



An  
Bord  
Pleanála

## Inspector's Report ABP-301734-18

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<b>Development</b>	A mixed use development: Two storey building consisting of shop units, medical office/office units, apartments and all associated site works
<b>Location</b>	Athgarvan Village, Newbridge, Co. Kildare
<b>Planning Authority</b>	Kildare County Council
<b>Planning Authority Reg. Ref.</b>	17429
<b>Applicant(s)</b>	Thoval Properties Ltd
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Thoval Ltd
<b>Observer(s)</b>	11No. Observers
<b>Date of Site Inspection</b>	10 <sup>th</sup> of September 2018
<b>Inspector</b>	Caryn Coogan

## 1.0 Site Location and Description

- 1.1. Athgarvan is a small town/ village 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, and south of the M7 motorway. The town has recently experienced growth in terms of residential developments, in particular, the southern part of the village. The subject site is located at the northern end of the village.
- 1.2. The subject site is located at a busy crossroads in the settlement. The crossroads is a signalled junction, along the R416, at the junction with the L2032, creating two street frontages for the site. The area of the site is 0.3Ha, with a regular configuration. There is a dwelling on the contiguous site west, and a cottage on the contiguous site to the south. There is a public house also located at the junction on the opposite side of the road to the site (which is the subject of a current appeal reference, ABP 300835). Also, on the opposite side of the road is a public open space area associated with a residential estate, *Liffey Hills*.
- 1.3. The subject site is relatively flat and includes a single storey structure at the south eastern extremity, which is positioned along Kilcullen Road Athgarvan.
- 1.4. The applicant has obtained planning permission for 7No. houses on an adjoining site to the south west of the subject site, and access to the permitted 7No. dwellings is via the subject site. An access road is proposed along the western axis of the subject site, providing access to backlands.

## 2.0 Proposed Development

- 2.1. Planning permission is being sought for the development of an existing vacant site located in the centre of Athgarvan. A semi-derelict structure will be removed/ demolished from the site, and a new L-shaped building (1,418sq.m.) is proposed with a courtyard to the rear, carparking, and an access road to lands owned by the applicant to the south west of the subject site.

- 2.2. The entire proposed was revised by way of further information. The original proposal included a 5No. offices, 4No. shops and 2No. apartments over two floors. This was revised in the further information submission (21<sup>st</sup> of March 2018) to one large shop unit on the ground floor and 5No. apartments, and on the second floor included a medical practice and 5No. apartments, with revised elevation design to include a reduced height to 9m, and the eastern elevation will remain at 9.43metres.
- 2.3. The overall building envelop proposed is two storeys, with a traditional façade design along Curragh Road, and a more contemporary design along Kilcullen Road. The rear elevation over the courtyard area include balconies.
- 2.4. ***On appeal, revised proposals have been submitted which alter the floor plans, and provide for 3No. shop units, 8No. apartments, and a medical centre with 3No. consulting rooms. The revised proposals on appeal are aimed at addressing the reasons for refusal cited by the planning authority in its decision.***

## 3.0 Planning Authority Decision

### 3.1. Decision

Kildare County Council refused the proposed development on 2<sup>nd</sup> of May 2018 for three reasons summarised as follows:

1. The proposal provides limited mixed use, with an increase from 4 to 10 apartments, and a decrease from 4 to 1 shop unit, which would be contrary to objective AT 42 of the Kildare County Development Plan 2017-2023.
2. The development is contrary to section 1.2.7.11 and Table 15.1 of development plan which encourages active street frontages, the proposal has 7No. bedrooms at ground floor.
3. The proposal does not fully comply with Sustainable Urban Housing Design Standards, in terms of private open space provision, and open space addressing busy roads. There is an absence of landscaping proposals, inadequate depth of balconies, and inappropriate location of apartments with insignificant amenity.

## 3.2. Planning Authority Reports

### 3.2.1. Planning Report

It is questionable whether the proposal represents a landmark building as required by the development plan. The height of the ridge line at 9.65metre may appear excessive on certain approached to the village. The cladding on the external walls is also of concern. The revised proposals submitted do not create active street frontages as required by the development plan. There should be an emphasis on strengthening the social/ community profile of the town by incorporating a community building. The double gable design along Kilcullen Road is not acceptable. A scheme at Twomilehouse cited by the applicant as similar to the current proposal, is not considered to be comparable. The proposed apartments do not meet the Apartment Guidelines in relation to private amenity areas.

