



An  
Bord  
Pleanála

## Inspector's Report ABP-302587 - 18

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<b>Development</b>	Change of use from Medical Centre to apartments and associated works
<b>Location</b>	Ryevale Medical Practice Pound Street Leixlip Co. Kildare
<b>Planning Authority</b>	Kildare County Council
<b>Planning Authority Reg. Ref.</b>	17/1371
<b>Applicant(s)</b>	Philip Blake
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant subject to conditions
<b>Type of Appeal</b>	Third Party v Decision
<b>Appellants</b>	Lauri and Mairead Ardifff
<b>Observer</b>	Charles Smyth
<b>Date of Site Inspection</b>	15 <sup>th</sup> , November 2018
<b>Inspector</b>	Paddy Keogh

## 1.0 Site Location and Description

- 1.1. The site of the proposed development which has a stated area of 0.03 ha. fronts onto the southern side of Pound Street. The junction of Pound Street with the southern end of Main Street, Leixlip is located a short distance to the east of the site.
- 1.2. The site contains a pair of buildings contained within a two-storey terrace. The buildings have a combined stated floor area of 295 sq. m.
- 1.3. The westernmost of the two buildings contains the existing Ryevale Medical Practice which occupies both ground and first floor level.
- 1.4. The easternmost building contains a Polish Shop at ground floor level with unoccupied accommodation at first floor level.
- 1.5. There is a vacant stone outbuilding/shed with a corrugated iron roof at the rear of the site.
- 1.6. There is a vacant site immediately to the west of the site. It appears that buildings have recently been cleared from this site. There is an extant planning permission (granted 24<sup>th</sup>, April 2014) for the redevelopment of this site as a funeral home (see Section 4 below). Beyond this site there are a number of houses fronting onto 'The Hill'.
- 1.7. A Solicitor's practice occupies the adjoining building to the east. A LIDL Store lies beyond the Solicitors practice. The LIDL site wraps around the western and southern boundaries of the Solicitor's office.
- 1.8. Levels in the general vicinity of the site rise significantly to the south and east. Dwellings to the west and rear of the site are perched at a significantly higher level than the subject site.
- 1.9. The Rye Water/River runs parallel to Pound Street on the opposite side of the public road.
- 1.10. Maps and photos are included in Appendix A.

## 2.0 Proposed Development

2.1. The proposed development, as modified by additional information received by the Planning Authority (including revised public notices) on 11<sup>th</sup>, July 2018, involves a change of use and alterations to the existing buildings to provide:

- A two-bedroomed apartment at ground floor level in the space currently occupied by Ryevale Medical Practice.
- A one-bedroomed apartment at first floor level in the space currently occupied by Ryevale Medical Practice.
- A one-bedroomed apartment at first floor level above the Polish Shop in the currently unoccupied space.
- Works to raise the roof height of existing flat roof projections to the rear.
- The provision of balconies over the new flat roof rear extensions. These balconies will serve the proposed 2 no. apartments at first floor level.
- Modifications to outbuildings to be retained at the rear of the site (originally proposed for demolition) to be internally divided and used for the provision of storage space and for the provision of a bin storage area.
- The removal of the existing shop front to the Polish Shop and the restoration of the previously existing shop front.

## 3.0 Planning Authority Decision

### 3.1. Decision

Notification of a decision to grant planning permission for the proposed development, subject to 7 conditions was issued by the Planning Authority per Order dated 22<sup>nd</sup>, August 2018.

## 3.2. Planning Authority Reports

### **Planning Reports**

The Planner's Reports (dated 6<sup>th</sup>, February 2018 and 21<sup>st</sup>, August 2018) are the basis for the Planning Authority's decision.

