



An
Bord
Pleanála

Inspector's Report ABP-301836-18

Development

Demolition of buildings on site and construction of 29 no. apartments in one no. three and four storey block, and amendments to existing residential site layout to provide an additional 51 no. car parking spaces, enlargement of existing bin store and all associated landscaping and site development works. The site contains a Motte Monument which is a Protected Structure (RPS No. B14-68).

Location

Cois Abhainn, Liffey Lodge, Clane, Co. Kildare

Planning Authority

Kildare County Council

Planning Authority Reg. Ref.

18/320

Applicant(s)

North City Builders.

Type of Application

Permission

Planning Authority Decision

Refuse permission

Type of Appeal	First Party
Appellant(s)	North City Builders.
Observer(s)	Clane Community Council
Date of Site Inspection	17 th August 2018
Inspector	Ciara Kellett

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1.0 Site Location and Description

- 1.1. The site is located in Clane, Co. Kildare. It is on the southern edge of the urban area of Clane at the entrance to the town from the south. The River Liffey forms the eastern boundary and the R407 Clane to Naas road forms the northern boundary. The Protected Structure, Alexandra Bridge, which is a three-arch structure flanked by two accommodation arches, forms part of the R407 road and crosses the Liffey adjacent to the north-east corner of the site. The bridge is sufficiently wide for two vehicles to pass and has no footpaths. Detached dwellings in the nature of one-off dwellings form the western boundary and green fields form the southern boundary.
- 1.2. Within the red-line boundary there are 5 blocks of apartments, 4 of which are 3 storey and 1 which is 4 storey known as the Cois Abhainn development. A motte is located in the north-west quadrant of the site. The proposed location for the apartments is to the north of the site facing the R407 where buildings are currently in situ. The buildings comprise of a two storey dwelling that is vacant and a shed. Both are proposed to be demolished.
- 1.3. The site contains a Motte Monument which is a Protected Structure.
- 1.4. Appendix A includes maps and photos.

2.0 Proposed Development

- 2.1. It is proposed to demolish existing structures on the site and develop 29 no. apartments in one no. three and four storey block on an overall site of 2.29Ha. The development comprises of 7 no. 1 bedroom units, 18 no. 2 bedroom units and 4 no. 3 bedroom units. 51 no. additional car parking spaces are proposed throughout the overall development, as well as 44 no. bicycle spaces, enlargement of the bin store and landscaping works.
- 2.2. The proposed apartment block is roughly rectangular in shape with the north facing façade overlooking the R407. A landscaped area separates it from the road. The fourth storey is located on the western end of the block. A flat roof is proposed as well as recessed balconies on the northern facade. The three storey end is 9.51m high while the four storey end is 12.3m in height not including the lift shafts.

- 2.3. Materials proposed include a render or selected brick on the upper floor with a selected darker shade of red/brown facing brick on the first and second floors with a lighter shade of brick on the ground floor. The balconies comprise a mild steel handrail and glass baluster. The apartments range in size from 46.2sq.m to 113.4sq.m. A new boundary wall and railings will be erected facing towards Main Street (R407).
- 2.4. Submitted with the application are a cover letter, mandatory drawings and forms, a Flood Risk Assessment, and an Engineering Report.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to refuse permission for two reasons:

- 1. The proposed development by reason of its height, design, scale and bulk on a prominent site on the approach road to Clane, in close proximity to recorded monuments and protected structures, would be contrary to objective HO1.2 of the Clane Local Area Plan 2017 – 2023 in relation to the setting of protected structures, would be out of character with the area, would be seriously injurious and detrimental to the visual amenities of this area, and would, therefore be contrary to the proper planning and development of the area.*
- 2. The proposed development does not fully comply with the ‘Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities’ (March 2018) by reason of not meeting the minimum requirements for the quantum and appropriate location of internal storage areas, the orientation of all terraces/balconies along the northern aspect of the proposed apartment block and the provision of additional car parking in areas of public open space provided as part of the existing residential development to the south west. Having regard to the above, it is considered that the proposed development would be contrary to the proper planning and sustainable development of the area.*