### 3.2.2. Other Technical Reports

**Water Services:** No objection, 4 No. standard conditions recommended

**Transportation Department:**

Report 1 : Additional information required regarding Signalised junction, Mobility Management plan, Road Safety Audit, carparking, cycling, HGV vehicles, sightlines at entrance, lighting, road materials.

Report 2 : No objections, 15 No. conditions recommended. Which include the submission of a Road Safety Audit, access along L2032 should be between 6.0-6.5metres. The footpath is to be extended to Athgarvan Crossroads, revisions to the parking arrangements required, lighting and other standard conditions.

**Fire Service:** No objection subject to conditions

**Environment Section:** No objection subject to conditions

**Environmental Health Office:** No objections subject to conditions (8No.)

**Area Engineer:** Surface water details required, improved sightlines, Access shall be designed with the incline of the public road taken into consideration.

### 3.3. Prescribed Bodies

**Irish water:** No objections

### 3.4. Third Party Observations

There was a high volume of third party submissions, citing similar concerns to the observations submitted on appeal.

- Carparking
- Safety
- Traffic
- Retail and Commercial
- Community
- Coordinated development

## 4.0 Planning History

**On the subject site:**

**03/1927:**

Permission granted for demolition of existing sheds and to construct a retail store and mixed-use development.

**Site adjoining subject site to the southwest (owned by applicant)**

**16/1027:** Thoival Properties was granted planning permission for 7No. houses: 4No. 4-bedroom semi-detached dwellings, and 3No. semi-detached, access road and carparking.

**Site adjoining subject site to South (owned by applicant)**

**14/1060**

Permission refused for an extension to existing cottage, because it would impact on visual amenities of area.

**Site to the northwest, on opposite side of road**

**17/393**

Permission south at Athgarvan Inn for a commercial building, apartments and terraced dwellings.

## **5.0 Policy Context**

### **5.1. Development Plan**

#### ***Kildare County Development Plan 2017-2023***

**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.

**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.'

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

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

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

**Table 17.9** sets out car parking standards

### **5.2. Athgarvan Small Town Plan**

The subject site is zoned *A - Town Centre* and in Volume 2 the policies and objectives for Athgarvan are stated, as it is designated as a small town.

The following are the relevant sections of the plan relating to the subject site and proposed development.

#### **Principles Governing Future Development of the Town**

The focus of new development will be on:

- Consolidating development within the town centre area followed by the sequential development of land/sites in a logical progression from the town centre.
- Supporting employment opportunities while also supporting social inclusion and community development within the town.
- Facilitating development in Athgarvan in line with the ability of local services to cater for growth.
- Recognising the role of the rural countryside surrounding Athgarvan in supporting the local economy.

### **1.2.7.3 Town Centre**

Athgarvan has a small compact town centre containing two shops and a public house. The predominant land use in the town centre is residential, with a number of new houses at the Whitethorn residential scheme, fronting the R416.

The retail/commercial offer in the town is modest. However, there is a considerable commercial draw from the town to the larger towns of Newbridge, Naas and Kilcullen.

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.

**AT 8** Provide appropriate street furniture in the town centre.

**AT 9** Provide appropriate street lighting throughout the town.

**AT 10** Provide for bicycle parking in the town centre.

### **1.2.7.11 Development Site**

An opportunity exists for the redevelopment of an underutilised site in the Town Centre. See Map V2- 1.2.A Site A\*.

The site is located south of the junction of the R416 and the L2032 at Athgarvan Cross. The site extends to an area of 0.2 ha. This prominent site is currently in an overgrown and neglected state and results in a town centre which is disjointed and incoherent. The development of this key site is essential to ensure the consolidation of the existing urban fabric of the town which will improve the legibility, function and image of Athgarvan and provide an opportunity to define the entrance to the town

#### **Design Objectives (See Fig 1.2.1)**

An opportunity exists to develop this infill site to strengthen the core of the town and mark the entrance to Athgarvan town centre. Any future development of these lands will be encouraged to provide active frontages in the form of a perimeter block thereby creating a strong street edge.

It is considered that the site could accommodate a range of appropriate town centre uses, set around a pedestrian courtyard with complementary paving and street furniture. A possibility also exists for the creation of a new pedestrian linkage between the R416 and the L2032, through the courtyard. The site could act as a civic focus for the town, with the provision of a community building as identified at Section 1.2.7.10 of this Plan. Redevelopment of the site would enhance the commercial offer of the town and strengthen the social/community profile of the town.

