



An
Bord
Pleanála

Inspector's Report ABP-302551-18

Development	Proposed Mixed Use Development, consisting of demolition of all structures on site, and the construction of a new residential development with a café and a shop.
Location	Former Corscaddens Hotel, Church Street, Kilcock County Kildare
Planning Authority	Kildare County Council
Planning Authority Reg. Ref.	17/1278
Applicant(s)	White Tide Developments Ltd
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	White Tide Developments Ltd
Observer(s)	None
Date of Site Inspection	19 th of December 2018
Inspector	Caryn Coogan

1.0 Site Location and Description

- 1.1. The subject site, 0.96ha, is located in the town centre of Kilcock, Co. Kildare along Church Street. It is bounded to the rear by the Royal Canal. Church Street, includes a mix of uses but is primarily residential. There is a school on the opposite of the street to the subject site and a Church. There is a shop and a post office alongside the site, and a vacant public house.
- 1.2. The site is known locally as 'Corcadden Hotel' site, the former hotel building fronts onto Church Street, and there are number of outbuildings to the rear of it, and a detached dwelling on the site. The former hotel is a five bay three storey building with a wide access to the rear off Church Street. The lands at the rear of former hotel building have been vacant and not maintained for years, and include overgrown hard surfaced area, derelict buildings and a dwelling. The stone building to the rear of the former hotel, which is also physically attached to the former hotel building, is in a good state of repair. All buildings on site are in a poor state of repair. The site is flat and hard surfaced, with a tree lined embankment to the rear up to the canal and towpath.
- 1.3. The subject site is almost L-shaped in configuration. Its bounded to the north by in-depth residential development which backs onto the Canal. There is parallel parking along the street frontage, and traffic lights which cater for a pedestrian crossing associated with St. Coca's church and the school on the opposite side of the street.
- 1.6 The site slopes gradually upwards from east to west by approx.4m from a level of 66m OD at the front of the site, which abuts Church Street and to 70m OD to the rear of the site. The south western boundary is defined by the Royal Canal. There is a continuous belt of trees/hedgerows along the southern boundary of the site and adjoining site adjacent to the canal.
- 1.7 There are residential estates to the west called the Courtyard and Royal Canal Court. These include two and three storey dwellings and apartment units. The former Zed Candy site further along the banks of the Royal Canal is currently under construction for an in-depth residential development consisting of houses and apartments, and the site is the subject of a current appeal ABP-302586-18.

2.0 Proposed Development

- 2.1. (a) The demolition of the Corscaddens Hotel and associated out buildings to the rear and an existing dormer bungalow in the south west corner of the site
- (b) The construction of three storey building fronting onto Church Street accommodating 1No. retail units (144sq.m.) and 1No. café (144sq.m.) at ground floor and 4No. own door 3-bedroom duplex units overhead.
- (c) To the rear it is proposed to construct 40No. Dwellings comprising of 8No. 2 storey, 3 bedroomed semi-detached units, 8No. three bedroom terraced townhouses, 12No. ground floor apartments, 12No. three bedroomed duplex units, within 6No. three storey buildings.
- (d) The proposed development includes site development and infrastructure works, carparking, bicycle parking, bin storage, open spaces and landscaping and protection of adjoining properties.
- (e) Vehicular access off Church Street and a pedestrian access to Royal canal at the rear of the site.

3.0 Planning Authority Decision

3.1. Decision

Kildare Co. Co. refused the proposed development for five reasons:

- (1) The proposed development would be contrary to Section 7.4.3.3 of the Kilcock Local Area Plan 2015-2021 because
- It does not create a highly sustainable mixed-use quarter with a strong sense of place
 - It does not create adequate shared surface streets linking Church street with Royal Canal
 - It does not provide a high quality urban square fronting Royal Canal
 - It does not create a linear park with pedestrian and cyclist connections along the canal bank.

- (2) The proposed development by reason of height, design, scale and bulk on a key Town Centre site adjacent to an Architectural Conservation Area and overlooking the Royal Canal would be out of character with the area, would be seriously injurious and detrimental to the visual amenities of the area.
- (3) The proposal is substandard and does not comply with 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities' (March 2018) or Development Management Guidelines of the Kildare County Development Plan 2017-2023 by reason of inter alia:-
- Inadequate internal storage space;
 - Poor layout and design of amenity areas
 - Inadequate bin storage;
 - Poor quality amenity areas;
 - Inappropriate mix of house types which does not provide for single person or family occupancy;
 - Excessive and haphazard arrangement for parking.
- (4) The proposed development would endanger public safety by reason of a traffic hazard to road users due to the perpendicular car parking bays
- (5) The development lacks a complete swept path analysis design

3.2. Planning Authority Reports

3.2.1. Planning Report (No. 1)

- The proposed development complies with zoning objective A Town Centre
- A phasing plan should have accompanied the planning application.
- The front building along Church street should be renovated and extended which is complimentary to the vernacular style and existing street pattern.
- The applicant should integrate the Coach House into the scheme.
- There should be a clear connection between R148/ Church Street and the Royal Canal greenway.

- Rear garden depths fail to meet minimum standards.
- The proposed dwellings along the Grand Canal should be revised to include 2 and ½ storey townhouses with first floor living space provided at a similar level to the canal tow path and opening directly onto the tow path.
- Insufficient parking provision
- The layout of dwellings to the rear is not acceptable it fails to provide a definite street frontage, and 17-20 has parking provisions distant from the units.
- There is no differentiation between residential and commercial parking.
- The height of the central residential units is acceptable.
- Compliance with urban Design Manual
- Density of 51 units per hectare and is acceptable.
- Potential for overlooking should be reconsidered throughout the scheme
- A greater housing mix is required
- The open space provision meets with minimum requirements.
- The private open space with and number of units is considered to be insufficient and lacks quality
- Further information is required regarding surface water drainage.

