



An
Bord
Pleanála

Inspector's Report ABP-303443-19

Development	Demolition of shop and erection of commercial building, comprising of shop retail unit,
Location	Mervyns Tyre Centre, Kilcullen Road, Naas, Co. Kildare
Planning Authority	Kildare County Council
Planning Authority Reg. Ref.	18716
Applicant(s)	Baronbrook Ltd.
Type of Application	Permission
Planning Authority Decision	Grant with Conditions
Type of Appeal	Third Party
Appellant(s)	Michael and Roland Frayne
Observer(s)	None
Date of Site Inspection	1 st of May 2019
Inspector	Caryn Coogan

1.0 Site Location and Description

- 1.1. The subject site is located just on the outskirts of Naas town centre along the Kilcullen Road inside of the interchange to the M7, within a suburban part of Naas town. The immediate area within the general vicinity of the site is predominantly commercial. However, the predominant land use in the wider area is residential.
- 1.2. The site has a long road frontage which includes a small and restricted forecourt area associated with a filling station, a small shop, access to two large commercial units to the rear, which are a tyre outlet and an autoparts outlet. There is also a car wash area to the forefront of the site alongside the road frontage.
- 1.3. The site has a carparking area to the rear and side of existing shop.
- 1.4. Immediately to the north of the site is a small courtyard of commercial developments which include a funeral parlour, a government department office. The terrace of buildings surround a large carparking area, and all buildings to the immediate north of the subject site, are single storey.
- 1.5. The site area 0.0939Ha, and it is a busy site full of commercial activity and passing trade. There is also a car wash along the southern site boundary, and additional carparking for staff to the rear of the tyre centre.

2.0 Proposed Development

- 2.1. The proposed development consists of the demolition of the existing shop unit on site (49sqm), and the erection of a two-storey commercial building (235sq.m.).
- 2.2. The ground floor will consist of a retail outlet. The first floor shall include ancillary offices, storage and sanitary facilities.
- 2.3. A temporary pre-fab building is also included to cater for the shop during the construction period.

3.0 Planning Authority Decision

3.1. Decision

Kildare Co. Co. granted the proposed development subject to 27No. standard conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

07/08/18

- The principle of the development is acceptable given its location, existing use and the character of the area.
- The proposed building height is 9metres, the current shop is 3.3metres, and this is considered to be excessive difference in height. The scale and bulk of the new unit would be a significant intervention at the public realm. The overall development is considered to be excessive.
- Refusal is recommended, which was overruled in favour of further information for revised proposals.

FURTHER INFORMATION

Detailed further information was received on the 13th of November 2018.

- Drawing No. 1734.P.052 details the parking. There are 19No. spaces with an increase to 25No. spaces under the current proposal.
- Drawings of the proposed development relative to the contiguous buildings.
- The overall height of the development has been reduced from 9metres to 8metes.
- The offices are an ancillary to the shop, the owner, the manager, and accounts manager.
- External finishes detailed.
- Revised access and egress with pedestrian links design in consultation with Roads Design Office

- Swept Path analysis

Planning report (18/12/18) – Permission recommended.

3.2.2. Other Technical Reports

Roads: Additional Information is required regarding access and egress arrangements, lack of pedestrian infrastructure with regard to the Kilcullen Road Cycle Scheme. A swept path analysis is to be carried out, and to investigate relocating an existing ESB pole at the front of the site.

Roads (05/12/18): No objections subject to conditions

EHO: No objections subject to conditions

Fire Services: No objections.

Water Services: No objections

3.3. Prescribed Bodies

Irish Water: No objections.

3.4. Third Party Observations

Michael and Roland Frayne objected to the proposed development on the basis:

- The height is excessive
- No advertising or signage on the windows of the northern elevation of the building because it will result in Mervyns petrol filling station customers thinking Fraynes carparking is the same development.

4.0 Planning History

There appears to be no relevant planning history.

5.0 Policy and Context

5.1. Development Plan

Naas Town Development Plan 2011-2017 (expired)

The site was zoned K – Residential/ Commercial zoning – to protect and improve existing commercial and residential uses and to provide additional compatible uses.

Kildare County Development Plan 2017-2023

17.13.6 the retail floor space of the petrol filling station shop shall not exceed 100sq.m.

Carparking standards

5.2. Natural Heritage Designations

The subject site is within a built-up area of Naas. The nearest European site is Red Bog SAC which is located 10km west of the site.