It is therefore envisaged that a landmark building providing a community use will be located on the site. Any future development of this site will provide a quality public realm by using a high standard of finishes and materials. Further guidance in relation to building frontage, landmark building, provision for car



parking and building height can be found in Volume 1, Chapter 15 - Urban Design Guidelines.

It is an objective of the Council to:

**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 44** Ensure that new development has a strong building line in the form of a perimeter block therefore creating a strong street edge.

**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. Natural Heritage Designations

The subject site is located 4.2km from Pollardstown Fen SAC (Site Code 00396). An AA screening report has been carried out for the subject development to assess potential impact on Natura 2000 sites.

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

The following is a summary of the grounds of appeal:

#### **1. Mix of Commercial/ Residential**

The planning authority's first reason for refusal is concerned with the mix between commercial and retail uses proposed by the applicant. At further information stage, there were modifications made increasing the number of residential units to 10No. apartments and a large anchor retail unit (242sq.m.) with medical use. These modifications were the result of third party observations concerned the retail units would remain vacant for extended period of time. This was considered in tandem with the redevelopment proposal of Athgarvan Inn on the opposite side of the crossroads.

A brief analysis of the proposed population for Athgarvan as set out in the Core Strategy (Population circa 1267 persons), it demonstrates there is limited requirement for retail floor space and the proposed convenience store is sufficient to cater for the future projected needs of the population of Athgarvan as envisaged by the Core Strategy. It is noted that other uses may be considered for smaller retail units e.g. local services such as a café, financial services, hairdresser etc.

The applicant is now proposing 2 No. smaller secondary retail units be provided flanking the proposed anchor retail units with medical use over. This results in retail/commercial use over 80% of the length of the ground floor street frontage.

The proposed development as submitted on appeal addresses the concerns of the planning authority and strikes a good balance between the requirement to active street frontage.

#### **2. Active Street Frontage**

It is noted the amended proposal on appeal (8No. units) taken with the applicants existing permitted site accommodating 7No. units, takes the number of residential

units to 15No. units. The amended proposal provides for 80% of the length of the ground floor frontage to be retail/ commercial uses.

### **3. Sustainable Urban Housing Guidelines**

The third reason relates to the design of the proposed residential units

#### **(i) Private Amenity Space (including depth of balconies)**

The minimum depth required for balconies is 1.5metres. The proposal has been amended to provide all units with private open space (area and depth) which is in excess of the minimum requirements set out in the standards.

#### **(ii) Treatment along street frontage for residential units**

There are only 2 residential units with ground floor street frontage, both units extend for the entire width of the structure and have their private amenity area to the rear. There is a security strip clearly demarcated from the public realm by railings and planting to provide a defensible area for future occupants.

It is not agreed the roads are heavily trafficked. The settlement is not on a main commuter or transportation route. The residential element on ground floor will bring variety and vibrancy to the main street and provide surveillance outside of business hours.

#### **(iii) Treatment of private amenity spaces adjoining each other**

The appellant will accept a condition requiring that opaque glazing be provided between adjoining balconies. This is a standard detail.

#### **(iv) Apartments 1 and 6**

The appellant has revised the layout of the proposed development to overcome various issues raised.

## **6.2. Planning Authority Response**

Kildare County Council had no further comments to add on appeal.

### 6.3. Observations

The following observations have been received by the Board on appeal:

- (a) Val and Imelda Dunning;
- (b) Sean and Amy Cullen;
- (c) Laura Donohue & Eoin Lennon;
- (d) Millford residents Association;
- (e) B.A. Parnell & P.Y. Lee;
- (f) Rose Mc Garvey;
- (g) Jonathan & Emma Lennon;
- (h) Janis and Declan Kelly;
- (i) Athgarvan Development Committee (2);
- (j) James and Ann Marie Kelly

To avoid undue repetition, I have summarised the relevant concerns expressed in all the observation submissions by bullet points:

- The potential for illegal parking along the Curragh Road (L2032) running parallel with Millford. The proposal allows for 25No. spaces, overflow of 7No. houses, a large shop and a doctor's surgery. The plans only illustrate 24No. spaces. The proposal is totally inadequate in terms of parking. There are double yellow lines, in the vicinity of the site and illegal parking occurs at the present time in the village. There is no mention of disability parking.
- Millford entrance will become a turning point and overflow carpark due to its proximity to the proposed development. The existing housing estates are used as turning points due to the lack of parking in the village. There are existing tailbacks from the traffic lights to the Millford entrance, and this will get worse if the development proceeds.
- Commuters use the village as a back road to the Motorway, which adds to congestion in the village.