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner's Report is the basis for the Planning Authority's decision. It includes:

- Having regard to zoning, principle of development is acceptable.
- Notes Flood Risk Assessment states that the development is a 'Highly Vulnerable Development' and is categorised in Flood Zone A and requires a Justification Test. FRA assesses the site to be suitable with management measures. Refers to third party submission regarding flooding.
- Notes that the guidelines for New Apartments were published in March 2018 – considers proposed mix of unit types is acceptable.
- Considers each unit complies with the minimum floor areas, and private open space areas of the guidelines. The minimum storage areas have not been achieved. Consider that the storage both in terms of location and quantum does not accord with the new guidelines.
- Notes that all of the terraces/balconies and associated living spaces face north. Consider it more appropriate that they are relocated to the southern aspect of the development.
- Floor to ceiling heights are above 2.7m and lift shafts serve no more than 12 units.
- Notes no childcare facility is proposed. Considers it reasonable that in the event of a request for further information, the applicant is requested to undertake an analysis of facilities.
- Notes there is a bin store c.100m to the south but is uncertain if it is intended that the future occupants would be expected to use this.
- Proposal forms part of a larger already constructed complex. Notes extent of public open space to the north of the scheme with a width of 10m is unclear. It is unclear how much open space has been provided for this block, as part of the overall development. If further information is requested, it is considered reasonable that the applicant clarify the amount of public open space and amount already approved as part of the overall development.

- Children’s play needs should be catered for. Acknowledge that applicant is willing to meet any condition that may apply in relation to playgrounds.
- Notes parking is in accordance with Development Plan standards but the proposal to include parking in established areas of open space is not acceptable or appropriate.
- With respect to design and massing, development is presented in one block. The dwelling occupies a prominent position on the Clane side of the road. Consider that the design, bulk and scale of the proposal is excessive particularly on a prominent site and does not provide for a high quality landmark development that is respectful to its setting which this key site in Clane deserves.
- Proposal would have a negative impact on the protected structure of Alexandra Bridge and does not acknowledge or attempt to integrate the existing dwelling into the overall design concept.
- Considers the proposed development is inappropriate and would need to be significantly modified. The stone wall along the roadside boundary should be retained and incorporated into any design concept as it creates a link between Alexandra Bridge and the site.
- A list of further information requests is compiled from the internal departments should it be requested.
- Considers that the proposal as submitted is unacceptable and that in the event of a new planning application being lodged a significant redesign is recommended.
- Recommends permission is refused.

The decision is in accordance with the Planner’s recommendation.

3.2.2. Other Technical Reports

- **Fire Service:** No objection subject to conditions.
- **Area Engineer:** No objection subject to conditions.
- **Environmental Health:** No report subject to conditions.

- **Transportation:** No report subject to conditions.
- **Water services:** Further Information requested.
- **Environment:** Further Information requested
- **Heritage Officer:** Further Information requested
- **Conservation Officer:** Further Information requested
- **Housing:** Further Information requested
- **Building Control:** Report not necessary

3.3. Prescribed Bodies

- **Irish Water:** No objection subject to conditions.
- **Inland Fisheries:** Submits observations. Development located adjacent to River Liffey, opposed to any development on flood plain lands.
- **Development Applications Unit:** Recommends conditions.

3.4. Third Party Observations

There were two third party submissions from Tony McEvoy and Clane Community Council. In summary they include:

- The dwelling proposed for demolition was the Mill House and the shed also proposed for demolition was referred to as the 'Dye House'. Until recently there was a full mill wheel set into the north-facing wall where the mill race goes under the road.
- The proposed development by reason of its design, layout and massing would be seriously detrimental to the visual amenities of the area having regard to its riverside setting, proximity to the motte and strategic location at the entrance to Clane. It fails to address its riverside and gateway location.
- The Board previously refused permission for development ABP Ref. 125501 and ABP Ref. 225918.
- The site has been flooded in the past in 1954 and in 2009. In 2009 floodwaters covered 50mm of carpark for the existing apartment blocks. This

mixed with the foul network that has a storage tank between blocks. The pumps failed and contaminated waters entered the Liffey.