3.2.2 Further Information was requested on 17th of January 2018, and a Response was received on 13th of July 2018.

3.2.3 **Planning Report No. 2 (Response to Further Information)**

- The revised design of the main hotel building is not acceptable as the balconies are considered to be inappropriate, and the current building provides a strong structure along the streetscape which is not respected in the overall design. The building is included on the National Inventory and immediately adjacent to an ACA and should be retained.
- The revised parking layout has been rejected by the Transportation department

- The revised layout is excessive and haphazard and does not provide any clear delineation between those spaces to be used by residents, visitors and retail users.
- The open space connection to the canal and its relationship to the canal are unclear. The private open spaces associated with the units along the canal are sloped and substandard.
- As per revised proposals 2No. blocks of A type duplex units and apartments and Block E (5No. storeys accommodating 14No. apartments). The revised Block A along the Canal is 10.1metres, and the original design was 12.5metres, and the first design is considered to be more visually pleasing. Concern over the quality of the open space to the rear of the Canal side which would be 3metres lower than the height of the towpath to the south which would result in overlooking and negatively impacting the residential amenity of the spaces. A linear park would be more suitable along this stretch, and in line with objectives for the site.
- Block E at 16.8metres could cause overshadowing of nearby properties.
- The open space area is not central to the scheme, it does not tie in with the towpath, it will not attract users not meaningful pedestrian link
- All dwellings with the exception of Block A are substandard in relation to the provision of internal storage.
- The proposal does not cater for all stages of life
- The Taking in Charge plans are noted
- Housing Department satisfied with Part V
- Inadequate turning bays for refuse trucks etc
- Water Services Department satisfied with surface water collection and drainage, attenuation measures, and flood risk measures

A Refusal is recommended.

3.2.2. **Other Technical Reports**

Area Engineer: Further Information requested. The Area Engineer had no objection in principle to the revised scheme and recommended conditions. The Town Engineer stated the development was welcome as the dereliction of the a key urban site for the past 15-20 years has been a blight on Kilcock.

Environment: Permission is not recommended as there are outstanding issues which have not been addressed by the further information.

Transportation: Further Information required. Upon receipt of further information that section recommended a refusal on the following grounds:

- Revised parking layout submitted as further information should be refused because the perpendicular parking bays would result in conflict between traffic.
- The Swept path analysis is incomplete
- Lack of detail regarding connections to existing developments and towpath
- Turning bays inadequate
- Lack of design for the footpaths with tactile paving
- Lack of detail regarding proposed entrance off Church Street.

EHO: Further Information Required units a

CFO: No objection

Irish Water: No objection subject to conditions.

Housing Section: No objections and a standard Part V condition applies.

Heritage Officer: 12No. swift boxes and 6No. bat boxes for be erected in consultation

3.3. **Prescribed Bodies**

Inland Fisheries: No objections subject to conditions

Bird Watch Ireland: No objection

3.4. **Third Party Observations**

There were no third-party submissions.

4.0 **Planning History**

There is a previous permission on the subject site permitted under the following references: **08/144** and **PL09.234162** for the redevelopment of Corscaddens Hotel and grounds which included a mixed use development. Works to the hotel included a bar lounge, function room, restaurant, conference room, meetings rooms and kitchen. The works also included an off licence, a health and fitness centre, 19No. apartments, a basement carpark. Following a series of revisions, the final grant of permission by the Board on 05/03/2010, included for 59No. dwellings and a variety of mixed uses. The permission has expired.

5.0 **Policy Context**

5.1. **National Policy**

Urban Design Manual A Best Practice Guide May 2009

Design Manual for Roads and Streets 2013 (DMURS)

The Regional Planning Guidelines for the Greater Dublin Area 2010-2022

Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities 2007

Urban Design Manual – A Best Practice Guide – May 2009

5.2. **Local Policies**

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

It is the policy of the Council to: **HC 1** Support the development of sustainable communities and to ensure that new housing development is carried out in accordance with Government policy in relation to the development of housing and residential communities.

5.4 **Objectives: Housing Urban Design**

It is an objective of the Council to:

HDO 1 Ensure that residential development contributes to the creation of sustainable communities in accordance with the requirements of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DEHLG (2009) and the companion Urban Design Manual- A Best Practice Guide, DEHLG (2009).

HDO 2 Ensure that residential development provides an integrated and balanced approach to movement, place making and streetscape design in accordance with the requirements of the Design Manual for Urban Roads and Streets, DEHLG (2013).

HDO 3 Encourage appropriate design and densities for new residential development while recognising the need to protect existing residential communities and the established character of the area. Where appropriate, local area plans may incorporate additional guidance in the form of design briefs for important, sensitive or larger development sites.

5.5 **Inner Suburban / Infill**

The existing built fabric of large towns often contains residential areas where additional dwellings can be accommodated without compromising the existing residential amenity or residential character of the area. The provision of additional dwellings within inner suburban areas of towns can be provided either by infill or by sub-division. Infill residential development may range from small gap infill, unused or derelict land and backland areas, up to larger residual sites or sites assembled from a multiplicity of ownerships. Sub-division of sites can be achieved where large houses on relatively

extensive sites can accommodate new residential development without a dramatic alteration in the character of the area or a negative impact on existing residential amenities. Sub-division shall be considered subject to safeguards regarding residential amenity, internal space standards, private and public open space, car parking and maintenance of the public character of the area.

High quality design should be guided by the principles set out in the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas

(2009), the companion Urban Design Manual – A Best Practice Guide (2009) and the Design Standards for New Apartments Guidelines for Planning Authorities (2015). Standards in relation to the quality of residential development including public open space, private open space, dwelling unit sizes, privacy and aspect are set out under Chapter 17 of this Plan. The standards are framed by the policies and objectives set out below.