- Traffic tailback C 1km from the crossroads in all directions is already unmanageable, there is no further capacity along these roads for additional traffic generated by the proposed development.
- This is not a prime location for a medical centre as there is no local population to support it.
- There is no business plan to support the excessive supply of retail units, neighbouring retail units remain empty.
- The proposal does not blend in with the adjoining cottage in terms of its design.
- The opportunity for a town public park has been removed.
- Retail units require footfall and accessibility. Neither of which exist in Athgarvan.
- The developer upgraded and sold 4No. cottages along Kilcullen Road, they removed the opportunity to provide a safer entrance onto the Kilcullen Road.
- To have retail units with no parking positioned on a downhill gradient, 50metres from a set of traffic lights will create a safety issue. Illegal parking will occur.
- Athgarvan does not have an adequate and working sewage system. The stench is terrible and the local authority is aware of this.
- Road widening to allow residents to walk throughout the village is not happening due to lack of funding. The roads are incapable of supporting additional traffic.
- The Councillors were wrong to upgrade Athgarvan to the town, it is a crossroads/ village. There is no infrastructure. There was no Design Statement or plan for the transition of Athgarvan from a village to a town as done by Kildare County Councillors over eleven years ago.
- There is no community gain, such as a playground for the village.
- The points outlined in the Athgarvan Development Committee's observations are supported.

- The proposed development will result in all balconies overlooking the rear of a neighbouring property. Other developments do not have such unsightly balconies. The beautiful trees along the boundary are to be removed, and the trees provide privacy and add visual amenity to the village.
- Planning permission has been granted by the Bord for 7No. dwellings on a site to the rear of the subject site. There is insufficient space for parking and through traffic and a bottleneck will be created.
- The proposed entrance to the development is too close to the traffic lights, along a sharp incline. A filter lane is required at the junction.
- Storage of waste could bring vermin and foul odours.
- The Brown Bear development is a superior quality, landmark buildings should be aesthetically pleasing.
- The development plan states the subject site should have a courtyard with street furniture.
- There was no site notice, or it was not visible from the road.
- The pitched roof on the development is unnecessarily high and will create an eyesore entering the village.

## 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. The Board should note, revised proposals were received on appeal which the applicant believes will address the main reasons for refusal in the planning authority's decision. When the application was first submitted in June 2017, it included a mixed-use development of shops, offices and residential. During the assessment of the application, the applicant revised the entire proposal to a substantially residential development which became a substantial issue in the planning authority's decision to refuse permission for the development proposal.

On appeal, the proposal has been revised to the following:

***A two storey L-shaped unit with 3No. shop units on the ground floor, a medical centre on the first floor with 3No. consulting rooms, and 8No. apartments.***

Appropriate assessment also needs to be considered.

The Board should also note that planning permission was granted by An Bord Pleanála, under reference **PL09.248507**, for 7No. dwellings to the applicant on an adjoining site to the south west of the subject site. The current proposal involves the same access arrangements, sightlines, traffic concerns and roadside treatment as permitted under PL09.248507.

The relevant issues of this appeal are addressed under the following headings;

- *Planning Policy;*
- *Design;*
- *Residential Amenity;*
- *Access, Traffic and Parking;*
- *Appropriate Assessment;*

### **7.1. Planning Policy**

Athgarvan is a designated **town** in Chapter 3 of the Settlement Strategy of the Kildare County Development Plan. Outlined in Volume 2 of the County Development Plan, are the policies and objectives relating to **Athgarvan Small Town Plan**. The subject site has a *Town Centre* zoning objective, which is 'to provide for the development and improvement of appropriate town centre uses including residential, commercial, office and civic use'. Landuses such as residential, office, doctors' surgery and restaurant are all acceptable under the zoning objective. There are specific Athgarvan Town Centre objectives, AT 5 and AT 6, which are '*To Provide*

*for the consolidation of the urban fabric of the town centre through the provision of additional retail/commercial floorspace, and to promote the identified town centre development site for appropriate town centre uses.'* In my opinion, the proposed development is consistent with the development plan policies and objectives relating to Athgarvan town.