#### Report dated 6<sup>th</sup>, February 2018

In summary,

- The buildings on site are not Protected Structures. However, they are recorded in the National Inventory of Architectural Heritage.
- The site is located within the Leixlip Architectural Heritage Area (ACA) as defined in the Leixlip Village Local Area Plan 2017-2023 (LAP).
- There are a number of Protected Structures to the south of the site including (1) Ryevale Tavern, (2) The Stables, Glebe House and (3) Glebe House.
- The Rye Water/Cartron Valley SAC is located within c. 55m of the site.
- The proposed development is compatible with the Town Centre zoning of the site in the Leixlip LAP.
- Proposed modifications are largely confined to the rear of the building and will not be visible from the public realm within the ACA.
- The form of the outbuilding to the rear of the site and its materials display characteristics of local vernacular. The proposed partial demolition and removal of the roof of this building would not comply with policies supporting the retention and reuse of such buildings contained in the LAP.
- The proposed apartment units meet site development standards as set out in the Development Plan in respect of minimum floor spaces.
- The proposed development meets quantitative standards in relation to private open space provision, but is not deemed acceptable in qualitative terms insofar as a proposed metal stairs linking the proposed apartments at first floor level (apartments B and C) will overlook the private open space to serve the proposed apartment at ground floor level (Apartment A).

- There are issues surrounding the servicing arrangements for the proposed bin storage areas as the storage units can only be accessed via the proposed apartments. They cannot be accessed directly from outside.
- The requirements of the Planning Authority in respect of the provision of on-site car parking cannot be met due to the configuration of the site. However, a relaxation in standards is deemed appropriate given the site's location within the town centre and to help to retain the attractive townscape quality of the ACA.

This report concluded with a recommendation that the applicant be requested to submit seven items of additional information. Briefly, these related to (1) modifications to provide for the retention and rehabilitation of the outbuilding, (2) reconfiguration of private open space provision and omission of metal stairway, (3) revisions to bin storage and access (4) possible levying of financial contribution in lieu of car parking provision, (5) updated site plan showing adjoining buildings, (6) revisions to shop front and signage at the Polish Shop and (7) exploration of the possibility of merging proposed Apartment units A and C in order to prevent overdevelopment of the site.

Report dated 21<sup>st</sup>, August 2018

This report was completed following the receipt of the applicant's response to a request by the Planning Authority for seven items of additional information.

In summary,

- The proposed development has been revised to provide for the retention of the existing outbuilding. Original door openings will be retained. However, doors and timber door frames will be removed. A portion of the existing corrugated roof will be repaired/replaced. This is deemed to be acceptable.
- Proposed revisions to the private open space provision to provide for the replacement of a metal stairway with a high quality feature stone clad stairway and a redesign of the private open space provision. The proposed first floor apartments will be served by small private balconies. The revised arrangements are deemed to be acceptable.

- Revised bin storage arrangements provide for a bin storage area within Apartment A at ground floor level beside the entrance to this unit. Apartment B will also be provided with an internal bin storage area at ground floor level close to the entrance. Given its location at first floor level it will not be possible to provide an bin storage area for Apartment C with direct external access. However, Apartment C will have a bin storage area adjacent to the balcony at first floor level. A separate sorting and storage areas for bins will be provided at ground floor level. External access for all bins to facilitate collection will be available.. These arrangements are deemed to be acceptable.
- The proposed development is a refurbishment scheme within Leixlip Town Centre. The car parking requirements generated by the proposed development would not exceed that required under the current and established use. In this regard, it is considered reasonable to set aside the Transportation Department's concerns in relation to lack of on-site car parking provision.
- The original shop front is still in place underneath the Polish shop front which was subsequently added to the frontage. The proposal to restore the original shop front is deemed acceptable.
- The provision of apartments in town centre locations is advocated in the recently issued government guidelines *Sustainable Urban Housing ; Design Standards for New Apartments*. The proposed development exceeds minimum design standards advocated in these guidelines and in the Development Plan and is deemed to be acceptable.
- It is recommended that planning permission for the proposed development be granted subject to 7 conditions.

