursue the redevelopment of the identified town centre development site to increase the retail/commercial offer of the town. (See Section 1.2.7.11).'*

5.2.8. **Section 1.2.7.11** refers to Development Site and Design Objectives which relate to the appeal site identified in Figure 1.2.1. as A.

AT 42: *'Actively seek the redevelopment of the identified town centre development site, for town centre use including a community/civic/ focus.'*

AT 43: *'Ensure that new development provides a landmark for Athgarvan which will define the entrance to the town centre.'*

AT 45: *'Provide an attractive streetscape along the R416 Regional Road and the Local Secondary Road L2032, providing on street parking and using high quality materials to create a quality public realm.'*

5.3. **Relevant Government Policy**

Quality Housing for Sustainable Communities – Best Practice Guidelines 2007;

Sustainable Residential Development in Urban Areas 2008;

Urban Design Manual;

Sustainable Urban Housing : Design Standards for New Apartments – Guidelines for Planning Authorities;

Design Manual for Urban Roads and Streets 2013;

Site layout Planning for Sunlight and Daylight.

5.4. Natural Heritage Designations

There are no designated areas in the vicinity, the following European sites are within a 15km radius of the appeal site:

Site Name	Designation	Site Code	Distance
Pollardstown Fen	SAC	000396	4.2km NW
Mouds Bog	SAC	002331	6km N
River Barrow and River Nore	SAC	002162	11.2km SW
Poulaphouca Reservoir	SPA	004063	13.4km E

6.0 The Appeal

6.1. Grounds of Appeal

A first party appeal against the decision to refuse permission by the planning authority has been lodged by Derek Whyte Planning Consultant on behalf of the applicant. It was accompanied by;

- Revised site layout, site services, floor plan drawings, landscaping scheme and 3D images,
- Traffic Report and Traffic Safety Report,

In summary, it states:

Reason for Refusal No. 1.

- The planning authority in their assessment have downgraded Athgarvan from a Small Town to a Village which is at variance with planning policy in relation to Athgarvan.
- Planning assessment is unfairly balanced and weighted towards existing residential development and not the zoned town centre lands or the objectives and policies for the development of Athgarvan

- Planning assessment misinterprets planning policy for development of town centre and is overly negative.
- Accept that some cognisance must be taken for adjacent development, but the town centre must take priority, and a balance between the need for positive town centre development and the requirements of the adjoining land uses is necessary.
- Age friendly housing - Planning authority have misinterpreted the drawings, with respect to the age friendly single storey bungalows. These have been deliberately designed to avoid potential overlooking and takes account of difference in site levels. Cross section Drg. No. JR/APP-001 refers. Proposed boundary treatments will screen adjoining residential development. Development is appropriate on this backland site.
- Question whether the residential and visual amenity of adjoining residential development is reduced to such a degree to warrant a refusal for age friendly housing. There is a planning gain in having older people living in the town centre.

Reason for Refusal No. 2.

- Proposals to provide on-street car parking is appropriate, but willing to relocate 4 no. spaces to an alternative location within the site Drg. No. JR/APP-002 refers. Alternatively, the on-street spaces could be used to accommodate the bus stop.
- The Roads Department have incorrectly assessed existing development on site and car parking requirements. Assert that the existing car park is 25% underutilised. Car parking requirements set out in the County Development Plan are maximum standards and notes the presence of and proposals to upgrade the existing bus stop.
- Notes proximity of the site to the town centre and the need to protect the vibrancy of town centres and regenerate vacant/underused buildings.
- Car parking requirement for the public house and guesthouse is for a total of 24 spaces and not 49 spaces. Provides car parking calculations for requirements.

- No requirement for Stage 2 road safety audit. Reports attached confirm same.
- While the option of relocating the entrance as requested by the Roads Department was considered, the alternative did not improve sightlines or safety due to the vertical alignment of the Road.

Reason for Refusal No. 3.

- The planning authority have not taken account of the generous floor areas of houses proposed and the potential for storage. Revised drawings submitted indicate 9sqm storage area for House Type 2, Drg. No. JR/APP-003a refers. Notes recent decision by the planning authority for a residential development with less than 9sqm storage space.