5.3. EIA Screening

Having regard to the nature and 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 stage, and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- The height of the proposed building is 8metres which will blank out the appellants building to the rear when viewed from the south.
- The rationale for a two-storey building is flawed. The offices on the first floor could easily be accommodated within a single storey development.
- The original shop at 49sq.m. included an office and a W.C. and the new building is 253sq.m which represents a 480% increase in area.
- The visual impact will have a massive negative impact on the surrounding area, and the values of adjoining properties would decrease.

- The application shows 7 No. carparking spaces for Advance Pitstop. This occupies 1000sq.m. which at a minimum is 25spaces. The net effect of the proposal is that the customers will occupy Fraynes carpark which is a cause for concern.

6.2. Applicant Response

The applicant has responded to the third-party appeal and this is a summary of the relevant issues raised in the submission.

- Opportunity exists to provide a taller building and it should be scaled in accordance with its context along the main Kilcullen Road.
- The revised height is 8metres which is consistent with the buildings around the site. A modest 8metre building is entirely appropriate to this location.
- It is not possible to provide offices in a single storey building on the site, due to the restriction of underground fuel tanks on the site.
- The building has been designed to avoid overlooking to the north, the high level windows on the northern elevation are for toilets.
- The new store will provide a shop, deli, cold store, plant room, Part M compliant toilet. The external dimensions of the building are modest 8.5metres x 17metres, with a floor area of 235sq.m. over two floors.
- The site has no visual significance or visual sensitivities. The two storey building is appropriate at this location, and the front elevation is designed as a contemporary interpretation of the billboard type façade. The mass is a simple rectangular form articulated by the canopy over the main entrance. The proposed building is setback 14metres from the buildings to the north.
- **Parking** This issue was addressed in detail in the planning application. The proposal is in accordance with the Kildare Development Plan standards. The Roads Department has no objections to the proposal. Under Table 17.9 of the County Kildare Development Plan, the closest building type to a tyre centre would be warehousing which requires 1 space per 100sq.m. There are 6No.

employees at Advance Pit Stop and 7No. spaces are included on site with 14No. shared spaces to the front of the building for visitors.

- There are 19No. parking spaces provided to the front of the site serving Mervyn's Maxol and the Auto parts shop. The number of spaces will increase from 19No. to 25No.
- Section 17.9 requires 1 parking space per 20sq.m. gross floor area for convenience retail use. There is sufficient carparking to cater for the shop.

6.3. Planning Authority Response

The planning authority had no further observations.

7.0 Assessment

7.1. Planning Principle of the Proposal

The Naas Town Development Plan 2011-2017 has expired and is currently under review. In that plan the subject site was zoned **K – Commercial/ Residential**. The purpose of this zoning is to reflect the established mix of commercial and residential uses which have developed historically in Naas. Any new development in this zone must not prejudice the viability of established land uses within the zone. In the general vicinity of the site, the predominant landuse is two storey dwellings. The site fronts onto the Kilcullen Road and it is a busy commercial hub, as the site itself includes a filling station, shop, car wash, advance tyre outlet and an auto parts shop. To the north on an adjoining site, there are more commercial uses in terms of a social protection office, funeral home, Peugeot garage, and a vacant unit to let.

The proposed development involves the demolition of a small convenience store associated with the Maxol garage, and its replacement by a larger modern two storey shop with a deli and cold rooms on the ground floor, with offices, staff facilities and toilet on the first floor. The net floor area of the shop area is under 100sq.m as prescribed by the development plan for convenience shops associated with filling stations. The principle of the development is to enhance the existing commercial services that exist on site. The site is located within a built up urban area and it is acceptable in terms of sustainable planning.

7.2 Height and Massing

The general area where the site is located is an urban area within Naas. The predominant building form in the general area is two storey. Across the road from the subject site there is a two storey structure on the streetscape. The single story commercial units/ courtyard immediately to the north of the subject site does not represent the prevalent building height of the area, so therefore, the single storey units do not determine, influence or dictate the building height of the general area.

The existing shop is a small, 49sq.m. flat roofed structure, nestled into the site between the overhead canopy associated with the filling station, and the commercial units accommodating the tyre centre and autoparts shop. The parapet height of the Advance tyres is 8metres. The ridge height of the vacant commercial unit on the contiguous site(north) is 6.7emtres.

The external dimensions of the proposed two storey building are modest at 8.5metres x 17metes, with a floor area of 235sq.m. over two floors. The building is a contemporary rectangular footprint to the rear of the canopy. The proposed development was revised in height from 9metres to 8metres by way of further information. The revised height is consistent with the existing structures on the subject site.