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

### **Technical Reports**

**Principal Environmental Health Officer** – report dated 20<sup>th</sup>, December 2017 indicates no objection to the proposed development.

**Environmental Section** – report dated 17<sup>th</sup>, January 2018 indicates no objection to the proposed development subject to standard conditions.

**Chief Fire Officer** – report dated 22<sup>nd</sup>, January 2018 indicates no objection to the proposed development subject to one standard condition.

**Heritage Officer** – report dated 25<sup>th</sup>, January 2018 indicates no objection to the proposed development subject to a condition requiring the carrying out of a survey for bat roosts prior to the removal of outbuildings.

**Transportation Department** – report dated 29<sup>th</sup>, January 2018 recommends that the applicant be requested to submit one item of additional information. This relates to a requirement to provide car parking on lands within the applicant's ownership to serve the proposed development in accordance with Development Plan standards.

**Conservation Officer** – report dated 5<sup>th</sup>, February 2018 indicates no objection to the proposed development subject to a condition requiring that the retention and reuse of the existing outbuilding enclosure walls as part of the landscaped courtyard amenity area to serve the development.

**Water Services Section** – report dated 29<sup>th</sup>, January 2018 indicates no objection to the proposed development subject to standard conditions.

**Irish Water** – report dated 30<sup>th</sup>, January 2018 indicates no objection to the proposed development subject to standard conditions.

### 3.3. **Third Party Observations**

There were nine third party submissions from adjacent residents. The issues raised in these submissions are similar to those raised in the appeal and are covered in Section 6 of this report below.

## 4.0 Relevant Planning History

### Subject Site:

Reg. Ref. 14/662 – Application for planning permission for change of use and extension of premises to accommodate 4 no. apartments. Application was WITHDRAWN on 22<sup>nd</sup>, September 2014.

Reg. Ref. 11/543 - Planning permission granted to Gaffney's Pharmacy for new signage and for the replacement of unauthorised signage.

Reg. Ref. 06/998 - Planning permission granted for internal alterations including the incorporation of a portion of the ground floor of the adjoining building and for new shop front at Gaffney's Pharmacy.

Reg. Ref. 00/1674 – Planning permission granted for change of use from residential to a Doctor's Surgery and waiting room.

### Adjacent site to south & west:

Reg. Ref. 15/402 - Planning permission granted to ALDI STORES (Ireland) Ltd. for a

development consisting of the demolition of buildings including attached to the Rye Vale Tavern (a Protected Structure), the change of use of the Rye Vale Tavern from public house/residential/office use to office use, conservation works, demolition of night club etc. and the construction of a new part single storey and part two storey Discount Foodstore.

### Adjoining site to the east:

Reg. Ref. 13/885 – Planning permission granted on 24<sup>th</sup>, April 2014 to Cunningham Funerals Ltd. for the demolition of existing buildings and the construction of a single storey funeral home comprising two



chapels, an entrance and reception area, revised vehicular entrance etc.

## 5.0 Policy Context

### Leixlip Local Area Plan 2017 - 2023

- 5.1. The site of the proposed development is zoned 'A' – 'Town Centre'. The stated objective of this zoning is 'To protect, improve and provide for the future development of Town Centres'.
- 5.2. Objective UCRO1.2 seeks 'To improve the quality, ambience, vitality and vibrancy of the town centre including: (i) To promote an appropriate mix of day and night time uses. (ii) To seek to facilitate development that will act as a dynamic centre to attract and retain business in the town centre'.
- 5.3. The site is located within a designated Architectural Conservation Area.
- 5.4. Objective BHO2.2 seeks 'To ensure that new development, including infill development, extensions and renovation works within or adjacent to the ACA preserve or enhance the special character and visual setting of the ACA including vistas, streetscapes, building line, fenestration patterns and architectural features'.
- 5.5. Objective BHO2.4 seeks 'To support the retention, repair and reuse of materials which characterise the vernacular architecture of the ACA including stone, slate, timber windows and doors and decorative render'
- 5.6. Objective3 BHO2.5 seeks 'To address dereliction and promote appropriate and sensitive reuse and rehabilitation of buildings, building features and sites within the ACA.