Conclusion

- Development delivers a perfect example of a mix of residential development and commercial development in the town centre.
- Permeability, public open space, streetscape landscape and much improved public realm area to a high standard of urban design and proper planning have been maximised.
- The commercial development will complement existing commercial uses and ensure the future sustainability and commercial viability for Athgarvan.
- Request the Board to overturn the decision to refuse permission.

6.2. Planning Authority Response

The planning authority responded to the first party appeal on 12/03/2018.

Reason for Refusal No. 1.

- Maintain that the proposed development by virtue of the significantly elevated topography of the appeal site relative to existing low rise development on adjoining sites, and proximity to adjoining development would seriously injure the residential and visual amenities of the established residential property in the vicinity.

Reason for Refusal No. 2.

- Remain of the opinion that the proposed development would result in an obstruction of the entrance and inappropriate parking near an adjacent busy junction and would be contrary to the Kildare County Development Plan and parking standards. Assert that traffic movements generated by the proposed development would endanger public safety by reason of a traffic hazard and obstruction to road users.

Reason for Refusal No. 3.

- The Board is directed to Section 17.4.5 of the Kildare County Development Plan which states '*As a rule, no individual storage room within a dwelling should exceed 3.5sqm*'. There is no policy requirement within the Development Plan to provide the required minimum storage space within one single room and such practice is discouraged.
- The demonstrable shortfall in minimum storage space requirements for the 3 bed terraced house type 2 units would result in a loss of residential amenity for future occupants.
- Notwithstanding the information submitted on appeal which includes minor modifications the planning authority remain of the opinion that the proposed development would not contribute positively to the character of the area.

6.3. Observations

6.3.1. One observation was submitted from the following parties:

- Valerie and Alan Hanbury

6.3.2. The issues raised are summarised as follows;

- Overlooking, overshadowing
- Odours, hygiene and vermin associated with bin storage area
- Noise and nuisance

- Condition that units be for old folks only
- Traffic and Parking
- Overdevelopment

6.4. Applicant Response

The applicant responded to the planning authority's response on 24/04/2018. The issues raised can be summarised as follows;

- Disappointed at the attitude and lack of planning appreciation for the town centre development.
- Lack of positivity towards this relatively modest development on town centre, overgrown and underutilised land is disheartening.
- Respectfully argue that the proposed development does not seriously injure the residential and visual amenities of the adjoining single storey buildings.
- Contend that the planning authority have failed to acknowledge the contents of the appeal and instead focused on the response to the further information request.
- Reject the planning authorities view that existing houses hold greater weight in planning terms than town centre zoned lands.
- Town Centre development is a main economic driver of small villages, and recognises that development must be balanced while respecting residential and visual amenity.
- Queries whether the proposed development has a negative impact on adjoining houses to such an extent to warrant a refusal given their location adjoining town centre zoned land.
- Queries if the proposed development is not appropriate, what is appropriate.
- Notes reference in planning inspectors report on recent appeal ABP Reg. Ref. PL.09.248507 to the subject appeal site as an appropriate location for a mixed-use development.

- The proposed development was carefully considered and deliberately designed for Athgarvan, the two storey element is consistent with the majority of development along the main street. The single storey age-friendly houses were deliberately located to the rear of the site adjacent to existing single storey houses.
- Overall development represents an efficient use of scarce town centre zoned land, and will enhance the approach to Athgarvan from a visual perspective and facilitate improved pedestrian permeability.
- The traffic impact assessment carried out by the planning authority was incorrect and factually wrong with maximum car parking standards applied. The PA's response to the appeal repeated the incorrect roads departments assessment, and there is no requirement for a stage 2 Road Safety Audit.
- The proposed slightly amended site layout which removes car parking from the public road, and the provision of a dedicated bus stop contribute positively to the area, which also relies on an existing and established vehicular entrance.
- The existing and proposed access/egress arrangement represents the most appropriate and safe arrangement which is supported by the road safety audit.
- In relation to internal storage, the planning authority have focused on one element of internal design of the houses. The proposed houses are large in area and can easily provide 9sqm storage space as indicated on revised plans submitted on appeal. Refer also to recently granted permission in Athgarvan P.A. Reg. Ref. 16/1027 ABP PL.09.248507 on other town centre lands which do not explicitly show 9sqm storage.
- Request the Board to make a positive assessment and recognise the positive elements of the scheme. It may also be an option for the Board to omit one of the phases of development if required by way of condition.