- The proposal represents over-development of the site and is wholly unsympathetic to the existing natural and built heritage.
- It is of an excessive height and out of character with existing buildings and notably Alexandra Bridge, a protected structure and important landmark.
- It is substantially bigger and of an entirely different shape, dimension and roof type to its surroundings and is inherently visually disruptive. Proposal would tower over adjoining road and adjacent riverside park.
- The location is unsuitable for this type of development and conflicts with the principles set out in the Clane LAP.
- There remains a deficiency in sewerage facilities in the area of Clane. A recent refusal of permission by the Board (ABP Ref. 248093 – March 2017) included a reason for refusal of 34 dwellings that the development would be premature due to lack of capacity in the Clane wastewater network including the foul pump station which deficiencies will not be rectified within a reasonable period. There has been no material improvement since March 2017.
- Proximity to protected structures and a Motte monument.

4.0 Planning History

There is a substantial planning history associated with the subject site and the existing apartments on site. The key planning applications only are summarised:

- **ABP Ref. 225918; KCC Reg. Ref. 05/2369:** The Board refused permission in April 2008 for the demolition of a dwelling and shed and the erection of 30 apartments in 2 no. three storey blocks plus penthouse on the subject site. The Board refused permission having regard to the deficiency of sewerage facilities and considered the development premature. The Board noted that it shared the concerns of the Inspector with respect to the visual impact of the proposed development, that it was not of a design standard sufficient to justify

the demolition of the nineteenth century farmhouse, however as this was considered a new issue the Board decided not to pursue it.

- **KCC Reg. Ref. 01/2252:** Permission was granted in January 2003 for the development of 11 no. 1 bedroom apartments and 66 no. 2 bed apartments in 4 no. 2 storey and 1 no. 3 storey blocks (the existing development).
- **ABP Ref. 125501; KCC Reg. Ref. 00/397:** The Board decided to refuse permission in November 2001 for 22 no. terraced houses, 42 no. apartments and 2 no. 2 storey commercial buildings on the site. Two reasons for refusal were given, one reason referred to the design, layout and massing being seriously detrimental to the visual amenities of the area, having particular regard to the riverside setting, proximity to the motte and strategic location at an important entrance to the village and the second reason referred to issues with the public notices.

5.0 Policy Context

5.1. Clane Local Area Plan 2017 – 2023

- 5.1.1. Map 13.1 is the Land Use Zoning Objectives Map. There are two zonings on the site. The main zoning is B – Existing Residential. There is a strip along the northern boundary between the site and the road that is zoned F – Open Space and Amenity.
- 5.1.2. Chapter 6 refers to Housing and Community.

Policy HC1 - Residential Development: Capacity and Delivery states:

It is a policy of the Council to ensure that sufficient zoned land continues to be available at appropriate locations to satisfy the housing needs of Clane and that each household has access to good quality housing that is appropriate to its circumstances.

- 5.1.3. Chapter 8 refers to Movement and Transport. Section 8.5 notes that:

Alexandra Bridge, to the south of the town, is the only river crossing point serving the town. A protected structure, it carries c. 12,000 traffic movements per day. The bridge is limited in its width to accommodate both vehicular and

pedestrian traffic and currently there is no provision for pedestrians to safely cross the bridge at this location.

5.1.4. Chapter 9 refers to Infrastructure. Section 9.1.2 states:

There is capacity in the WWTP to cater for the planned growth in Clane. However, there are significant constraints within the Clane network and the wider collection network to which it connects which require to be addressed in order to facilitate intended growth. The upgrading of the network by Irish Water is proposed under Contract 2B of the ULVRSS.

5.1.5. Section 9.3 notes that Clane has a history of flooding.

Objective IO3.1 states:

To ensure development proposals within the areas outlined on Map 9.1 are the subject of Site-Specific Flood Risk Assessment, appropriate to the nature and scale of the development being proposed.