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- 5.7. Policy VA2 seeks 'To resist the demolition of vernacular architecture'
- 5.8. Policy ACA2 seeks 'To ensure that any development, modifications, alterations or extensions within an ACA are sited and designed appropriately and are not detrimental to the character of the structure or to its setting or the general character of the ACA'.

### **Natural Heritage Designations**

- 5.9. The Rye Water Valley/Cartron SAC (Site Code 001398) passes c. 55m to the east of the site.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

- The site is located within an area zoned 'Town Centre'. Policies contained in the Leixlip Local Area Plan 2017-2023 aim to protect the service needs of the area, to promote the town centre and promote vibrant streetscapes. The existing Medical Practice that occupies the premises is compatible with these policies.
- The buildings on the appeal site are included in the National Inventory of Architectural Heritage (NIAH – Reg. No. 11804037 & 11804038 refer). The site is within a designated ACA. A number of Protected Structures are located to the south of the site. Section 10.1.1 of the Leixlip Local Area Plan 2017-2023 requires development within the ACA to be compatible with the appearance of neighbouring structures. The proposed development would not comply with policies in relation to Architectural Conservation referenced in the Leixlip Local Area Plan.

- Notwithstanding the amendments made to the proposed development by way of further information submitted to the Planning Authority, 2 no. doors and frames will be removed from the outbuilding at the rear of the site. It is submitted that these modifications will damage the character of the outbuilding.
- The Rye Water/Carnton Valley Special Area of Conservation (SAC) is located approx. 55 metres from the subject site. The proposed development has the potential to adversely impact on the status of this Natura 2000 site.
- The concerns of the planning authority Transportation Department in relation to lack of on-site car parking provision should be taken seriously by the Board and planning permission for the proposed development should be refused.
- The proposed bin storage arrangements are inadequate to serve the proposed development.
- Photographs contained within the application documentation (Conservation Report) are four years out of date and are misleading in that they indicate a structure with a dilapidated interior. The interior of the building was upgraded at the time that it was fitted out as a Medical Practice and is currently of good quality and well maintained.
- Ryevale Medical Practice provides approx. 20,000 patient contacts per year offering a range of medical services to the local community. It is the only GP Practice located within the village. It is conveniently located and easily accessible by foot for many patients attending the practice. The building is accessible by persons with impaired mobility including wheelchair users.
- The practice currently employs five people and helps to support the viability of two local pharmacies.
- A recently opened ALDI store is located adjacent to the site and patients of the practice can combine ALDI shopping trips with GP visits. The doubling up of trips in this manner helps to promote sustainable transportation patterns.

## 6.2. Applicant Response

- The Medical Practice that currently occupies the building on site does so under the terms of a short term commercial lease that will expire in June 2019. The landlord (also the applicant) does not intend to renew this lease when the term of the lease ends. In these circumstances, the appellant's opinion that a refusal of planning permission for the development currently being proposed will ensure the long-term survival of a Medical Practice within the building is misplaced.
- The existing Medical Practice is an active use which generates footfall is compatible with the town centre zoning of the site. However, the proposed use will also generate footfall and activity at this location. Unlike the Medical Practice which is closed in the evening and at night, the proposed use will provide footfall and activity during the daytime, in the evening and at night.
- While Ryevale Medical Practice is the closest medical practice to the centre of Leixlip Village, there are currently seven Medical Practices (including Ryevale Medical Practice) providing GP services in Leixlip.
- The outbuilding to the rear of the site is not visible from the public realm and therefore, there will be no material impact on the Architectural Conservation Area from a visual perspective as a consequence of the proposed modification. The loss of two doors to facilitate the provision of recessed entrances constitutes a relatively minor change to the building and will not alter the essential character of the building. The door openings will be retained in their original location, only the doors and frames will be removed.
- The appellants offer no evidence as to why the proposed development would have any adverse impact on the Rye Water/Carton Valley SAC or affect the Natura 2000 site. A Stage 1 Appropriate Assessment Screening carried out by the Planning Authority concluded that the proposed development will have no impact on the qualifying interest of the SAC.
- Section 4.21 of the *Design Standards for new Apartments : Guidelines for Planning Authorities* – Ministerial Guidelines published in March 2018 stipulate that in areas close to town centres in 'Intermediate Urban Locations'

