



An
Bord
Pleanála

Inspector's Report ABP-304264-19

Development	Erect 23 houses & 4 apartments
Location	The Showgrounds, Townspark, Athy, Co. Kildare
Planning Authority	Kildare County Council
Planning Authority Reg. Ref.	18/883
Applicant(s)	Blackstand Ltd.
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Blackstand Ltd.
Observer(s)	None
Date of Site Inspection	20 th July 2019
Inspector	Karla Mc Bride

1.0 Site Location and Description

- 1.1. The appeal site is located c.1.3km to the E of Athy in County Kildare. The surrounding area is characterised by a mix of residential, commercial and sports uses. The site is located c.100m to the SE of the junction of the R78 Dublin Road (main approach road to Athy) and the R418 Castledermot Road. The site is located on the SW side of the R148. There is a new 3-storey primary care centre under construction to the N of the site on the corner of the Dublin Road and the R418.
- 1.2. The triangular shaped greenfield site is bound to the N by a detached single storey house on a large plot, to the S by 2-storey houses in the Shanrath estate (unfinished) and to the W by football pitches. Planning permission was recently granted to upgrade the pitches and provide a new pumping station to the immediate SE of the appeal site. The site slopes down from NE to SW, the N site boundary with the neighbouring house is defined by trees and hedges and the remaining boundaries comprise a mix of fences. There is a footpath along the narrow site boundary with the R418, there is currently no existing vehicular access off this road and there is a lampstand midway along the site boundary.
- 1.3. The surrounding area has a rich archaeological heritage, there are no built or natural heritage features in the vicinity although there are several protected structures in Athy town and the River Barrow SAC is located c.1.5km to the SW.
- 1.4. Photographs and maps in Appendix 1 describe the site and environs in more detail.

2.0 Proposed Development

Erect 27 residential units on a 0.976ha site comprising:

- 6 x terraces and 1 x detached house
- 22 x 2-storey houses (19 x 3-bed & 3 x 2-bed)
- 4 apartments (1-bed) in the 2-storey terraces
- 1 x single storey detached house (4-bed & adapted)
- Vehicular access at the NE corner off the R418, internal roads & car parking
- Open spaces, boundary treatment, landscaping & associated site works

Accompanying documents:

- Planning Report
- Design Statement
- Engineering Report
- Traffic Report
- Letter of Consent (to make application)
- Road Safety Audit (FI)
- 3D Images (FI)

3.0 Planning Authority Decision

3.1. Further Information

Further information was requested in relation to the following:

1. Revised site layout & access arrangements to take account of: - shared use of adjacent access off R418; the block configuration; location of open spaces & car parking; and relationship with adjoining Shanrath estate - *unable to obtain permission for shared use of access however the R418 will become a cul-de-sac when the new distributor road is completed; modest pedestrian integration points with Shanrath proposed; 3D images submitted; no change to layout; boundary details submitted; and parking complies with standards.*
2. Address discrepancies in GFA and comply with floor area, storage & open space standards - *already complies with DEHLG standards, details of improved storage & private open spaces areas.*
3. Liaise with owners of Shanrath estate about sharing their access off R418 - *unable to obtain permission; safety issues addressed; complies with DMURS which does not seek to limit the number of accesses off a regional road.*
4. Revised design of internal access road to discourage speeding - *road is 5.5m wide & under 150m long with limited potential for excessive speeds; some change to horizontal alignment & courtesy crossing.*

5. Compliance with DMURS standards for roads, footpaths, turning areas, corner radii & sight visibility at junctions - *Swept Path Analysis & Road Safety Audits submitted.*
6. Improved safe cycle facilities along the road frontage with the R418 - *there are no existing proposals to provide a cycle lane along the R418.*
7. Relocation of lamps to the back of the new footway - *details submitted.*
8. Submit a Stage 1 & 2 Road Safety Audit - *details submitted.*
9. Make provision for charging electric vehicles - *details submitted.*
10. Carry out a swept path analysis - *details submitted.*
11. Submit alternative pumping station proposals - *pumping station permitted under 18/184 has capacity to cater for all development in the area; the 50m separation is unreasonable & unnecessary as odours will be contained.*
12. Pumping station management details & legal proof of right to discharge - *details submitted.*
13. Provide a satisfactory wayleave width & details of legal agreement - *adequate width provided; rising main permitted under 18/184; and development permitted under 18/583 shows a 3m wide right of way.*
14. Re-submit the Part V proposal to include 3 units - *details submitted.*
15. N site boundary details to prevent overlooking - *revised site plan submitted.*
16. Respond to 3rd party concerns - *Road Safety Audit provided.*