5.1.6. Chapter 10 refers to Heritage and Amenity. It features an extract from the Kildare County Development Plan 2017 – 2023 as it relates to Protected Structures in Clane. Alexandra Bridge is referenced B14-63 and the Motte Monument is referenced as B14-68. Objectives include:

HO1.1 *To ensure the protection of all structures (or parts of structures) and the immediate surroundings including the curtilage and attendant grounds of structures contained in the Record of Protected Structures.*

And

HO1.2 *To ensure that all development proposals that affect a Protected Structure and its setting, including proposals to extend, alter or refurbish any Protected Structure, are sympathetic to its special character and integrity and are appropriate in terms of architectural treatment, character, scale and form. All such proposals shall be consistent with the principles of conservation best practice set out in the Architectural Heritage Guidelines for Planning Authorities, DAHG, 2011.*

And

HO1.3 *To encourage the protection and retention of vernacular heritage and to ensure that development proposals are sympathetic to the special character of vernacular structures.*

The site is located within a zone of archaeological potential and the two monuments are identified.

With respect to the public realm improvements in public areas objectives include:

HO4.1 *To secure the improvement of the visual quality of public areas, including open spaces and the approach roads to the town, through planting, high quality boundary treatment, welcoming signage, footpath improvements and traffic calming, where appropriate.*

And

HO4.2 *To resist development proposals and unnecessary signage which detract from visual amenity or the visual appearance of approach roads to the town.*

5.2. Sustainable Urban Housing: Design Standards for New Apartments March 2018

5.2.1. Specific Planning Policy Requirement 1 (SPPR1) states:

Apartment developments may include up to 50% one-bedroom or studio type units (with no more than 20-25% of the total proposed development as studios) and there shall be no minimum requirement for apartments with three or more bedrooms. Statutory development plans may specify a mix for apartment and other housing developments, but only further to an evidence-based Housing Need and Demand Assessment (HNDA), that has been agreed on an area, county, city or metropolitan area basis and incorporated into the relevant development plan(s).

5.2.2. Specific Planning Policy Requirement 3 (SPPR3) states:

Minimum Apartment Floor Areas:

- *Studio apartment (1 person) 37 sq.m*
- *1-bedroom apartment (2 persons) 45 sq.m*

- *2-bedroom apartment (4 persons) 73 sq.m*
- *3-bedroom apartment (5 persons) 90 sq.m*

5.2.3. Section 3.30 addresses Internal Storage. Appendix 1 provides minimum standards.

Minimum storage space requirements

- *Studio 3 sq m*
- *One bedroom 3 sq m*
- *Two bedrooms (3 person) 5 sq m*
- *Two bedrooms (4 person) 6 sq m*
- *Three or more bedrooms 9 sq m*

5.3. **Natural Heritage Designations**

Ballynafagh Bog SAC (Site Code 000391) is c. 6km to the west. Ballynafagh Lake SAC (Site Code 001387) is c. 6km to the west. The Rye Water Valley/Carton SAC (Site Code 001398) is c.15km to the north-east.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

A first party appeal against the decision of the Planning Authority to refuse permission has been lodged. It was accompanied by drawings. In summary it includes:

- The Council did not seek Further Information and therefore an opportunity was not provided to address issues raised in the internal reports.
- Prepared amendments which address planning issues raised in Planner's Report. Drawings accompany the appeal indicating proposed changes.
- Changes proposed to reduce the overall scale, height and massing:
Reduction of size of 3rd floor plan – results in the omission of 3 no. apartments

and leave 2 penthouses set back from parapet. This will create a lower profile and reduced massing.