7.0 Assessment

The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. Appropriate assessment also needs to be considered. The issues are addressed under the following headings;

- Planning Policy
- Design
- Residential Amenity
- Access, Traffic and Parking
- Compliance with Standards
- Appropriate Assessment

7.1. Planning Policy

- 7.1.1. The subject site is zoned 'A – Town Centre', the objective for which is 'to provide for the development and improvement of appropriate town centre uses including residential, commercial, office and civic use' under the Kildare County Council Development Plan 2017-2023. Landuses such as residential, office, doctors' surgery and restaurant are all acceptable under the zoning objective.
- 7.1.2. Under the Athgarvan Small Town Plan the site is located in the Town Centre. The Town Plan has an objective to protect and enhance the special character of the town centre and to provide for and improve retailing, residential, commercial, office, cultural and other uses appropriate to the centre of a development town. It is also an objective of the Council to encourage the use of buildings and backlands. The size and scale of all new developments particularly retail developments should not be out of character with the already established town centre area.
- 7.1.3. The subject site includes an existing commercial use and is located at a crossroads within a village settlement with abutting housing, Athgarvan Heights to the north and Rosemount Court to the east. The overall site including the surface car park and northern and eastern part of the site are underutilised.

- 7.1.4. The overall proposal includes a mix of dwellings and commercial uses with the focus being on creating a new streetscape along the R416 to the east and the L2032 to the south and the provision of age friendly houses arranged around an area of open space to the rear.
- 7.1.5. The proposed development is relatively modest and includes 15 residential units and 5 commercial units which will contribute to the town centre facilities. The proposed development supports urban consolidation and the use of a backland site.
- 7.1.6. The town is currently served by very limited commercial uses in proportion to the scale of residential development in the area. There are limited opportunities for commercial development within the town. The subject site is one of only few sites identified for town centre development with the other being located diagonally opposite on the south-western arm of the crossroads.
- 7.1.7. I am satisfied that the proposed development accords with planning policy for the town and is acceptable in principle.

7.2. Design

- 7.2.1. The proposal provides for a variety of house types including 3 No. 2 bedroom apartments at first floor over proposed commercial units, 6 No. two storey 3 bedroom terraced houses and 6 No. single storey terrace and semi-detached 2 bedroom houses
- 7.2.2. Initially, the planning authority was concerned that the design of the terraced houses located along the L2032 failed to provide an innovative approach within the context of the town and requested a revised design by way of further information. Revised proposals including digital images were submitted for a more traditional house type more in keeping with existing development in the town. In my opinion the setback from adjoining building lines, and the scale of the proposed two storey and single storey building envelope is appropriate to the existing pattern of development in the area.
- 7.2.3. I am satisfied that the height, massing and scale of the proposed buildings are appropriate to the village setting and location. The street frontage along the R416 is traditional with stepped ridge heights and lower elements at either end. The pallet of

different materials, finishes and the shopfront design creates a successful village streetscape rhythm.

- 7.2.4. The proposal to provide commercial uses with apartments over along the northern boundary and improvements to the public realm by providing a footpath is appropriate. Similarly, the proposal to provide a terrace of two storey houses along the southern boundary and provide a footpath and new pedestrian entrance while retaining the existing pedestrian gate will improve pedestrian permeability. The provision of age friendly housing in the heart of the village is also appropriate. In my opinion, the overall development will integrate into the existing streetscape, and provide a safe and functional living environment which results in a planning gain for the community.