3.2. Decision

Following the receipt of FI, the planning authority decided to refuse planning permission for the proposed development for 4 reasons related to:

1. Proliferation of residential accesses onto the R418 which the DP seeks to discourage, additional access beside existing residential access would create an unsafe situation for road users, endanger public safety & traffic hazard.
2. Substandard layout & lack of integration with adjacent estate, non-compliance with relevant Urban Design Manual criteria, undesirable precedent & contrary to DP development management standards.

3. Non-compliance with minimum DP internal storage standards.
4. Adverse odour impact on amenity of future occupants of houses nos. 20, 21 & 22 due to proximity to pumping station & undesirable precedent.

3.3. Planning Authority Reports

3.3.1. *Planning Reports*

Following the receipt of FI, the Planning Officer recommended refusal of permission.

3.3.2. *Other Technical Reports*

Area Engineer: Requested consideration of dual use of adjacent estate entrance to avoid the over intensification of entrances near each other on a regional road. Recommended refusal following receipt of FI.

Roads & traffic: Remained concerned about access off R418 following receipt of FI but recommended multiple conditions.

Water Services: No objections following receipt of FI subject to conditions (omit 3 x houses in vicinity of pumping station).

Building Control: No objections following receipt of FI subject to conditions.

EHO: Requested FI & no further reports received.

Housing: Sought clarification of FI.

Environment: No objections subject to conditions.

Fire Officer: No objections subject to conditions.

3.4. Prescribed Bodies

Irish Water: raised concerns in relation to: - (a) connection to a nearby (not yet permitted) pumping station with regard to capacity, given that it would replace an existing facility & no consideration given to allowing additional units into the new system and proximity to nearest house in Shanrath estate, KCC normally requires a 50m separation to protect against odours & pumping station should be relocated; (b) submit the management & running arrangements for the pumping station and legal proof of right to discharge to it; (c) the 3m width for the wayleave is inadequate.

3.5. Third Party Observations

One submission received from Jimmy & Josie Dooley who raised concerns in relation to road safety, separation distance from town, impact of social housing on local community, lower density scheme more suitable, impact on archaeological site, and residential amenity of neighbouring single storey house.

4.0 Planning History

Neighbouring sites:

Reg. Ref. 03/300061: Permission granted for 105 x 2-storey houses on site to S at Shanrath (partly constructed & occupied and partly unfinished), with access of the R148 to the immediate SE of the appeal site. Condition nos. 2 & 3 omitted c.27 units but recommended that be permission be sought for 24 replacement units.

Reg. Ref.18/184: Permission granted for the upgrade of existing football pitches to W along with a new pumping station to immediate SW of the appeal site. Condition no. 2 required archaeological monitoring. Condition no.12 required that the pumping station comply with the requirements of KCC and Irish Water and that no works should commence until all agreements are in place.

Reg. Ref.18/583: Permission granted for 3-storey primary care centre to the N of the appeal sites along the Dublin Road. Currently under construction.

5.0 Policy Context

5.1. National Policy

Rebuilding Ireland: Action Plan for Housing and Homelessness, 2016

This document seeks to accelerate housing supply, tackle the housing shortage and address the needs of homeless people and families in emergency accommodation

accelerating the provision of social housing, delivering more housing, utilising vacant homes and improving the rental sector.

Sustainable Urban Housing Design Standards for Apartments Guidelines, 2015

These guidelines update the “Sustainable Urban Housing: Design Standards for New Apartments” guidelines (2007), they take precedence over local planning policy and standards, and apply to both public and private schemes. They seek to uphold proper standards for apartment design to meet the accommodation needs of a variety of household types and sizes and to ensure that new apartment developments will be affordable to construct and that supply will be forthcoming to meet the housing needs of citizens.