(such as Leixlip) planning authorities must consider a reduced overall provision of car parking and apply an appropriate maximum standard in relation to car parking provision. Section 4.27 of the Guidelines also allows for a relaxation of car parking standards in certain cases relating to the refurbishment of buildings. It is submitted that the current proposal accords with standards promoted in these Guidelines in relation to car parking provision.

- It is submitted that having regard to the scale and configuration of the proposed development that adequate bin storage provision has been made for each of the proposed apartments. However, in the event that the Board is not satisfied with the bin storage arrangements proposed a revised proposal, showing minor modifications to the bin storage arrangements originally proposed has been included in the submission from the applicant for the Board's consideration.
- The applicant acknowledges that photographs of the interior of the existing building contained within the Conservation Report that formed part of the application to the planning authority were out of date. However, this situation arose from the fact that the Architect was unable to secure access to the Medical Practice and was not as a consequence of any attempt by the applicant to mislead the planning process.

### **6.3. Planning Authority Response**

The Planning Authority responded per letter dated 17<sup>th</sup>, October 2018 to confirm that they have no further observations to make in respect of this appeal.

### **6.4. Observer**

A submission dated 12<sup>th</sup>, October 2018 from the President of the National Association of General Practitioners outlines the importance to the locality of the existing GP service being operated from the premises and highlights the difficulties that have been

encountered by the GP operating the practice in sourcing suitable alternative accommodation in the area.

## 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 issues of Appropriate Assessment and Environmental Impact Assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Use
- Conservation
- Car Parking
- Bin Storage
- Appropriate Assessment
- Environmental Impact Assessment

### **Use**

- 7.1. The site is located within an area zoned 'Town Centre' in the Leixlip Local Area Plan 2017 – 2023. A Medical Consultant and a dwelling are both listed as uses that are permitted in principle in this zone per 'Table 13.3 - Land Use' zoning Matrix of the LAP.
- 7.2. The site is located at the periphery of the Town Centre zoned lands and transitions to lands in well established residential use a short distance to the west.
- 7.3. The grounds of appeal highlight the suitability of the subject site and property for the operation of a Medical Practice and cite a range of benefits to the town and local community associated with the continuation of this use. These include the nature of the service being provided, employment generation, compatibility with other local uses e.g. local Pharmacy etc. In addition, the merits of the location given its proximity to the LIDL Store etc. which allows for land use and transportation efficiencies by allowing for dual purpose trips (shopping and doctor visits) have been cited.
- 7.4. The Applicant cites the merits of the proposed residential use in that it will provide for daytime, evening and night-time occupation and use of the property, unlike the Medical Practice which is occupied and used during daytime hours only.
- 7.5. Given the context and zoning of the site I consider that the proposed use is acceptable. I note that neither the existing Medical Centre use (which incorporates an entrance door and separate reception window fitted with vertical office blinds on the ground floor front elevation) nor the proposed residential use provide for significant animation of the streetscape at ground floor level. Nonetheless, I consider that either use complies with and supports Objective UCRO1.1 of the Kildare County Development Plan which seeks to promote an appropriate use of day and night-time uses and to promote the vitality and vibrancy of the town centre. In this context, the proposed change of use is considered acceptable.
- 7.6. The National Association of General Practitioners have highlighted the difficulties faced by the GP currently occupying the premises in sourcing suitable alternative

accommodation. However, I consider that the matter raised in this regard falls outside the scope of the current appeal for determination.