7.3. Residential Amenity

- 7.3.1. Reason for refusal no. 1 relates to the overbearing impact the proposed development would have on established residential property in the vicinity which would seriously injure the residential and visual amenity of the area.
- 7.3.2. This issue was raised as a concern primarily because of the significant site level difference between the appeal site and the established residential areas to the north and east of the site and the proximity of the proposed development upon those mutual site boundaries.
- 7.3.3. House No. 13 Athgarvan Heights is located to the north of appeal site and home to the observer to the appeal. House No. 9 Rosemount Court is located to the east.
- 7.3.4. Each are low profile bungalows positioned with the side gable parallel to and set off the communal boundary wall by approx. 5m. The difference in existing site levels is indicated on Drawing No. JR/PLN-008a submitted by way of further information at approx. 2m.
- 7.3.5. The terrace of 4 No. single storey age friendly units would be located approx. 9m from the northern boundary, and 14m from the side gable of No. 13. The pair of semi-detached single storey age friendly units would be located approx. 4.8m from the eastern boundary, and 10m from the side gable of No. 9.

- 7.3.6. The single storey houses are low profile with a ridge height of 5.3m (reduced from 5.89m) and each house includes a double-glazed door and window to the rear elevation which serve two bedrooms. The main living areas are located to the front of the dwellings overlooking the communal area of open space. The terrace benefits from a south facing front aspect while the semi-detached houses have a west facing aspect.
- 7.3.7. As the proposed terrace and semi-detached houses are low profile single storey, I consider the separation distance from the communal boundaries to be acceptable. I would note that this is a village area, and a certain level of overlooking will and does occur onto residential curtilages. I viewed No. 13 and No. 9 from within the subject site, and vice versa during my site inspection, I believe the proposed terrace and pair of semi-detached houses are sufficiently set back from the side and rear gardens of No. 13 and No. 9 to ensure potential impacts are minimised. The applicant submitted revised proposals by way of further information to provide a 2m high masonry wall along the boundary to address potential overlooking of No. 9. The applicant has submitted further drawings on appeal Drawing No. JR/APP-001 which indicates this boundary and the line of sight between the proposed and existing development. I am satisfied that there will not be significant overlooking of No. 9.
- 7.3.8. The pair of semi-detached single storey age friendly units would be located approx. 4.8m from the eastern boundary, and 10m from the side gable of No. 9. The single storey houses are similarly low profile with a ridge height of 5.3m (reduced from 5.89m) and each house includes a double-glazed door and window to the rear elevation which serve two bedrooms. The main living areas are located to the front of the dwellings with a west facing aspect overlooking the communal area of open space.
- 7.3.9. I am satisfied that the height, massing and scale of the proposed buildings are appropriate to the village setting and location and will not be oppressive when viewed from the side or rear of No. 13, No. 9 or from other properties within the estate.
- 7.3.10. The orientation of the rear garden of No. 13 is easterly. The garden and the side of the dwelling will have the benefit of southern sun for most of the day. The orientation of No. 9 is southerly. Having regard to the low height of the proposed terrace and

pair of semi-detached houses and the separation distances proposed, it is my opinion, the impact of the proposal in terms of overshadowing will be minimal. The proposal will not result in an undue loss of light to the property at No. 13 Athgarvan Heights or No. 9 Rosemount Court.

7.3.11. I am satisfied that reason for refusal no. 1 should not be upheld.

7.4. Access, Traffic and Parking

7.4.1. Access to the subject site is proposed via an existing access from the R416 to where the speed limit is within the 50kph urban speed limit. A yellow box junction is within the section of the R416 where it connects with the existing site access. Two private bus stops are located to the north of the site access and opposite the existing site access. The access is located within 30m north of the traffic signal junction with the R416 and L2032. Given its location, the site has frontage across both roads.

7.5. It is proposed to provide new 2m wide footpaths and parallel parking spaces along the western boundary north of the access and along the southern boundary where at present there are no footpaths on either side of the R416 and L2032 along these road frontages.

7.5.1. The vehicular entrance will serve as access to surface car parking areas to the rear of the Athgravan Inn and commercial units with apartments over. The access road will then extend around the green serving the proposed age friendly residential units and associated parking areas.