Guidelines on Sustainable Residential Development in Urban Areas, 2009

These guidelines set out the key planning principles which should be reflected in development plans and local area plans, and which should guide the preparation and assessment of planning applications for residential development in urban areas and they are accompanied by a non-statutory residential design manual. Chapter 5 provides advice on appropriate locations for increased densities whilst sites in excess of 0.5ha may have the potential to set their own density, subject to environmental and residential amenity considerations.

Design Manual for Urban Roads and Streets, 2013

This manual provides guidance relating to the design of urban roads and streets. It seeks to address street design within urban areas and it sets out an integrated design approach which must be influenced by the type of place in which the street is located, and balance the needs of all users. It also aims to put well designed streets at the heart of sustainable communities which can create connected physical, social and transport networks that promote real alternatives to car journeys, including walking, cycling or public transport.

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

These guidelines provide a long-term strategic planning framework for the development of the GDA, they set out a population growth framework, housing targets and housing land requirements for each local authority.

5.2. Local Policy

The site is covered by the Kildare County Council Development Plan 2018 to 2023 and the Athy Development Plan 2012-2018 (Varied).

Kildare County Development Plan 2017 to 2023:

Core Strategy & Settlement Strategy

Athy is identified as a Moderate Sustainable Growth Town (Hinterland Area).

Policy CS2: seeks to direct appropriate levels of growth into the designated growth centres and Moderate Sustainable Growth Towns.

Policy SS2: seeks to direct growth into the Large Growth Towns, followed by Moderate Sustainable Growth Towns and Small Towns.

Residential development standards:

Density:	Outer Suburban/Greenfield (30-50units/ha)
Height:	Consistent with area
Separation distances:	22m between opposing first floor windows
Storage (Houses):	6sq.m. (2-bed); 9sq.m. (3-bed); 10sq.m. (4bed)
Storage (Apartments):	3sq.m. (1-bed)
Private amenity space (H):	55sq.m. (2-bed); 60 (3-bed); 75sq.m. (4-bed)
Private amenity space (A):	5sq.m. (1-bed)
Communal space (A):	5sq.m. (1-bed)
Public open space:	15% of Gross Site Area
Car parking (H):	2 space per unit
Car parking (A):	1.5 space per unit (plus 1 visitor space for 4 units)
Design Statements:	Required with applications for over 10 residential units

Vehicular Access standards:

Section 17.7.4 seeks to discourage the proliferation of access points onto public roads, particularly in areas where the maximum speed limit applies or where road safety is of concern....and to encourage & promote shared access points in all circumstances.

Athy Development Plan 2012-2018 (Varied):

Zoning: The site is located within an area covered by the “B” Zoning objective (Existing Residential/Infill) which seeks “To protect and enhance the existing residential amenity, to provide for appropriate infill residential development and to provide for new and improved ancillary services.”

Roads objective: The site and the adjoining lands to the S at are located to the N of the proposed Athy Distributor Road as indicated under Variation no.2 of the Plan (February 2018), the new road would cross the R418 to the S of the site

5.3. Heritage Designations

Archaeology: Burial site c.550m to SE (KD035-045001)

Built heritage: None within 500m

Natural heritage: River Barrow SAC c1.5m to N & W

5.4. Screening for Environmental Impact assessment

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

6.0 The Appeal

6.1. Grounds of First Party Appeal

General:

- High quality design & layout devised in association with KCC & Cooperative Housing Ireland, in accordance with DMURS; no concerns raised by Council during this process.
- Council's desire for the shared use of the adjoining Shanrath access road was raised at FI stage, but this is not possible as the road has not been taken in charge, and a new planning application could be required at a future date.

Reason no.1 (proliferation of accesses onto R418):

- No evidence on planning file that the scheme would create an unsafe situation for road users or endanger public safety by reason of a traffic hazard.
- Status of R418 will change following completion of the Athy Distributor road and this section of R418 will become a cul-de-sac.
- KCC not in a position to take the Shanrath estate in charge as it is in voluntary liquidation & the subject of CPO proceedings for the new road.
- LAP should be prepared for leftover lands after the new road is completed.
- Unable to obtain permission to access the road network in Shanrath estate but intention to connect in the future is indicated on FI drawings.
- Traffic consultants advised that the road layout complies with DMURs with no adverse impacts on traffic or road safety anticipated, and minor changes will be implemented based on the advice of the Road Safety Audit.
- KCC Roads & Transport did not recommend refusal & suggested conditions.
- Standalone proposal and not dependent on access to any 3rd party lands.