5.6 ***Policy: Design and Layout***

It is the policy of the Council to:

DL 1 Promote a high quality of design and layout in new residential developments and to ensure a high-quality living environment for residents, in terms of the standard of individual dwelling units and the overall layout and appearance of the development.

Urban Infill and Backland Development

The development of underutilised infill and backland sites in existing residential areas is generally encouraged. A balance is needed between the protection of amenities, privacy, the established character of the area and new residential infill. The use of contemporary and innovative design solutions will be considered for infill and backland development and connections to the surrounding area and services should be identified and incorporated into proposals.

5.7 ***15.4.2 Brown Field***

Previously developed lands often comprising 1970s industrial estates, factory buildings or storage facilities, former religious buildings or military barracks constitute brownfield sites. They are frequently located in or immediately adjacent to town and village centres comprising low density low grade architecture, and will be identified as part of the review of Local Area Plans. The intensive use of these lands through new developments presents opportunities to create sustainable urban quarters with a mix of uses, creating compact neighbourhoods with pedestrian orientated streets.

5.8 ***15.7 Detailed Urban Design Considerations***

The following sections outline detailed urban design considerations:

15.7.1 Scale / Mass / Composition

The size of a building should be relative to its surroundings. Scale is therefore one of the key elements in the design consideration for new buildings.

Scale, mass or bulk essentially refers to the size of the plot, average storey height and also the manner in which the façade is articulated. If these aspects of a building's design are excessively large when compared to adjoining buildings along a street, then the scale of the building is likely to be out of place on the streetscape.

Exceptions may be permitted in the following circumstances:

- If it is a building of major public significance.
- If the nature of the use demands such a building and if the location is suitable for such a building.
- The degree to which it can contribute to the economic vitality of the town centre.

5.10 Kilcock Local Area Plan 2015-2021

5.11 In the *Kilcock Local Area Plan 2015-2021* the site is zoned **Town Centre** which is '*To provide for the development and improvement of appropriate town centre uses including retail, commercial, office and civic use*'.

The Local Area Plan states the purpose of the zone is to protect and enhance the special character of Kilcock Town Centre and to provide and improve for retailing, residential, commercial, office, cultural and other uses appropriate to the town centre.

Section 7.4.3.3. The subject site has been designated as a 'Strategic Regeneration Sites and Redevelopment Areas by the LAP.

B. Corscaddens and Bridge Street

The site is located off Church Street and is bounded by the Royal Canal, Church Street and Bridge Street. Fig 27 provides an indicative layout of how the following principles can be implemented.

1. To create a highly sustainable, mixed use urban quarter with a strong sense of place.

2. To establish a coherent urban structure based on urban design principles to provide a focus for development comprising the following elements:

Perimeter block structure.

An interconnected network of streets and spaces.

New shared surface streets linking Church Street with the Royal Canal and Bridge Street with the Royal Canal as outlined in Chapter 15 Urban Design, Kildare County Development Plan 2011-2017 and in accordance with the principles contained in the Design Manual for Urban Roads and Streets (2014).

Building frontage along the Royal Canal providing passive surveillance.

A high quality urban square fronting the Royal Canal surrounded by ground floor active frontages, this civic space will provide a focus for the area.

3. To promote the creation of a high quality public domain by establishing a landscape architecture.

4. To develop the amenity potential of the Royal Canal by the creation of a linear park with pedestrian and cyclist connections along the canal bank.

5. To promote the heritage, tourism and recreational opportunities of the Royal Canal as a key feature for this site and for Kilcock.

6. To promote an integrated approach for the regeneration of these lands will be promoted. The character and amenities of established residential areas adjoining the regeneration area will be respected as part of the design proposal.

(see section 7.4.2.5)

5.12 Natural Heritage Designations

There are no designated sites or areas adjoining the subject site. The closest Natura 2000 site is the Rye Water Valley/ Carton SAC which is located 6.3km to the east of the subject site.

The Royal Canal pNHA is located to the south of the subject site.

5.13 Built Heritage

There are no protected structures associated with subject site. There is a protected structure to the east of the site and to the north of the site:

B5-20 The Lion House, Church Street

B5-21 The Square

B-15 Stapleton, New Lane

The front boundary of the site is located within a designated Architectural Conservation Area.

6.0 The Appeal

6.1. Summary of Relevant Issues Raised

The appeal submission contains a lot of the information already stated in this report.

A summary of key issues is as follows:

- The buildings on the subject site are in such a state of disrepair there is no other option but to demolish them. They are have not occupied for many years.
- The development is an infill urban site, which is town centre zoned and will significantly enhance the streetscape.
- The previous permission on the site has expired.
- The overall layout of the scheme to the rear and to the front of the site, provides for a compact, efficient and sustainable form of housing which is modest in scale, backland in nature and sits into an irregular shaped site.
- The proposed dwellings address a single access road, and there is pedestrian and cyclists access from Church Street to the Canal.
- The proposed dwellings to the rear of the site have direct access visual connection to the Royal Canal, and the positioning of the buildings to the rear are the same as those buildings previously permitted under PL09.234162.
- The LAP refers to the creation of an urban quarter and urban square with active frontages. The front building provides for retailing/ café. There is no viable demand for town centre uses to be placed to the rear of the site particularly when one considers the context of Kilcock town.
- **Block D and Proposed Mixed Uses**

The Board should note the applicant was requested to incorporate part of the existing front building into the scheme which will require significant and unviable economic investment and will not result in the same form of accommodation as originally proposed for Block D.

- **Residential Use**

The proposal provides for 44No. residential units revised to 46No. units at additional information stage. Block D along the street provides for 4No. three bedroomed units 104sq.m. each. They will be accessed from the rear of the building. There are 16No. three-bed two storey units. To the rear of the site, there is four storey buildings with over twenty units in it.