- Reduce the height of the building to the east side beside existing Block 4. Suggest removal of second floor apartment and introduction of communal roof garden overlooking the river. This would reduce height and scale and create better relationship with road and Block 4.
- Remove 10 car parking spaces beside Block 1 and provide additional landscaping.
- Provide a new pedestrian footpath along the proposed north façade to provide a public link to the river.
- Revised design treatment to the front façade to improve overall impact and feel of building.
- Reduce the size of the 3rd floor and create a 3rd floor setback.
- Remove part of second floor to the east.
- Stagger the parapet height.
- Vertical break up of façade with changes in material, select brick and select render (possibly using colour render). This will give the building a better individual residential scale in keeping with village street elevation and a more suitable design solution for the approach to Clane.
- Feel building is suitably located on the site relative to the existing landscaped historical monument.
- Revised storage areas to reflect the New Apartment guidelines.
- Suggest relocating a number of north facing balconies to the south.
- Omit 4 apartments due to proposed amendments.
- Amenity space has increased due to relocation of 10 car parking spaces.
- Propose suitable children's play area.
- Satisfied all relevant drainage matters were addressed in original submission.
- List of existing childcare places provided.

- Of the opinion that derelict shed is of no historic importance and now encroaches on the public open space.

6.2. Planning Authority Response

The Planning Authority responded to the appeal. In summary it includes:

- Notes the applicant is proposing to reduce the number of apartments from 29 to 25, to revise the design of the building and to include revisions to the proposed site layout.
- The proposed north-east elevation is presented in sketch format only. The revised façade treatment includes a vertical emphasis and a light treatment of external materials which is considered to be an improvement.
- A full set of plans and elevations are required to fully assess the revised proposal.
- Photomontages or visual impact assessment would also be required to assess the impact of the revised façade on the setting of Alexandra Bridge.

6.3. Observations

An observation on the appeal has been received from Clane Community Council. It is similar to the submission made to the Planning Authority. In summary it includes:

- Proposal represents overdevelopment of the site which is a key gateway entrance to the town which will impact negatively on the area in terms of height, density, scale and design and is wholly unsympathetic to the existing natural and built heritage.
- Consider that the zoning objective has been ignored.
- Potential flooding issues.
- Impact on River Liffey.
- Sewage capacity issues.
- Excessive scale and mass in proximity to a protected structure and national monument.

- Transport concerns.
- Childcare/Ecology and Local History.

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 issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Design & Layout and revisions proposed
- Residential & Visual Amenities
- Built Heritage
- Infrastructure & Flooding
- Appropriate Assessment

7.1. **Design & layout and revisions proposed**

- 7.1.1. The initial proposal and the design that was subject to third party submissions, was for a large linear block facing onto the R407 Clane to Naas road at the southern entrance to the town. This site is in a very prominent location and therefore acts a gateway to the town from the south. The Planning Authority refused permission having regard to its height, design, scale and bulk on a prominent site on the approach road to Clane.
- 7.1.2. The first party appeal included amendments to the overall design which the applicant considered would create a lower profile and a reduced massing to the overall building, and considers that the amendments would be a more suitable design solution for the approach to Clane and its riverside location.
- 7.1.3. Having regard to the initial proposal, I am of the view that the design would be out of character with the pattern of development in the area, particularly with respect to the existing blocks of apartments which have had regard to their surroundings and are more in keeping with development in the vicinity. I am of the view that the proposal would be incongruous in terms of its design and has not had regard to its key

riverside and gateway location in Clane and is contrary to policy HO4.2 which seeks to *resist development proposals and unnecessary signage which detract from visual amenity or the visual appearance of approach roads to the town.*

- 7.1.4. The linear block proposed would present a bulky and overbearing façade onto the street. It is almost double the length of the other blocks within the development and lacks articulation and variety in its elevational treatment.
- 7.1.5. With respect to the changes proposed as part of the appeal, I am of the opinion that the changes are material and should the Board be of a mind to grant I would recommend that they be advertised providing third parties an opportunity to make submissions. The drawings submitted include a sketch indicating façade changes, which does go some way towards breaking up the bulk, mass and overbearing impact the development would have on the street. However, I am of the opinion that the single block proposed should be broken up at the very least to a similar grain as the existing blocks on site, and its roof profile should have regard to the other blocks on site. This would reduce the bulk and mass and be more in keeping with the pattern of development in the area. Regardless, I am of the opinion that there is insufficient information on the sketch to enable a proper and full assessment of the revised proposal. Properly scaled and annotated drawings as well as details of proposed materials are required to properly assess the proposed changes. A visual impact assessment with photomontages would assist in the analysis.
- 7.1.6. As part of the original design, it was proposed to replace the existing stone wall forming the boundary with the R407, with a low wall and railings as indicated on Drawing PL500. I am of the opinion that this stone wall should be kept in-situ and be incorporated into the overall design as it creates a visual link between Alexandra Bridge and the site.
- 7.1.7. To conclude, I am of the opinion that the design proposed by reason of its bulk, mass, footprint and the overall elevational treatment is of insufficient architectural quality on this prominent site and does not provide for a high quality landmark development that is respectful of its setting beside two protected structures – the bridge and the motte - or the existing apartment blocks. I do not consider the proposed changes submitted with the appeal to be acceptable having regard to the pattern of development in the area, and as noted by the Board under ABP Ref.