## **Conservation**

- 7.7. The appeal buildings are listed on the NIAH described as an end of terrace three-bay, two-storey house and a terraced three-bay, two-storey house (listings 11804037 & 11804038 refer). The buildings are described as a pair of dwellings dating from c. 1850 with roofs having been replaced with artificial slate in c. 1960. Both houses are classified as being of Regional importance.
- 7.8. The buildings are located within a designated Architectural Conservation Area.
- 7.9. I note that modifications to the original buildings have been carried out over the years including the addition of single story rear extensions. The interior of the end of terrace building has been modified in recent years to facilitate the existing Medical Practice use. A new shop front (Polish Shop) was added to the front of the mid-terrace building. Documentation on file suggests that this shop front has been added in front of the previously existing (Pharmacy) shop front which remains in-situ beneath. The enclosed yard to the rear on the premises is currently poorly maintained. The shed at the rear of the site is an attractive vernacular building in a poor state of repair.
- 7.10. I consider that the physical interventions now being proposed will not significantly injure the architectural character or the historic fabric of the buildings. The extent of internal alterations proposed to the fabric of the original buildings is limited. Modifications such as the raising of the height of the flat roof projections to the rear involve the alteration of structure which were later additions to the original buildings.
- 7.11. The appellant objects to the proposed works to the shed at the rear of the site on the grounds that it will damage the vernacular architectural heritage of the area. However, this shed is currently poorly maintained and appears to be unused. I consider that the proposed development has merit in that it involves minimal intervention to the fabric of the shed (removal of doors and door frames only) and provides for the repair and re-roofing of a damaged portion of the existing roof. In



this regard, the proposed development will help to secure the survival of the structure.

- 7.12. Furthermore, the proposed development will facilitate the re-instatement of the previous shop front (see photograph Appendix A – *Google Earth 2009*) which was replaced with a shop front of an inferior quality.
- 7.13. I consider that the proposed development is acceptable within an ACA and will not undermine the conservation status of the existing buildings and structure on site.

### **Car Parking**

- 7.14. 5 car parking spaces are required to serve the proposed development in accordance with site development standards as set out in Table 17.9 of the Development Plan (3 no apartments @ 1.5 spaces per apartments = 4.5 spaces) a further 4 spaces are required for the existing shop (80 sq.m gross floor area of retail convenience store @ 1 space per 20 sq.m.). [Total = 9 spaces]
- 7.15. The Transportation Department recommended that the applicant demonstrate how the required car parking provision can be met on lands within the applicant's ownership.
- 7.16. The grounds of appeal highlight that the requirements of the Transportation Department in respect of car parking provision cannot be met and argue that planning permission should, therefore, be refused.
- 7.17. It has been submitted on behalf of the applicant that the proposed change of use generates the same quantum of car parking demand as the established uses on site.
- 7.18. The site is located within Town Centre zoned lands and within easy walking distance of a range of shopping, commercial and community facilities. There are 6 on street public car parking spaces in a bay at the front of the site and a further 5 public car parking spaces in a contiguous parking bay (in front of the adjoining Solicitor's office). These spaces are 'pay and display' spaces with the option for use by residents on an annual parking permit basis. Peak car parking demand for the

apartments is likely to occur in the evening and at night which would complement peak daytime demand for commercial and other uses in the town.