The shape of the site is haphazard which impacts on the type of housing that can be accommodated on the site. The planning authority had requested 2.5/3 storey units along the rear of the site, but those units would require large rear gardens, which would directly impact on the density and layout of the development. There was a four-storey building previously permitted at the rear of the site, and the applicant has requested the A type units originally applied for with duplex units be considered favourably as these contribute to the efficient density of the development.

6.2 **Grounds of Appeal on Each Reason for Refusal**

The appeal has been brought by the applicant and each of the five reasons for refusal has been responded to in the grounds of the appeal.

6.3 ***Reason No. 1***

The proposed development complies with section 7.4.3.3 of the Kilcock LAP. The proposed development provides for residential, retail and café use on site. The proposal is opening up an unused derelict site which will create activity and provide much needed dwellings. There are proposed buildings on the edge of the site. There are strong buildings creating an edge and perimeter block structures. The proposed houses form a courtyard type layout. It is a compact, efficient

development, it is modest in scale and backland in nature. There is a visual connection with the Royal Canal. The building heights and mix of use accord to development plan requirements. The proposal does comply with Section 7.4.3.3 for the following reasons:

- *Create a highly sustainable, mixed use quarter with a strong sense of place.*

The development opens up connections between Church Street and the Royal Canal

With a mix of uses proposed in a compact development. It creates a sense of place, and close community within an urban centre that is a traditional market town.

The redevelopment of the site will create recognisable features and give a positive identity to the location.

- *Create an adequate shared surface street linking Church Street with the Royal canal*

There is a shared surface from Church Street straight through to the open space at the rear, and this links into the Royal Canal.

- *Provide a high quality urban square fronting the Royal Canal*

Figure 27 of the LAP provides indicative layouts for the Strategic Redevelopment Sites and Regeneration Areas. The subject site forms part and not entirely the Corscaddens and Bridge Street. It is required that the open space abut the canal for southerly aspect, but also any future development proposals for the adjoining site to the east could tie in and appropriately interface with the open space. The applicant should not be expected to provide open space for the entire urban square. The LAP provides for indicative layouts and guiding principles but in its decision, Kildare Co Co has literally ignored their own development plan. The size and configuration of the site is too small to be occupied by a large open square which would not provide for sustainable density on zoned, town centre site.

- *Create a linear park*

The proposed development provides for pedestrian and cyclist connectivity to the Royal Canal directly through the site from Church Street. The red line of application extends to the boundary of the site where it abuts the Royal Canal towpath along which there is existing pedestrian and cyclist connectivity.

6.3 Reason No. 2

The understanding of the second reason for refusal is that the entire proposals would be out of character with the area and would seriously injurious and detrimental to the visual amenities of the area.

(a) Corscaddens Building/ Block D

The existing building fronting onto Church, is not a protected structure. The site is not located in an Architectural Conservation Area, and the objectives HS13 and HC 14 relate to lands outside of the site area. Kildare Co. Co. has assumed the site is within the ACA and it is not, this is not only reflected in Reason 2 of the decision but also the request for further information.

The applicant revised the design of the main building along Church Street which shall replace the hotel. A double pitched roof was proposed to reflect the roof design of the existing building. The mass and form of the existing building is reflected in the proposed design. The Consultant Conservation architect, states the proposed building sits well in its setting, and it is set back from the street similar to the original building. Block D is three storeys high, same as the existing building, it has a brick finish. The design is in keeping with and sympathetic to the character of the receiving environs. It will have no impact on the ACA and will enliven Church Street.

The Planner's Report incorrectly refers to the balconies been north easterly facing, when they area south westerly facing. Block D also provides living over the shop. It is totally refuted Reason No. 2. The proposed buildings along the Canal are considered to be out of character by the planning authority yet, the proposed footprint reflects the permitted scheme granted under 08/144 and PL09.234162. The LAP 7.4.3.3 provides for building frontage along the Royal Canal for passive surveillance. The building permitted by the Board along the Canal was four storeys in height and the same principles apply to this current proposal.

The provision of two storey dwellings positioned in the centre of the site is out of character with the area. The proposed dwellings have no impact on the ACA, and provide for a variety of tenure.

6.4 Reason No. 3

All the proposed units have storage and provide for attic space. This type of storage has previously been approved by Kildare Co. Co. The amount of storage space is tabulated both before and after the further information, with each dwelling having 6sq.m- 9sq.m with additional attic space. The apartments within Block E have 6sq.m. storage space. The proposed A1 unit types, a 3-bedroom, duplex unit has an overall floor area of 110sq.m. of which 6sq.m. is for storage. The proposed storage area is 3sq.m. short of the 9sq.m. but given the generous size of the unit, it can be internally modified, and this is not a valid reason for refusal.

Two different planners assessed the case with Kildare County Council and there are blatant inconsistencies on their opinions regarding the proposed development, and contradictions regarding the assessment against the LAP.

There is adequate bin storage on the site layout drawings and it has been carefully located within the scheme.

The public open space is located in the south -east corner of the site with good aspect for maximum amenity. The positioning of the open space in this corner provides a connection to the canal and any future development to the east.

In relation to the private open space for A type units at the rear, there were different opinions between the planners in the assessment of these units. They are required to provide meaningful private open space for the units, any bigger and the entire scheme would have to be revised to accommodate larger open space areas.

The Core Strategy of the Development Plan identifies Kilcock as been a 'Moderate Sustainable Growth Town'. In accordance with table 17.3 housing developments of 50No. units are required to have a Housing Mix. The proposed development is 44No. units, and the need for a wide-ranging housing mix is not required.

Section 3.4 Minimum Future Housing Requirements indicates smaller households are projected. There are 2 and 3 bedroom units proposed, and there is a mix of dwelling types, apartments, duplex units and dwellings. Each dwelling having onsite parking appropriate to an infill site. For 46No. units there is 84.5 spaces required as per Table 17.9 of the development Plan. There are 86No. spaces proposed which is hardly excessive.