7.5.2. Pedestrian access to the scheme is provided via an existing pedestrian gate and new pedestrian entrance from the L2032 and the main entrance. Bicycle parking is proposed to the north of the end commercial unit.

7.5.3. In terms of the proposed development, including the entrance to the site, it is a requirement that they must be considered against the Design Manual for Urban Roads and Streets (DMURS), DoTTS, March 2013. This manual replaces DMRB in respect of all urban roads and streets, and it does not differentiate between public and private urban streets, where a 60kph speed limit or less applies. The DMURS provides for radically new design principles and standards. The implementation of DMURS is obligatory and divergence from same requires written consent from

relevant sanctioning authority (NRA, NTA or DTT&S). The Manual seeks to address street design within urban areas (i.e. cities, towns and villages). It sets out an integrated design approach. What this means is that the design must be:

- a) Influenced by the type of place in which the street is located, and
- b) Balance the needs of all users.

7.5.4. DMURS sets out a road user priority hierarchy as follows:

1. Pedestrians
2. Cyclists
3. Public Transport
4. Car user.

7.5.5. The key design principles for roads include –

- Integrated street to promote higher permeability and legibility;
- Multi-function, place-based, self-regulating streets for needs of all users;
- Measuring of street quality on the basis of quality of the pedestrian environment.
- Plan-led, multidisciplinary approach to design,
- The importance of this design approach is dependent on site context, but also on road type – local, arterial or link. The DMURS defines hierarchy of places based on place-context and place-value, with centres (such as town and district centres) having the highest place-value. Places with higher context/place value require:

Greater levels of connectivity;

Higher quality design solutions and highlight place;

The promotion of higher levels of pedestrian movement;

A higher level of integration between users to calm traffic and increase ease of movement for vulnerable users.

7.5.6. DMURS provides detailed standards for appropriate road widths – 2.5m to 3m per lane on local streets and a 3.25m standard for arterial and link route lanes, junction

geometry – greatly restricted corner radii to slow traffic speed and improve ease of pedestrian crossing, junction design – omit left turn slips and staggered crossings etc., and requires that roads are not up designed above their speed limit. I raise this issue in relation to the R416 junction from which the subject site is proposed to be accessed.

- 7.5.7. The Board will note that on foot of the further information request to relocate the existing entrance, the applicant concluded that it was not necessary to do so. In particular, it was noted that the low level of new trips generated would have a negligible traffic impact on adjacent road links and junctions. It was also asserted that the visibility sightlines provided were in accordance with DMURS standards as set out in Table 4.2. In support of the response to the further information request that applicant submitted a Mobility Management Plan and Stage 1 Road Safety Audit.
- 7.5.8. The DMURS guidance for required sightlines associated with a design speed of 50km/h with respect to forward visibility on bus routes is 49m as set out in Table 4.2. The extent of the visibility sightlines from the proposed entrance are shown in green on the submitted further information drawing No. 117-A23-LP01.
- 7.5.9. I have reviewed the Traffic Report submitted with the appeal and which notes that the existing narrow width and alignment of the R416 keeps road speeds low. It notes that to relocate the access further north would compromise road safety as visibility in the vertical plane to the south of the relocated access would be substandard. I can confirm from my site visit around midday that vehicles were not travelling at excessive speed on approach to the signalised junction which is clearly signposted travelling south.
- 7.5.10. The Traffic Report also refers to the proposed parking lay-by located to the north of the entrance which can accommodate 4 car parking spaces, and which the planning authority suggest interferes with the extent of visibility provided from the site access. The applicant states that while the retention of these 4 car parking spaces within the layby is critical to the saleability and future retail offer, it is also suggested that they could be relocated outside the visibility sightline as set down by DMURS. The applicant has indicated the location of these 4 spaces within the scheme on Drawing No. JR/APP-002 and suggests that if the Board are minded to grant planning permission this could be dealt with by way of condition. I would also note that the

Stage 1 Road Safety Audit clearly advises that the 4 car parking spaces no. 21 to 24 would obstruct sightlines of drivers, and that visibility splays are hindered by all four spaces. While I would also note that DMURS guidance on visibility splays allows for some flexibility in instances where traffic speeds are low and encroachments are minor, they also state that splays should generally be kept free of on-street parking. I am satisfied therefore that the four spaces should be relocated to within the scheme and this can be dealt with by condition.