Reason no.2 (substandard design & layout):

- Distinctiveness of design was overlooked by the PA in its concern for assimilation with adjacent Shanrath estate.
- Fully complies with all 12 criteria set out in the UDMBP Guidelines.

Reason no.3 (substandard internal storage):

- Conflicting storage standards contained in the various plans & guidance.
- Athy Town Plan is out of date & the Athy LAP has not yet been adopted.
- KCC Plan conflicts with Quality Housing for Sustainable Communities.
- Amended FI scheme accords with the DEHLG's storage standards.
- The need for further additional storage could be addressed by condition.

Reason no.4 (proximity to pumping station)

- KCC Water Services did not recommend refusal & suggested conditions.
- Permission is not sought for pumping station which was permitted by 18/184.
- Pumping station is designed to comply with the Irish Water Code of Practice for Wastewater Infrastructure (Part 5 Pumping Stations).
- Classified as a Type 3 Pump Station (s.5.1- more than 20 units); s.5.5 requires a minimum separation of 15m between the boundaries of the pump station & the nearest dwelling; all standards are complied with.
- KCC suggests a separation of between 37m & 50m; this may have arisen from legacy issues from poorly installed pumping stations; and a 50m separation due to odour & humming noises is not required & is unreasonable.
- Design Engineer recommends high quality components to contain odour & noise, control flows & prevent septicity in the system.
- Additional measures to minimum IW requirements include odour seal caps at cable ducts & odour seals at access covers on the tank & valve chambers.

6.2. Planning Authority Response

The planning authority reiterated its previous concerns and raised no new issues.

6.3. Prescribed Bodies

No submissions received.

6.4. Observers

No submissions received.

7.0 Assessment

The main issues arising in this case relate to the following:

- Principle of development
- Density, layout & design
- Residential amenity
- Vehicular access & car parking
- Environmental services
- Other issues
- Appropriate Assessment

7.1. Principle of development

The proposed residential development would be located on the edge of Athy town which is a designated Moderate Sustainable Growth Town in the Kildare County Development Plan 2018 to 2023. Policy CS2 of the Core Strategy and Policy SS2 of the Settlement Strategy seek to direct appropriate levels of growth into the designated growth centres and Moderate Sustainable Growth Towns. The proposed development would also be located on lands covered by the “B” zoning objective (Existing Residential/Infill) in the Athy Development Plan, 2012-2018 (Varied) and within similarly residentially zoned lands in the Athy Draft Local Area Plan 2019-2025. The “B” zoning objective seeks “To protect and enhance the existing residential amenity, to provide for appropriate infill residential development and to provide for new and improved ancillary services”. It is noted that the Athy Development Plan is outdated and that the Athy Local Area Plan has not yet been adopted, however the Council’s intended use of this site and surrounding lands is clearly residential. The proposed development would be compatible with the core strategy, settlement strategy and zoning objective for the area, and it would constitute an appropriate and sustainable use of residentially zoned lands within the development boundary of Athy town.

7.2. Density, layout & design

Density:

National policy seeks to achieve higher densities on residentially zoned lands at appropriate locations throughout the country. Athy town is a designated Moderate Sustainable Growth Town and the proposed residential development would occupy an Outer Suburban/Greenfield site where a density range of 30-50 units/ha is required. The site is located c.1.3km to the E of Athy and there are no public transport connections to the town centre. The proposed development would comprise a mix of 27 units on a 0.976ha site which equates to c.28 units per/ha. The triangular shaped site slopes down from NE to SW with the narrowest section located to the NE parallel to the R418. The combined site configuration and gradient places spatial and amenity constraints on the layout of the site, particularly in relation to the need to avoid overlooking and overshadowing of the units at the lower levels. Furthermore, the narrow NE section would be occupied by a detached, single storey 4-bedroom adapted house that has been designed to accommodate the specific needs of a particular local family. Having regard to all of the foregoing, I am satisfied that the proposed development would provide for an acceptable residential density.