- 7.2 The proposal presented and considered on appeal, provides for 3No. shop units, a medical centre with 3No. consultation rooms and 8No. residential units. It is very similar to the original proposal submitted in June 2017, however the applicant substantially changed the proposed use of the proposed building to primarily residential by way of revised proposals submitted as further information submitted in March 2018. The current mixed use development, is in keeping with the zoning objective for the site. There is a site-specific Design Objective relating to the subject site in the development plan. It states that opportunity exists to develop the site to strengthen the core of the town and mark the entrance into Athgarvan. Permission has been granted to the applicant for 7No. dwellings to the rear of the site. There is a public house, the Athgarvan Inn, on the opposite side of the crossroads, which is the subject of a current undecided appeal, **ABP.PL.300385**, for a mixed-use development similar to the current proposal, of residential, commercial and office uses. In my opinion, the current proposal will consolidate the commercial hub of Athgarvan at the crossroads. Furthermore, the revised proposals allow for active frontages along the streetscape. The site has been earmarked for development in the development plan, and a new streetscape will be created by the proposal, which is a planning gain for the town.
- 7.3 The bulk of the new developments in Athgarvan are residential developments, with only one large convenience shop servicing the town. Most of the sites in the town with street frontage have been developed for residential use. There is potential for commercial and community facilities within the town, and the subject site is within walking distance of the majority of residential properties in the town.
- 7.4 I am satisfied the proposed development complies with the current development plan policies.



## 7.5 Design

The footprint of the proposed development is L-shaped. The building has two facades onto two streetscapes at the crossroads. It is a two-storey building in keeping with the general roof profile in Athgarvan. There is a courtyard area to the rear of the building, with twenty-two off street carparking spaces at the rear and 3No. on street parking spaces along Kilcullen Road. The Curragh Road elevation, includes contemporary shopfronts, glass and balcony features. The Kilcullen Road elevation includes a dormer feature, then two large gable fronted features.

7.6 The development plan states **Design Objectives** for the site, with an strong emphasis on the provision of active frontages been a priority for the subject site. There was an objective for pedestrian linkages via a courtyard. The planning authority had envisaged a civic focus on the site with the provision of a community building to strengthen the social/ community profile of the town. In commercial terms, it would appear the most viable use in community terms is the proposed medical centre. I am concerned that a medical centre has also been proposed under the proposal at Athgarvan Inn, currently under review with the Board under reference number PL. 300835-18. I do not believe there is capacity for two medical centres in a small settlement like Athgarvan. In the event both proposals were permitted by the Board, any future applications for change of use of the permitted medical centre on the first floor to residential use, should be considered negatively, and a community use should be encouraged.

7.7. The development plan also states a landmark building should be provided on the subject site. Given the constraints presented by the site, i.e. a cottage on the adjoining site to the south, the crossroads and permitted access to the lands to the south west, and the two-storey building pattern on the opposite side of the road, I consider the proposed design and streetscape legibility to be acceptable. In terms of a landmark building, in design terms these are distinctive buildings, towers or statues to help provide reference points and emphasis of a place. I believe there was no need for a landmark structure on the site given the small scale of Athgarvan. However, the crossroads is an important node in the town centre, it is the main junction in Athgarvan with the bulk of the traffic coming into Athgarvan will meet at the crossroads. Therefore, I believe the proposed design should have created more

of an emphasis in terms of arriving into the town. Looking at the current streetscape and development pattern in Athgarvan, the proposed design will continue with the indistinguishable blurring of centre/ edge and residential. In my opinion, I advise the Board to attach a condition requiring the natural stone finish to the gable fronted elements along the Kilcullen Road elevation, to break up the bland appearance of the proposed façade, as this is a main feature of the building when viewed from within Athgarvan. I believe this would create a greater design statement at the crossroads and the entry to the town.

## **7.9 Residential Amenity**

There are existing dwellings located on the contiguous sites to the south and west, both detached dwellings with their own curtilages consisting of front and back private areas. I am satisfied there will be no undue loss of amenity associated with either dwellings as a result of the proposal. The proposed development is set back sufficiently from adjoining dwellings, with no direct overlooking or opposing windows. A certain level of incidental overlooking of adjoining rear gardens will occur as a result of the proposal, however this is to be expected within urban settlements.