6.5 Reason No. 4

The proposed development and the revised proposal provides for one site perpendicular parking. Kildare Co. co. did not request for the parking to be revised on the A.I. There is perpendicular parking outside of the post office on Church Street Drawing 17028-FI-03 indicates a revised entrance that provides sightlines in accordance with DMURS with parking either side of the junction.

A Road safety Audit was submitted as part of the AI response. There was no issue with the proposed parking layout in the Ai request. The proposed parking layout is a late assertion by the planning authority and to state it will result in a traffic hazard is misleading and the reason for refusal should be dismissed.

6.6 Reason No. 6

Item 16 of the Additional information required a swept path analysis to ensure refuse and fire truck can service the development. This was submitted by the applicant. Reason No. 5 has elaborated on this issue which was not raised in the request for A.I., and the outstanding issues can be dealt with by way of condition.

6.7 Planning Authority Response

The planning authority had no further comments to make on appeal.

7.0 Assessment

7.1. The subject site is a prime infill and brownfield site in Kilcock, adjacent, to town centre uses, schools and a church. The site is located at the southern end of Church Street beside the main commercial hub of the town, and the northern end of Church Street has been developed by in-depth residential developments. The former disused Zed Candy site, accessed further north along Church Street is currently under construction, and it is a solely residential development, whereas the current proposal includes for a retail and coffee shop on the ground floor along Church Street.

7.2. I intend to examine the proposed appeal under the following headings:

- Compliance with the Development Plan and Kilcock Local Area Plan
- The Context of the Proposed Development within the Urban Setting

- Compliance with National Standards for Sustainable Residential Developments in Urban Areas
- Traffic Issues and Parking
- Otter Matters
- Appropriate Assessment

7.3 Compliance with the Development Plan and Kilcock Local Area Plan

The proposed development complies with the Kildare County Development Plan policies regarding Housing, Inner Infill site, Design and Layout and in terms of providing a contemporary living environment in the urban centre alongside a public amenity the Royal Canal, it provides a compact safe residential environment close to key public transport nodes.

The relevant plan is the ***Kilcock Local Area Plan 2015-2021***. The subject site is included within the *Town Centre* zoning objective, which is to provide for the development and improvement of appropriate town centre uses including retail, commercial, office and civic use. The primary use of the proposed development is residential. There are two commercial units proposed on the ground floor of Block D which addresses Church Street. The two units account for a small percentage of the floor area by comparison to the residential use on site, and the previous use on site as a hotel. However, I consider the proposed development is acceptable in principle having regard to the town centre zoning of the site, the proximity of the site to commercial hub of Kilcock and Kilcock railway station. I noted a number of vacant commercial properties along Church Street during my inspection, and it would appear that a residential use is the most viable and in demand at this time. I consider a number of objectives in the LAP to be aspirations in terms of demanding a commercial urban quarter to the rear of the site, because if commercial activity along Church Street needs a kick start through this proposal, the commercial focus should, in my opinion, be placed along Church Street.

In my opinion, the re-development of the subject site should be encouraged. The site is a strategic location positioned along the banks of the Royal Canal within walking distance of town centres services and facilities. The site has been vacant

and derelict for along time. It is unsightly, and the entire area would benefit from a contemporary redevelopment of the site. The Corscaddens Hotel building is a five bay three storey structure built around 1840. The building had been extensively renovated during the 1980s and lost most of its original features. The structure is in a poor state of repair. The buildings/ outhouses to the rear of site and a detached dwelling are in a poor state of repair, and in my opinion, not worthy of retention as confirmed by the accompanying Heritage Report on the planning file. Corscaddens Hotel is not a Protected Structure, it is included on the National Inventory of Architectural Importance.

7.4 Under the provision of the Kilcock Local Area Plan, Section 7.4.3.3 the subject site is designated as a '**Strategic Regeneration Site and Redevelopment Area**' A set of criteria has been listed in the LAP whereby certain design principles must be applied within the scheme. The planning authority assessed the proposed development in terms of the Local Area Plan and requested extensive revisions by way of Additional Information, and upon receipt of the additional information and revised scheme, decided to refuse the development for 5No. reasons. The first reason for refusal stated the proposed development (original and revised scheme) did not comply with section **7.4.3.3**. of the Kilcock Local Area Plan 2015-2021. The following principles are cited in the reason for refusal:

1. *To create a highly sustainable, mixed use urban quarter with a strong sense of place.*
2. *To create adequate surface streets linking Church Street with the Royal Canal and Bridge Street with the Royal Canal*
3. *Provide a high quality urban square fronting the Royal Canal*
4. *To create a linear park with pedestrian and cyclist connections along the canal bank.*
5. *To promote the heritage, tourism and recreational opportunities of the Royal Canal as a key feature for this site and for Kilcock.*

Other items listed under section 7.4.3.3. were deemed to be acceptable. The most contentious issues for the planning authority included, Block A, Block D and the link

between the Royal Canal and Church Street. These items regarding design are discussed in greater detail on the next section of this assessment.

7.5 I refer to section 7.4.3.3 of the **Kilcock Local Area Plan 2015-2021**.

1. To create a highly sustainable mixed use urban quarter with a strong sense of place.

The site has been left vacant and derelict for a considerable length of time. Although there was a previous permission on the site for a mixed use in-depth development, this permission did not materialise. The knock-on effect of the continued vacant use is apparent closer of adjacent commercial businesses along Church Street, such as the public house on 10metres from the site along the street frontage. There needs to be renewed activity along this section of Church Street as it is so close to the commercial hub of the town and located opposite a beautiful Church. The urban setting of the proposed site is distinct. The proposed development will provide a shop, a café and residential use in a compact form on the site.