Internal layout:

The development would occupy a triangular shaped site that slopes down from NE to SW, with the narrowest section located to the NE (c.13m) parallel to the R418 and the widest section located to the SW (c.100m) parallel to the sports pitches. The 2-storey Shanrath estate is located to the SE of the site and there is a detached single storey house to the NE where the site boundaries are defined by trees and hedges.

The proposed development would provide 27 units in 6 x 2-storey terraces throughout the site with one single storey detached house in the NE section. Vehicular access would be via a new entrance off the R418 and a new internal road that would run along a mainly E-W axis through the centre of the site for c.118m to a point where it forms a "T" junction and then runs along a N-S axis for c. 84m. The off-street car parking spaces would be mainly located parallel to the internal road network and the open spaces would be mainly located at the entrance, middle and in the NW and SW corners of the site. The detached house would be located in the NE

corner (no.1), followed by 2 opposing terraces along an E-W axis (nos.2 to 9), then 2 terraces on either side of the internal road along a N-S axis (nos.10 to 13 & nos. 23 to 27), and finally 2 x perpendicular terraces (nos. 14 to 17 & nos. 22 to 18) which would be N and E facing respectively. The northern units would be located parallel to the site boundary with the neighbouring single storey detached house and the southern units would be located parallel to the internal Shanrath estate road.

The planning authority raised concerns in relation to the layout of the proposed units and internal road network, the lack of integration with the neighbouring Shanrath estate and their preference for the shared use of the existing entrance off the R418 to the Shanrath estate and internal access road, and a wayleave through the W section of the site that runs N towards the Dublin Road. The planning authority requested FI in relation to these concerns however the scheme was not substantially amended by the applicant.

The applicant was satisfied that the proposed layout responded well to the site constraints and clarified that it was not possible to share the Shanrath entrance off the R418 or internal estate road due to ongoing legal restrictions (including voluntary liquidation, the road has not been taken in charge by the council and CPO issues related to the Athy Distributor Road). Notwithstanding this, the layout was amended by way of FI to provide for 2 x alternative options to integrate the internal road network with Shanrath estate, subject to the future agreement of the Council.

I inspected the site and surrounding area and I had regard to its residential zoning objective, the site constraints in relation to its triangular configuration and gradient, and the wayleave in the SW section, and the relationship to the neighbouring Shanrath estate and internal road layout. I note that the layout comprises 4 distinct and unrelated sections and that there is no uniform building line between the terraces. The main areas of open space are spread around the site and range in size from c.350sq.m to c.600sq.m., the largest of these areas has an irregular configuration which would limit its functionality, and 3 of the spaces are located at the extreme ends of the site in the NE, NW and SW corners. Furthermore, there are limited opportunities for passive surveillance of the spaces located in the SW, central and NE sections because of the layout of the terraces and the orientation of the houses. It is also noted that unit nos. 6 & 7 and nos. 26 & 27 are located within c.3m and c.6m respectively of the S site boundary with the Shanrath estate access road.

Having regard to the foregoing, I am not satisfied that the proposed layout is acceptable for this location or that it would comply with several of the criteria set out in the Urban Design Manual Best Practice Guidelines including context, connections, layout and public realm, or the Design Manual for Urban Roads and Streets which aims to put well designed streets at the heart of sustainable communities. The proposed development would not provide a good quality residential environment or integrate well with the surrounding residential areas.

Roads layout:

The appeal site does not have an existing access off the R148. It is proposed to provide a new entrance within 35m of the existing operational entrance to the Shanrath estate, however it is noted that there is another blocked off entrance located in between and within c.3m of the proposed entrance. I am cognisant of the current legal and administrative difficulties associated with providing for a shared access off the R418 and shared internal access road and I note the 2 x alternative options proposed by the applicant (Drawing No. 2839/RFI/01) to integrate the proposed development with the Shanrath estate. However, there is no indication of when the legal and administrative difficulties will be resolved, and it is likely that the layout of the proposed development could be substantially amended to take account of the concerns addressed in section 7.2 above, in the event of a shared access being agreed the future. The proposed development would be premature pending the future agreement of the ownership of the road layout in the Shanrath estate.