7.10 Section 17.4 of the Kildare County Development Plan 2017-2023 has a Design Guide for new residential developments, to ensure a high-quality design and a quality living environment is created. There are 8No. apartments proposed in the revised scheme submitted to the Board on appeal. As stated in the introduction, the Board granted seven dwellings to the rear of the subject site and these will be accessed via the subject site along the western site boundary with a permitted access off the L-2032. The prevalent house type in the village is semi-detached dwellings, therefore the apartments will provide a housing mix for sustainable urban living. The proposed apartment sizes range from 68sq.m. – 85sq,m, and all the apartments are two-bedroomed units apart from one, which is Apartment No. 2 on the ground floor. The bulk of the apartments are above the minimum floor area requirement of 73sq.m. as stated in Table 17.6 of the Kildare County Development Plan. The required storage space of 6sq.m. has been provided for in each apartment, which addresses one of the reasons for refusal. Two of the apartments are not dual aspect. The private amenity areas are in the form of terraces and

balconies and the spaces are within the required thresholds for private open space as prescribed by Table 17.7 of the development plan.

### **7.11 Access, Traffic and Parking**

Drawing 002ABP illustrates the access arrangements to the subject site are off the L-2032 approximately 44metres from the signalised junction of the L2032 and the R416. As part of the proposal, the existing traffic signals will be refurbished with a vehicle actuated controller, with a new pedestrian crossing at the western arm of the Athgarvan Crossroads (however, these should form part of the conditions of this permission similar to PL09.248507). The Transportation Department requested a new footpath be setback to provide a L2032 carriageway width between 6.0-6.5metres along the frontage.

The access to the site and integrated carparking is along the western axis of the site. The vehicular entrance will serve as access to the surface carparking, the courtyard area, the housing development to the south west, with a bin lorry turning area within the permitted residential to the rear. Pedestrian access is also provided to the rear of the development from the Kilcullen Road, which will enable access to the backlands. Bicycle Parking is also proposed to the rear of the site.

In terms of the proposed development, it is a requirement that the design must be considered against the Design Manual for Urban Roads and Streets (DMURS), DOTTS, March 2013. DMURS sets out road users hierarchy as follows:

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

Design Principle 1:

To support the creation of integrated street networks which promote higher levels of permeability and legibility for all users, and in particular more sustainable forms of transport.

Design Principle 2:

The promotion of multi-functional, place based streets that balance the needs of all users within a self-regulating environment

Design Principle 3:

The quality of the street is measured by the quality of the pedestrian environment.

Design Principle 4:

Greater communication and co-operation between design professionals through the promotion of a plan-led, multidisciplinary approach to design.

The proposal will reinforce the concept of a multifunctional street and the importance of the crossroads in Athgarvan in terms of creating a pedestrian-led environment. The town is currently very much a car reliant living environment with very few services to cater for the existing and growing population of the town. The focus of the town at this crossroads by the provision of a number of small convenience shopping and medical suites, will complement the Athgarvan public house use on the opposite side of the street and the proposed mixed use development currently under review by the Board under reference ABP-200835-18. The combination of both developments will create greater pedestrian connectivity and interaction within this prime location of the town.

The proposed site entrance, access, bin lorry turning and other traffic related issues have already been granted planning permission under Planning reference No. 16/1027 (**ABP PL09.248507**). The overall design has been influenced by the permitted access and access road to the residential development to the rear.

There are 25No. onsite carparking spaces proposed, with 3No. spaces along the street of Kilcullen Road. Table 17.9 of the development plan outlines Carparking Standards. Apartments require 1.5spaces per unit and one visitor space per 4 apartments which equates to 14No. spaces. There are 2No. spaces required per consulting room which amounts for 6No. spaces required for the medical centre. In addition the floor area of the shops is circa 328sq.m. at 1 space per 20sq.m., that

implies 16No. spaces. Allowing for the different uses to share parking at different times, I consider the proposed 25No. shared spaces to be sufficient. I note there is an existing shortage of carparking spaces in the village close to the existing shop, and parking occurs ad hoc along the street, and it can be dangerous at times. However, I believe the onsite shared parking will be used, and the proposal will not exacerbate the parking problem that currently exists in the town, as the subject site is within a short walking distance of the majority of residential properties in the settlement. The proposal will also reduce unsustainable traffic movements between Athgarvan and Newbridge or Kilcullen by providing essential services in the town.