2. To establish a coherent urban structure based on urban design principles to provide a focus for development comprising the following elements:

- *A perimeter block structure*
- *An interconnected network of streets and spaces*
- *New shared surfaces linking Church street and Royal Canal*
- *Building frontage onto the Royal Canal*
- *A high quality urban square fronting Royal Canal surrounded by ground floor active frontages*

The proposal provides for buildings addressing the Royal Canal. In my opinion, the objective is slightly aspirational because as stated, Church Street is finding difficulty in maintaining its active and commercial uses, therefore, it would not be possible to maintain such uses off street along the rear of the site. One must consider the entire redevelopment of the site and the positive contribution it will make to Kilcock town centre.

3. To promote the creation of a high quality public domain by establishing a high standard of architecture and landscape architecture.

This is largely a subjective issue, however I consider the Block E presented by way of further information is a poor architectural design response to the site and its setting. The concept of the duplex units along the Royal Canal made a more elegant architectural statement, however the revised design of the duplex units in the further information submission, provided a superior design and elevational treatment to the front and rear elevations, and internal floor plans.

The original Block D along Church Street proposed, it more acceptable than the revised design presented in the further information.

4. To promote the amenity potential of the Royal Canal by the creation of a linear park with pedestrian and cyclist connections along the canal bank.

There is a direct link proposed from the site to the tow path and Royal Canal, similar to links provided within adjoining in-depth residential developments.

The proposed development will ensure the use of an underutilised infill town centre site, and the proposed design respects neighbouring properties.

- 7.6 The Board should note there was a previous planning permission on the subject site, granted under appeal reference **PL09.234162**, which was for a mixed-use development on the site including 84No. residential units. The decision to grant permission was made in 2010 for a reduced number of residential units, when Corscaddens Hotel was included in the Kildare County Development Plan a Protected Structure. The permission did not commence and has since expired. Since the previous permission, a new County Development Plan and Kilcock Local Area Plan have been adopted by the planning authority, which included the de-listing of the hotel building from the Protected Structures list.

7.7 The Context of the Proposed Development within its Urban Setting

The subject site is 0.96 Ha, and is currently a vacant site, with a number of derelict and vacant structures. The main linkage to the site is from Church Street. There is no existing or historical access via the site to the Royal Canal. The Royal Canal is elevated above the level of the site, this site boundary is considerably long compared to the Church Street site boundary. The site is closed off from adjoining developments to the north and south. The prevailing building height is two storeys,

with a number of three storey structures. Coruscaddens Hotel building is a three-storey structure located along a two-storey streetscape. There is not clear settlement pattern in the area as the configuration of the streets is very haphazard and the Royal Canal dictates layouts in the vicinity of the site. The main interface is Church Street and to a much lesser extent the Grand Canal, as it is not directly seen from adjoining streets except from the bridge along Bridge Street. On the opposite side of the canal to the subject site, there is a large commercial development that holds no architectural or urban design merit. On the adjoining site to the north-west, within the Royal Canal Court, there are 4No. two and a half storey residential blocks with a pedestrian link to the Grand Canal from the site. After setting the context of the site within Kilcock, I wish to assess the main building components proposed in the scheme.

7.8 Block D

In the original submission, the proposal was to demolish the existing three storey hotel building and construct a new contemporary block with a café and retail unit on the ground floor, and 4No. three-bedroom duplex units overhead. The new building would be setback from the edge of the public road similar to the existing building currently on site. The planning authority took the view the demolition of the building fronting the street was not acceptable. The existing building is located alongside an Architectural Conservation Area, and revised proposals were required whereby the character of the building was retained along Church Street and the Architectural Conservation Area. The revised proposals received on 13th of July 2018, indicated a revised hipped roof design, with a stronger vertical emphasis on the first and second floors with the use of balconies and double gable sided elevation at the junction of the scheme with Church Street. It is similar in bulk and height to the originally proposed design, and the existing structure on site.

In my opinion, the revised proposal will look incongruous along Church Street, as the railings along the upper floors will appear heavy and busy. I do not agree that the existing building makes a significant architectural statement along the street to warrant retaining its overall formation. The new building along the street must make a clear distinction between the public front along Church Street, and the residential development to the back of the building within the private realm. The original contemporary Block D design submitted in November 2017, responds positively to

the adjoining buildings either side of the site along Church Street with a contemporary legibility instead of the revised design which I consider to be embellish pastiche.

The original designed Block D included vertical and horizontal rhythms which are more in harmony with the existing patterns of proportions, scale of windows doors and shopfronts along Church Street, than the revised proposal submitted with the further information. Should the Board be mindful of granting the proposed development, I will recommend Block D as per the original submission documents be permitted.

7.9 Proposed Dwelling Units Along the Royal Canal

Originally six three storey blocks were proposed along the rear boundary running parallel to the Royal Canal with a pocket of open space at the southern extremity of the site, providing a pedestrian link to the towpath and Royal Canal. The units included two-bedroom apartments on the ground floor (75sq.m.) and three-bedroom two storey units overhead (115sq.m.). The planning authority did not consider the units to be acceptable on the site due to the poor level of private open space for the two-bedroom ground floor units. The additional information requested a revised design that included quality private open space, passive surveillance and connectivity to the towpath, design and layout fronting the Royal Canal and development site, passive surveillance of open space area, and impact on adjoining area in terms of overlooking and landscaping. The design response by way of additional information presented an apartment block, Block E. There were two blocks of the duplex units retained from the original scheme supporting a revised design and elevational treatment, but the same principle of the semidetached duplex unit and two-bedroom apartment.

The newly introduced five storey block of apartments, Block E, accommodates 14 No. apartments. The bulk of the building is made up of a brick finish and is cube like in legibility. Within the three storey units, the ground floor apartments are now on the second floor with balconies overlooking the canal. The duplex units have an improved elevational to the front and rear. The applicant considers the five-storey block of

apartments is a landmark structure as viewed along the canal and within Kilcock. The previous and undeveloped scheme on the site, permitted under **PL09.234162** included a four-storey apartment block at the same location as the current five storey block of apartments. In my opinion,

- it is the aspect from the tow path,
- the aspect from the Royal Canal vista,
- the aspect from the bridge in Kilcock towards the site,
- the existing changes in ground level along the rear site boundary,
- the length of the south east site boundary,
- the layout of the residential developments on contiguous sites

that determine the layout of the development along the rear south east boundary. I note the pattern of development to the north and south along the Grand Canal.