- 7.5.11. Drawing No. JR/PLN-012, detailing the typical roadway with a 6.3m wide access and 5.5m internal road width, was also submitted. Drawing No. JR/PLN-A1-002A details the parking and circulation layout, including cycle parking. I would also note with respect to pedestrian permeability that the scheme will enhance pedestrian safety and permeability. Overall I am satisfied that the proposed development is substantially in compliance with the requirements of DMURS.
- 7.5.12. On balance I consider that the development will contribute significantly to the protection of the vibrancy of the town centre and regenerate this underused site. I also see considerable planning gain in the provision of new footpaths linking to adjoining residential developments.
- 7.5.13. The second reason for refusal also refers to the significant shortfall in on-site car parking provision for future occupiers which would result in an obstruction of the entrance and inappropriate parking near an adjacent busy junction and would be contrary to Kildare County Development Plan 2017-2023, parking standard provisions of Table 17.10 therein.
- 7.5.14. The existing surface car park accommodates 34 No. car parking spaces, which I can confirm from my site inspection around midday mid-week was virtually empty. The applicant contends that the planning authority incorrectly calculated the car parking requirement and did not have regard to the nature of the existing uses and location of the existing premises on site. They also reviewed their cctv recordings and note that the car park is rarely fully occupied and generally operates with over 25% of the existing car parking spaces being occupied.
- 7.5.15. It is proposed to provide 73 no. car parking spaces in total of which 24 are to serve the existing Athgarvan Inn and Guest House, 30 to serve the 15 no. residential units and 18 spaces to serve the proposed commercial uses. The applicant has set out

the floor areas and car parking requirements for the existing uses on site, which for ease of reference, I have set out in a table below;

Existing Uses	Floor Areas	Development Plan Requirement
Guest House – 6 bedrooms in seasonal use.	248sqm includes entire first floor and entrance lobby on ground floor.	1 space per bedroom = 6
Lounge Bar	135 sqm	1 space per 15sqm = 9
Bar Area	46 sqm	1 space per 15sqm = 3
Second lounge bar	96sqm	1 space per 15sqm = 6
		Total 24 spaces

7.5.16. I would concur with the applicant that the existing car park is underutilised and that the planning authority appear to have applied an overall car parking requirement for the overall floor area of the premises, rather than the specific uses within the premises. I also accept that this is primarily a public house and that most of the patrons walk to the premises. I am satisfied therefore, that the car parking requirement for the existing premises is 24 spaces and that it meets development plan standards and is appropriate.

7.5.17. In relation to the proposed residential and commercial development the car parking requirement is as follows;

Residential Development	Development Plan Requirement
6 Terrace Houses	2 spaces per house = 12
6 Age Friendly Houses	2 spaces per house = 12
3 Apartments	1.5 spaces + 1 visitor space per 4 apartments = 6
	Total Residential = 30 spaces

Commercial Development	Development Plan Requirements
Doctors Surgery	2 spaces per consultation room = 4
Office (98sqm)	1 space per 30sqm = 3
Restaurant (94sqm)	1 space per 20sqm = 4
Chemist (89 sqm)	1 space per 20sqm = 4
Turf Accountant (59sqm)	1 space per 20sqm = 3
	Total Commercial = 18 spaces

7.5.18. Therefore, the total maximum no of car parking spaces required is 72 (24+30+18). The applicant clearly indicated the provision of 73 no. spaces to serve the existing and proposed development by way of further information on Drawing No. JR/PLN-002afi.

7.5.19. The applicant notes that development plan car parking requirements refer to maximum standards and are not a target, except for residential development. It is argued that a balance needs to be struck between promoting sustainable forms of transport and any positive mobility plan may lessen the requirement for car parking.