225918, I do not consider it to be of a design standard sufficient to justify the demolition of the nineteenth century farmhouse.

7.2. Residential and Visual Amenities

- 7.2.1. The second reason for refusal referred to the non-compliance with the New Apartment Guidelines with respect to the quantum and location of internal storage areas, the orientation of all terraces/balconies, and the provision of car parking in areas of open space provided as part of the existing residential development to the south-west.
- 7.2.2. The appeal included modifications to the internal layout to provide the necessary storage and the relocation of balconies and living areas to the south. While I consider this layout to be far preferable, I am of the opinion that the relocation of the balconies and terraces is a material change. Whereas the initial proposal would not have resulted in any of the balconies overlooking the existing blocks, with the revised proposal this would no longer be the case. I am of the opinion that should the Board consider this change acceptable and be of a mind to grant, that these changes should be advertised.
- 7.2.3. In addition, the location of the balconies on the far east corner would not provide for sufficient amenity for future occupants being less than 3m from Block 4.
- 7.2.4. With respect to parking, the proposal includes removing existing public open space and replacing it with parking. I am of the view that it is inappropriate to replace open space provided as part of the existing residential development with parking. Moreover, following my site visit I noted that there are covered bicycle shelters in the public open space. No information has been provided with respect to the relocation of these shelters or if consent is needed from the existing residents/management company to remove or relocate them.
- 7.2.5. As part of the appeal the applicant has revised the parking to avoid the open space adjacent to Block 1. Additional parking is proposed along the linear open space which involves the relocation of steps and hedging. There is no visual relief as would be expected between every 4 – 5 car parking spaces.
- 7.2.6. With respect to public open space, no information has been provided to indicate what the additional area of open space for the new development is. As noted it is

proposed to remove public open space from the existing residents to provide car parking. No assessment of the impact on their amenities has been provided. I consider there will be an impact on the visual amenities of the area as a number of smaller areas of open space are being removed which currently provide visual relief.

- 7.2.7. As noted above no attempt has been made to acknowledge the existing buildings. While they are not protected structures, they form part of the history of the area and I consider that the design should have acknowledged their existence within the overall design concept. With respect to visual amenities, the proximity of the Protected Structure Alexandra Bridge has not been acknowledged.
- 7.2.8. To conclude, I am of the opinion that the proposal would seriously negatively impact on the visual and residential amenities and does not have regard to its sensitive riverside and gateway setting.

7.3. **Built Heritage**

- 7.3.1. The Planning Authority refused permission for reasons including that the proposal would be contrary to the objective HO1.2 of the Clane Local Area Plan in relation to the setting of protected structure.
- 7.3.2. As noted above, no attempt has been made to integrate the proposal with Alexandra Bridge, the Protected Structure. As part of the appeal, the applicant indicates that a new pedestrian footpath will be provided along the front (north) façade which will provide a link to the river. I consider that this will be an improvement. Details are required to ensure that it is accessible by the public but will not compromise the privacy of the new residents. I would also consider that a pedestrian crossing should be provided. Having visited the site, I can confirm that the busy road would not make it conducive for children or adults to cross over to the bridge and the attractive riverside setting of the bridge.
- 7.3.3. As noted above no attempt has been made to integrate the design into its setting including the Protected Structure. I consider that this is contrary to policy HO1.2 which seeks to *ensure that all development proposals that affect a Protected Structure and its setting, including proposals to extend, alter or refurbish any Protected Structure, are sympathetic to its special character and integrity and are appropriate in terms of architectural treatment, character, scale and form.*