In my opinion, the five-storey apartment block would look out of place both within the scheme and the wider area. I note on the Zed Candy site currently under construction further west alongside the Royal Canal, there are 2No. blocks of four storey apartment buildings proposed in close proximity to the Tow Path. However, the proposed site layout at the Zed Candy site, allows for greater flexibility in terms of the layout and parking plan, compared to the Corscadden's Hotel site. Therefore, as with the assessment of Block D, I consider the original proposal for the site of three storey duplex units along the rear boundary of the site, was a more appropriate design. I consider the proposed design of Block E to be officious looking and not compatible with the overall scheme. It is like an afterthought and crudely executed to comply with the request for further information, and the planning authority did not accept it as an appropriate response to the further information. I concur with the planning authority's assessment in this regard.

7.10 I note reason No. 2 of the planning authority's decision states the proposal would be out of character with the area and detrimental to the visual amenities of the area. I agree, the proposed five storey apartment block alongside the Royal Canal would be out of character with the area. As stated, the original proposal of three storey blocks along the perimeter of the site would accommodate a diversity of residential units at a medium density, including double aspect living accommodation, south facing rears,

passive surveillance of the tow path, and in keeping with the existing residential pattern and pitched roofs on the adjoining site. The proposed duplex units do not impact on Church Street or the adjoining Architectural Conservation Area. Therefore, I would advise the Board, if it is considering permitting this scheme to revert back to the original submitted proposal and not the scheme revised by way of additional information. Block E should be omitted from the scheme and replaced by a Block A.

7.11 The planning authority and the Kilcock Local Area Plan place a significant emphasis on linking Church Street to the Royal Canal via the subject site. I can find no historic linkage between the Canal and Church Street via the former hotel site. The Royal Canal is not visible from the site or Church Street. Therefore, if there is no visual link, it can be difficult to create a physical link that will be utilised. In my opinion, there is no relationship between the site and a linkage between the Royal Canal and Church Street. I do not believe the overall layout of the proposed scheme warrants a design response based on a link. I noted the pedestrian link on the neighbouring site, and there will be a similar link created on the Zed Candy site further along the Royal Canal. The proposal is to have a pedestrian access to the tow path from the proposed public open space area. This is consistent with existing and proposed access points to the towpath on neighbouring sites. This will encourage linkages between all the residential schemes from the tow path, creating a linear park along the Royal Canal. The further information site layout included 'Right of Way', however a condition should be included to have a paved pathway from the site via the open space to the towpath, as per the Local Area Plan specific objective.

7.12 **Compliance with National Standards for Sustainable Residential Developments in Urban Areas**

The various dwelling unit types and proposed internal storage space is tabulated clearly on the appeal submission by the applicant. All units have adequate storage space, except for one A1, which are three bedroom duplex units. I believe a condition should be attached to include a garden shed with each A1 unit. I note the quantitative requirements of Table 17.4 of the Kildare County Development Plan, and each of the residual dwellings units comply with the storage requirements which are

also prescribed in the *National Standards for Sustainable Residential Developments in Urban Areas*.

The proposed bin storage areas have been carefully positioned and are adequate to cater for the development.

The communal open space is positioned in the south west corner with minimal passive surveillance from an adjoining dwelling, B2, Unit No. 12. It is safe in terms of the proposed road layout as it will not be impacted upon by the road. There is sufficient communal open space proposed, 905sq.m., with an overall open space provision of 1,026sq.m. cumulating in over 10% of the site area, and it is directly linked to the towpath, a wider public open space area, that will be used by the residents of the scheme. The open space provision would increase with the replacement of proposed Block E with a Block A.

The existing mature planting along the rear site boundary will be maintained along the embankment between the towpath and subject site. Private rear gardens and terraces will back onto the embankment creating a natural backdrop for the private open space areas, and a tranquil view from a central urban site of the Royal Canal. Each of the dwelling units in the middle portion of the site have adequate private open space areas, and carparking spaces.

7.13 Traffic/ Parking

The number of carparking spaces originally proposed was 67No. spaces. Table 17 of the Kildare County Development Plan requires:

2No. carparking spaces per Dwelling Unit

1.5No. spaces per apartment + 1 visitor space per 4No. apartments

Café 1 space per 10sq.m.

Shop 1 space per 20sq.m.

Use	No./ Floor Area	Spaces Required
Residential House	16No. Dwellings	32
Apartments	28No. units	49

Cafe	106sq.m	10
Shop	106sq.m.	5
Total		96

The subject site is located within an urban area. It is close to the commuter railway station. Therefore, it can be accepted that parking will be shared between proposed uses on the subject site. Therefore, I would state the 15No. spaces required by the shop and the café can be shared within the scheme during the daytime when the majority of the residential units may be empty and their parking spaces are not been utilised. This leaves a shortfall of 14No. parking spaces throughout the scheme. There is design capacity within the scheme to incorporate additional spaces, however, the gaps on the communal parking areas are to provide landscaping. Given the urban centre location, and the site's proximity to excellent public transport links, I consider the full residential requirement of 81No. spaces is excessive and will lead to a car reliant and car-based scheme. The DMURS publication calls for walking, cycling and public transport to be prioritised. However, a revised parking plan is required following the omission of Block E from the scheme.

As part of the additional information received, the sightlines at the proposed entrance were an issue, as a result the junction was modified by extending the stop line to the carriageway edge, and the parking was altered. This can be conditioned into the permission.