- 7.19. Furthermore, as has been pointed out by the planning authority Area Planner, Section 4.27 of the Ministerial Guidelines, *Design Standards for New Apartments – Guidelines for Planning Authorities* recommends that normal car parking requirements can be relaxed on refurbishment sites and stipulate that requirements can be wholly eliminated for proposal located in central/accessible urban locations.
- 7.20. In these circumstances, I consider that the lack of on-site car parking to serve the proposed development is acceptable.
- 7.21. In light of the above and taking into consideration the financial contribution towards the provision of roads, footpaths, car parking and public lighting previously levied and paid pursuant to Condition No. 10 of Reg. Ref. 00/1674 (under which planning permission was granted for a change of use from residential to a Doctor's Surgery) I consider that the levying of a financial contribution in lieu of any shortfall in car parking provision would be unwarranted in this instance.

### **Bin Storage**

- 7.22. At the request of the Planning Authority the proposed arrangements for the provision of bin storage areas and the management (bin collection) of these areas was modified at additional information stage.
- 7.23. The grounds of appeal argue that the bin collection arrangements are inadequate and do not comply with statutory guidelines.
- 7.24. Section 4.8 and 4.9 of the national guidelines *Design Standards for New Apartments – Guidelines for Planning Authorities (March 2018)* set out recommendations in relation to bin storage areas for apartments. S. 4.8 recommends that refuse facilities shall be accessible to each apartment stair/lift core and designed with regard to projected level of waste generation and types and quantities of receptacles required. Within apartments there should be adequate provision for the temporary storage of segregated materials prior to disposal in communal waste storage.
- 7.25. Proposed apartment A which is a ground floor apartment with direct access to the rear will be provided with dedicated bin storage within a private patio area rear serving this unit. Proposed apartment B has direct access to the street. A dedicated bin storage area within the apartment will be provided immediately adjacent to the front door. Proposed apartment C is located at first floor. It has no direct ground floor access. It will be provided with a dedicated external bin storage area adjacent to the private rear balcony serving the apartment. In addition, the proposed development provides each apartment with a separate area for segregated waste storage in a bin storage area in the outbuilding at the rear of the property which will be renovated as part of the proposed works.
- 7.26. The nature of the proposed development involves a change of use of existing buildings of architectural and historic merit. The configuration of the existing structure imposes limitations on the design and layout of bin storage. Notwithstanding these limitations, I consider that, on balance, the proposed bin storage arrangements are adequate to serve the proposed development and are acceptable. Furthermore, I consider that the proposed development has merit in that it provides for the upgrading of the rear yard serving the existing premises which is currently poorly maintained and used for the storage of waste materials.

## **Environmental Impact Assessment**

7.27. Having regard to the nature and limited scale of the proposed development and the nature of the receiving environment there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## **Appropriate Assessment**

7.28. The proposed development is fully serviced by public foul and surface water sewers and there is no source-pathway-receptor link between the site and the Rye Water/Carton Valley SAC which passes within c. 55m of the site.

7.29. Having regard to the nature and scale of development proposed and to the nature of the receiving environment, 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 any European site.

## **8.0 Recommendation**

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

## **9.0 Reasons and Considerations**

Having regard to the location of the site on town centre zoned lands in the current Leixlip Local Area Plan 2017-2023, to the nature, design and limited scale of the proposed development and to the pattern of development in the vicinity of the site it is considered that, subject to compliance with the conditions set out below, the proposed development would not detract from the character of the area or the Architectural Conservation Area within which the site is located, would be compatible with the established mix of uses in the vicinity of the site, would help to satisfactorily maintain the vitality and viability of the town centre and 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 to the planning authority on the 11<sup>th</sup>, day 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. 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.

3. Details of the proposed arrangements for the removal of the existing 'Polish Shop' shop front and the re-instatement of the previous shop front beneath shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. These agreed works shall be completed prior to the occupation of the proposed apartment units.

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

4. No signage, advertising structures/advertisements, or other projecting elements other than those permitted in compliance with the requirements of Condition No. 3 above shall be erected on site or attached to the premises without a prior grant of planning permission.

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

5. Site development and building works shall be carried out only between the hours of 0800 to 1800 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.

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Paddy Keogh  
Planning Inspector

9<sup>th</sup>, January 2019