The Transportation Report dated 25<sup>th</sup> of April 2018 required conditions to be imposed for a Stage 1 and Stage 2 Road Safety Audit to be submitted, with Stage 3 submitted following completion and prior to the occupation of the development. The provision of new footpaths along the perimeter of the site is a planning gain for the area. These issues were noted and catered for in the schedule of conditions recommended to the Board in this report.

## **7.12 Appropriate Assessment**

The planning authority carried out a Screening Assessment and it was concluded that Appropriate Assessment was not required in this stance. The receiving environment is an infill site in a urban area, on fully serviced lands. The proposed development is a modest infill development. There are no appropriate assessment issues arising, and it is not considered the proposed development would be likely to have a significant effect individually or in combination with other proposals or developments on a European site.

## **8.0 Recommendation**

- 8.1. I recommend the proposed development should be granted subject to conditions for the following reasons and considerations.

## 9.0 Reasons and Considerations

Having regard to the location of the site on town centre zoned lands in the Kildare County Development Plan 2017 -2023, the design and layout of the proposed development, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of the area or of the 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 received by An Bord Pleanála on 28<sup>th</sup> of May 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 proposed access, and roadside boundary treatment along the L-2032 shall be in accordance with the plans and particulars and An Bord Pleanála decision, permitted under appeal reference PL09.248507.

**Reason:** In the interests of clarity and continuity.

3. Prior to commencement of development, a revised site layout plan showing compliance with the following requirements shall be submitted to, and agreed in writing with, the planning authority:

(a) relocation of the footway and the indented parking along the L2032, so that the sightline at the entrance to the new estate is not obscured by vehicles parked in the bays, and

(b) on the R416 the new indented parking area shall be moved, so that it is a minimum of 15 metres from the approach to the new signal heads.

**Reason:** In the interest of traffic and pedestrian safety.

4. Prior to commencement of development, the following shall be submitted to, and agreed in writing with, the planning authority:

(a) a detailed design for the proposed refurbishment of the existing traffic signals (at the junction between the L2023 and R416). The design shall include a new pedestrian crossing for the Western Arm of the Athgarvan cross roads,

(b) details of the design, implementation, costing and phasing of these works. All installations shall be connected to Kildare County Council's Traffic Management Centre. The cost of the design and implementation of these works shall be at the applicants' expense, and

(c) the agreed new area of footway, junction and signal refurbishment shall be constructed and implemented prior to the occupation of the development.

**Reason:** In the interest of pedestrian and traffic safety.

5. Prior to commencement of development, the following shall be submitted to, and agreed in writing with, the planning authority:

(a) an extension of the footway along the south side of the L2032 carriageway to the Athgarvan cross roads. A minimum 2 metres wide footpath shall be provided from the development to the junction with the R416 Road and shall be constructed and implemented prior to the occupation of the development.

**Reason:** In the interest of pedestrian safety

6. (a) 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.  
  
(b) The facade of the double gable ended elevation along Kilcullen Road shall be finished in natural store. Complete details of the finish shall be submitted to and agreed in writing with the planning authority prior to the commencement of the development.

**Reason:** In the interest of visual amenity.

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

**Reason:** In the interest of public safety and residential amenity.

8. Prior to commencement of development, details of the following shall be submitted to, and agreed in writing with, the planning authority:  
  
(a) a hard landscaping plan with delineation and specification of site boundary along the access from the public road, and other site boundary details including the entrance finishes, and  
  
(b) a soft landscaping plan incorporating native/indigenous species.

**Reason:** In the interest of visual amenity.



9. 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.

10. 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.

11. 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.

12. 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.

13. 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.

14. (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.

15. 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.

16. 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.

17. 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.

18. (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.

19. Prior to the commencement of the development the developer shall submit and agree in writing with the planning authority, detailed Stage, 1, 2 and 3 Road Safety Audits (RSA) shall be submitted for the proposed development and adjacent junctions between L2032 and R416. The RSA recommendations shall be incorporated into the design of the development and the adjacent two junctions.

**Reason:** In the interests of traffic safety.

20. 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 by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion 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 referred to An Bord Pleanála for determination.

**Reason:** To ensure the satisfactory completion and maintenance of the development until taken in charge.

21. 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.

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Caryn Coogan  
Planning Inspector

24<sup>th</sup> of September 2018