7.4. Infrastructure & Flooding

- 7.4.1. The observers raise concerns with respect to the capacity of the sewerage facilities in the area ahead of the development and upgrade of the Clane Pumping Station and the network connection to the Osberstown Wastewater Treatment Plant. Reference is made to a recent decision by the Board (ABP Ref. 248093) for the development of 34 houses on the northern side of Clane. The third reason for refusal of that development stated:

The proposed development would be premature due to the existing lack of capacity in the Clane wastewater network, including the Clane foul pump station, and other sewer network constraints in the area between Clane and the Osberstown Waste Water Treatment Plant, which deficiencies will not be rectified within a reasonable period. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

- 7.4.2. An Engineering Report accompanies the application. It is proposed to connect a new foul sewer pipe into the existing on-site network. No information is provided to confirm that the network external to the on-site facility has capacity. However I note that neither Irish Water or the Council Water Services department have raised objections. In the event that the Board considers granting permission, I would recommend that the applicant is required to demonstrate network capacity.
- 7.4.3. Flooding is raised as an issue by the observers. It is stated that during the floods of 2009, the existing car park was submerged under 50mm of water. The OPW records indicate that a flood event occurred in 1954 which is also referred to by the observers.
- 7.4.4. A Flood Risk Assessment was submitted with the planning application. It is stated that the site lies in Flood Zone A and the proposed development is a highly vulnerable development according to the "Planning System and Flood Risk Management Guidelines for Planning Authorities".
- 7.4.5. A justification test was carried out.
- 7.4.6. It is noted that the CFRAM studies indicate that the site of the existing apartment blocks 4 and 5 is liable to flooding.

- 7.4.7. It is stated that the ground floor level of the proposed development is 66.40m and has been chosen such that there is no risk to the proposed development from fluvial flooding.
- 7.4.8. With respect to pluvial flooding, it is stated that the proposed development will be drained on a completely separate system and will incorporate SuDS to a surface water drain at a controlled flow. Storm water retention in the form of an offline attenuation tank has been designed to cater for the plan area. It is stated that there will be no risk of flooding from pluvial flooding.
- 7.4.9. I note that the Water Services section requested Further Information in relation to the submission from a local resident, Tony McEvoy, in relation to the 1954 Flood Event. Therefore, there is no recommendation on file from the Water Services Department. Based on the information on file, I am satisfied that there will not be a risk of flooding of the proposed development.

7.5. **Appropriate Assessment**

Having regard to the nature and scale of 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 refused for the reasons and considerations as set out below.

9.0 **Reasons and Considerations**

1. Having regard to the objectives of the current development plan for the area and having regard to the pattern of development in the vicinity, it is considered that, by reason of the design, bulk, footprint and, in particular, the overall elevational treatment which is bland, lacks articulation and liveliness and carries no reference to the existing urban grain of the area, the proposed

development would militate against an attractive environment, would be of insufficient architectural quality on a prominent site in this riverside and gateway setting and would seriously injure the visual amenities of the area. The design is not considered to justify the demolition of the existing structures on the site. The proposed development would, therefore, conflict with the objectives of the development plan and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The proposed development does not fully comply with the 'Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities' (March 2018) by reason of not meeting the minimum requirements for the quantum and appropriate location of internal storage areas, the orientation of all terraces/balconies along the northern aspect of the proposed apartment block and the provision of additional car parking in areas of public open space provided as part of the existing residential development to the south and south-west. Having regard to the above, it is considered that the proposed development would be contrary to the proper planning and sustainable development of the area.
3. The proposed development, in close proximity to recorded monuments and protected structures, would be contrary to objective HO1.2 of the Clane Local Area Plan 2017 – 2023 in relation to the setting of the protected structures, and would thereby seriously injure the visual amenities of the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Ciara Kellett
Senior Planning Inspector

31st August 2018