7.5.20. The applicant notes the mobility management plan submitted with the application and proposals to upgrade the existing bus stop. It is argued that the Council should have had regard to the proximity of the site to public transport, the sites location within the town centre, the potential for linked trips, the nature of the uses on the site and likely durations of stay, and the need to protect the vibrancy of town centres and regenerate vacant / underused buildings and the suitability of a contribution in lieu of parking in accordance with the Development Contribution Scheme.

7.5.21. While I do accept the arguments presented in respect of dual usage of car parking particularly given the sites location, I see no merit in reducing that required to meet development standards in the absence of alternative parking in the village. I recognise that at present there is an issue with car parking within the village but there may be opportunities in the future to provide additional car parking as part of public realm improvements.

7.5.22. I am satisfied therefore, that the second reason for refusal should not be upheld.

7.6. Compliance with Standards

- 7.6.1. Reason for refusal No. 3 refers to a shortfall in the required minimum storage provisions for the 3 bed terraced house, as per the Kildare County Development Plan 2017-2023. Policy 17.4.5 of the Development Plan sets out the minimum storage requirement for a three-bedroom house with a floor area of 100sqm as 9sqm.
- 7.6.2. The appellant notes that the three bedroom terraced houses have generous floor areas of 145sqm, and provide 45 sqm in excess of the minimum floor space required which allow sufficient storage.
- 7.6.3. Nonetheless the applicant on appeal has submitted revised internal layouts for this house type indicating storage areas throughout the house including the utility room with an area of 9sqm see Drawing No. JR/APP-003a. I consider this addresses the concerns of the planning authority and can be dealt with by way of condition in the event of a grant of permission.
- 7.6.4. The private and public open space areas are considered to be in line with development plan standards. The apartments have east facing balcony areas included, and each of the houses has a rear garden. The open grassed square in the centre of the scheme provides a communal focal area for the residents of the scheme.
- 7.6.5. I am satisfied that there is no substantive basis for the third reason for refusal and it should not be upheld.

7.7. Appropriate Assessment

- 7.7.1. The planning authority carried out a screening assessment and concluded that a stage 2 Appropriate Assessment was not required. Having regard to the nature and scale of the development proposed and to the nature of the receiving environment, namely an urban and fully serviced location, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. I recommend that planning permission should be granted subject to conditions for the reasons and considerations as set out below.

9.0 Reasons and Considerations

- 9.1.1. Having regard to the location of the site on town centre zoned lands in the Kildare County Development Plan 2017-2023, and design and layout of the proposed development, it is considered that subject to compliance with conditions set out below, the proposed development would not seriously injure the residential amenities of the areas or of property in the vicinity and would be acceptable in terms of traffic 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 10th November 2017 and by the further plans and particulars received by An Bord Pleanála on 6th March 2018, 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 internal layout of the proposed terraced 3 bedroom houses shall be constructed as per revised floor plans Drawing No. JR/APP-003A dated 6th March 2018.

Reason: In the interest of clarity and residential amenity.

3. Details of the materials, colours and textures of all the external finishes to

the proposed units shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

4. 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.

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

5. The proposed development shall be amended as follows:
 - (a) The four number indented car parking spaces located along the R416 shall be omitted.
 - (b) Four additional car parking spaces shall be provided within the scheme as indicated on Drawing No. JR/APP-002.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of traffic safety.

6. 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.

7. 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.

8. 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.

9. 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.

10. (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 materials used in any roads/footpaths provided by the developer shall comply with the detailed standards of the planning authority for such works.

(c) The extension of the footpath along the north side of the L2032 carriageway and along the east side of the R416 carriageway shall be a minimum 2 metres wide and shall be constructed and implemented prior to the occupation of the development.

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

11. A plan containing details of 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.

12. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400hours 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.

13. 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 interest of public safety and residential amenity.

14. (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.

15. 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 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 for the area.

16. 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.

17. 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.

Susan McHugh
Planning Inspectorate

25th May 2018