In my opinion, given the contemporary design and the scale of the proposal in the context of the overall site and streetscape, I consider the proposed development will improve the public realm. The existing shop is not aesthetically pleasing and is dated in appearance. It contributes nothing to the streetscape. The new two-story unit will be a proportionate scale to the open nature of the site with the central carparking area surrounded by commercial structures 6-8metres in height. The two-storey footprint also represents and efficient use of this prime strategic urban site.

7.3 Impact

I do not envisage any negative impact onto the adjoining property to the north as suggested by the third-party appeal. Firstly, the neighbouring site is to the north, therefore will be no overshadowing resulting from the proposal. Secondly, there are no windows along the northern elevation except high positioned bathroom windows, which will not overlook the adjoining property.

This is a central urban location, therefore sustainable development implies the efficient and a more intensive use of prime land. Given the extent of two storey buildings in the general area, the proposed building is unlikely to create a negative impact on the surrounding area, or the property value of same, as suggested on appeal.

The proposed first floor uses consist of a stock room with a goods lift, 3No. staff offices a canteen and a washroom. The first-floor uses are ancillary to the shop use on the ground floor.

The main visual feature along the streetscape will be the filling station canopy and monolithic sign, the new storey shop will be secondary to that viewpoint along the streetscape/ Kilcullen Road. I consider the third party's concerns regarding the impact of the proposed building on the general area and the immediate site to the north, to be unfounded.

7.4 Carparking

The carparking issue was assessed in detail by the planning authority. The Roads Department had no objection to the proposal. The existing site layout is going to be redesigned to provide for 6No. additional carparking spaces on site to cater for staff and patrons on the entire site. The proposal is in accordance with the Kildare County Development Plan standards, specifically Table 17.9 of the Plan. The closest building type to a tyre centre would be warehousing which requires 1 space per 100sq.m. There are 6No. employees at Advance Pit Stop and 7No. spaces are included on site to the rear of the tyre building. There are 14No. shared spaces to the front of the tyre and auto parts building for visitors. Section 17.9 requires 1 parking space per 20sq.m. gross floor area for convenience retail use. There is sufficient carparking to cater for the shop.

The carparking on site must be accessible at all times. During my inspection there was a large bus parked to the front of the site, and vans and cars were parked ad hoc to the side of the shop preventing access to the carparking area. My observations noted passing business pulled into the site and when there was no access to the parking area, the cars did not access the neighbouring site to the north which is a difficult manoeuvre from the subject site along the Regional Road into the neighbouring carparking area. The traffic just pulled out of the subject site

and moved on. There needs to be clear and unobstructed access to the parking area on site from the Regional Road.

7.5 Environmental Impact Assessment

Having regard to the nature and 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 stage, and a screening determination is not required.

7.6 Appropriate Assessment

The PA carried out screening for appropriate assessment. The closest European site located 10km east of the site. It is Site No. 000397 which is the Red Bog SAC. Having regard to limited nature of the proposed development, its location within a built up urban area a significant distance from a European Site, and to the fact that there are no connections to the surface water network in the area, 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 an European site.

8.0 Recommendation

- 8.1. I recommend the planning authority's decision to grant permission for the proposed development be upheld.

9.0 Reasons and Considerations

Having regard to the nature of the proposed development, its location within an existing commercial site, and to the relevant provisions of the Kildare County Development Plan 2017-2023, it is considered that, subject to compliance with the conditions set out below, the proposed development would not detract from the surrounding area in terms of scale and height, would not seriously injure the amenities of the area or of property in the vicinity, and would be acceptable in terms of pedestrian and traffic safety and

convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, and the revised proposals included in the further information submitted to the planning authority on the 13th of November 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. (a) Following completion of the proposed development the proposed temporary pre-fab unit shall be removed from the site within 1 month of the proposed development been occupied.

(b) The offices on the first floor shall be incidental to the retailing use on the ground floor and shall not be sold, let or otherwise transferred from the primary use of the building.

Reason: In the interests of orderly development.

3. Prior to commencement of development, a revised site layout shall be submitted to, and agreed in writing with, the planning authority indicating a clear pathway to 'accessible car parking' spaces on the site. The site layout shall include measures to ensure access to the carparking areas is free from obstructions at all times.

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

4. Site development and building works shall be carried out between the hours of 0800 to 1800 Mondays to Saturdays inclusive, and not at all on Sundays or public holidays. Deviation from these times shall 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.

5. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: To ensure adequate servicing of the development, and to prevent pollution

6. No advertisement, advertisement structure or signage other than those shown on the drawings submitted with the application, shall be erected or displayed on the building in such a manner as to be visible from outside the building, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

7. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste.

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

8. 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

3rd of May 2019