The Swept Path Analysis required revisions to the internal road layout in front of proposed units 17 and 18. There were revisions to the overall carparking layout, curvature of the internal service road, public open space design, which formed part of the further information submitted on the 13th of July 2018, which should be included in any permitted scheme by the Board.

Paving and kerbing should be appropriate to the context and pedestrian usage. There is an opportunity to enhance the character of the scheme and calm traffic by the use of certain specifications and details which can be conditioned into the permission.

Good quality lighting throughout the scheme will promote a safer environment.

7.14 Other Matters

The proposed development is subject to Part V requirement in terms of Social Housing provision.

The further information submitted included extensive details regarding a surface water drainage strategy including proposals for a hydro chamber for proprietary attenuation. There has been additional permeable paving included throughout the scheme. Drawing 17028-P-04 indicates sections of separate surface and foul sewers.

The proposed works involve the removal of a number of derelict buildings which will impact on the local biodiversity through the removal of foraging habitat for Common and Soprano Pipistrelle and Leisler's Bat. The erection of bat boxes on site is required, and swift nest boxes.

There was a Preliminary Construction Plan submitted with the appeal. A phasing plan was submitted with the further information.

The Heritage Impact Assessment recommends the demolition of the hotel structure along Church Street and the stone building attached to the hotel at the rear. The report did express a preference for the revised design (Block D) presented in the additional information. This issue has been discussed earlier in the report.

7.15 Appropriate Assessment

The Royal Canal pNHA is adjacent to the subject site. There is no Natura 2000 site within or adjoining the subject site. The closest site is the Rye Water Valley/ Carton SAX which is 6.3km east of the subject site. Given the scale, urban location and brownfield nature of the subject site, and the distance from any Natura 2000 site, it is

not considered that the proposed development will result in significant adverse impacts on any designated site.

8.0 Recommendation

- 8.1. I recommend the planning authority's decision to refuse the proposed development be overturned and planning permission be granted for the following reason and subject to the following conditions.

9.0 Reasons and Considerations

Having regard to the location of the site on town centre zoned lands in the Kilcock Local Area Plan Plan 2015-2021, and having regard to the design and layout of the proposed development, as amended at further information stage, 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 property in the vicinity and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 13th of July 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 development shall be amended as follows:-

- (a) Block E on the revised drawings submitted by way of further information on 13th of July 2018 shall be replaced by another Block A as proposed on the same drawing. The revision shall include repositioning Block A further northwest within the scheme to provide additional public open space lost by creating a turning area for HGV vehicles in the revised road layout.
- (b) This permission permitted Block D originally submitted to the planning authority on the 14th of November 2017. Block D as permitted shall be incorporated into the revised site layout submitted by way of further information received on 13th of July 2018.
- (c) A full and comprehensive revised parking layout shall regard to the revisions prescribed in Items (a) and (b) above and shall include designated parking for the disabled and visitors, in accordance with the Kildare County Development Plan 2017-2023 requirements.
- (d) All rear gardens shall be bounded by concrete block walls, rendered and capped on both sides and capped, or by concrete post and concrete panel fences.
- (e) There shall be permeant block and rendered garden sheds provided to the rear of the A1 units.
- (f) The erection of bat boxes on site and swift nest boxes if required in consultation with Birdwatch Ireland.

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, residential amenity and to ensure the provision of durable boundary treatment

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. Roof colour shall be blue-black or slate-grey throughout, including ridge tiles.

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.

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

5. The proposed restaurant shall not be used for the sale of hot food for consumption off the premises (that is, a takeaway use).

Reason: In the interests of residential amenity and of pedestrian and traffic safety.

6. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through the main open space and along the pedestrian access to Two Mile House Road, 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 by the developer 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 interests 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 naming and numbering scheme for the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate signs, and house/unit numbers, shall be provided in accordance with the agreed scheme. The proposed name shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

10. Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of any of the proposed houses without a prior grant of planning permission.

Reason: In order to ensure that a reasonable amount of private open space is provided for the benefit of the occupants of the proposed dwellings, and to allow the planning authority to assess the implications of any such development on residential amenity through the statutory planning process.

11. The development hereby permitted, including all roads, footpaths, open spaces and public lighting, shall be carried out in accordance with the standards and requirements of the planning authority for taking in charge. The development shall be

maintained by the developer until taken in charge by the authority and shall not be operated or maintained by a private management company.

Reason: In order to comply with national policy in relation to the maintenance and management of residential estates, and to ensure that the development, when completed, can be taken in charge by the planning authority.

12. The areas of open space shown on the lodged plans shall be reserved for such use and shall be levelled, contoured, soiled, seeded, and landscaped in accordance with the detailed requirements of the planning authority. This work shall be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority. When the estate is taken in charge, the open spaces shall be vested in the planning authority, at no cost to the authority, as public open space.

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

13. (a) The roads and traffic arrangements serving the site (including traffic 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. The paving and kerbing used throughout the proposed scheme shall ensure traffic calming, embellish the visual amenities of the scheme and enhance the proposed linkage between Church Street and the Royal Canal.

(c) The sightlines and setback arrangement at the junction of the site with Church Street shall be submitted to and agreed in writing with the planning authority prior to the commencement of the development.

Reason: In the interests of pedestrian and traffic safety.

14. 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.

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

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

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

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

17. Signage on the proposed retail, restaurant and commercial units shall be restricted to individual lettering affixed or painted onto the shopfront fascias, without backlighting or floodlighting. Details of such signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

18. Notwithstanding the provisions of the Planning and Development Regulations, 2001, or any statutory provision amending or replacing them, no advertisement signs (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on any of the buildings hereby permitted or within the curtilage of the site, other than the signage agreed under condition number 17 of this Order, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity and to allow the planning authority to assess the impact of any further advertising signs on the area through the statutory planning process.

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

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

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 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, and its maintenance 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 the 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.

Caryn Coogan
Planning Inspector

15th of January 2019