Design:

The proposed units would have a suburban style design which is typical for the area and landscaping would be provided along the site boundaries and within the open spaces. The design of the proposed houses is considered acceptable in terms of visual amenity and it would be in keeping with the character of the surrounding area.

Conclusion:

Having regard to the foregoing, the proposed development would provide for a substandard layout that would not integrate with the surrounding residential areas and local road network or provide for a good quality residential environment because of the layout of the terraces and the extreme location of the open spaces, which would have an adverse impact on the residential and visual amenities of the area.

7.3. Residential amenity

Proposed houses:

The proposed 27-unit residential development on the c.1ha site would comprise a mix of 23 x houses (2 to 4-bed) and 4 x apartments (1-bed) which is acceptable and in broad compliance with national and local dwelling mix standards.

The proposed units, which were amended by way of FI to provide for additional internal storage, would deliver an acceptable level of residential amenity with respect to floor area, room size and orientation, which would be broadly in line with national and local planning standards. Any outstanding concerns in relation to the size of the storage areas could be addressed by way of a planning condition, if the Board is satisfied with all other aspects of the proposed development.

All of the houses would have rear gardens of an adequate size and the apartments would have private balconies or terraces, open space would be provided at several locations throughout and landscaping would be provided throughout the site. Note that concerns related to the location, size, functionality and passive surveillance of the open spaces is addressed in section 7.2 above.

The layout of the proposed development is such that most of the houses would be separated from each other by 22m in compliance with minimum Development Plan requirements. Although the side elevation of an end of terrace house (no.18) would be located within c.12m of the rear elevation of a mid-terrace house (no.15) the first-floor window in the side elevation of no.18 would not contain a window to a habitable room and there would be no overlooking of neighbouring first floor rear windows.

The terraces would be separated by an adequate distance to ensure that overshadowing at certain times of the day would be minimised.

Relationship to N:

The site is bound to the N by an existing single storey detached house that fronts on to the R418 to the E and the site boundary is defined by a mix of trees and hedges. The proposed single storey detached house (no.1) in the NE corner of the site would be located between c.4m and 11m from the site boundary and between c.14m and c.21m from the side elevation of the neighbouring house, with no overlooking or overshadowing anticipated. The proposed 2-storey terrace (nos.2 to 5) would be located c.12m from the site boundary and over 20m from the rear elevation of the

neighbouring house, with no overlooking or overshadowing anticipated. The proposed end of terrace house (no.13) would be located c.2.5m from the site boundary and over 30m from the rear elevation of the neighbouring house, with no overlooking or overshadowing anticipated, with the exception of a small section of the rear garden. The proposed development would not have an adverse impact on residential amenity of the neighbouring house.

Relationship to S:

The site is bound to the S by the Shanrath housing estate and the 2-storey terraces would be located a substantial distance from the nearest neighbouring houses with no overlooking or overshadowing anticipated.

Conclusion:

Having regard to the foregoing, I am satisfied that the proposed development would provide for an acceptable level of residential amenity for future occupants and that it would not have an adverse impact on the amenities of any neighbouring properties in the vicinity.

7.4. Vehicular access and car parking

Context:

The proposed development would be located to the E of Athy and the site is located to the SE of the junction of the R78 Dublin Road and the R418(S) Castledermot Road. There is a new 3-storey primary care centre under construction to the N on the corner of the R78 and R418 with a commercial building located diagonally opposite. The site is located on the W side of the R418. It is bound to the N by an existing house that has an access off the R418 and to the S by the Shanrath estate which has 2 x accesses off the R418, one of which is blocked off.

According to the Athy Town Development Plan, 2012-2018, the SE section of the site is located along the indicative line of the proposed Athy Distributor Road which would sever the appeal site from the adjoining Shanrath estate and follow the line of the internal estate road. The new road would cross the R418 (S) and continue NE to the existing roundabout junction of the R78 and the R148 (N). Variation no.2 of the

Town Plan (February 2018) amended the indicative line of the proposed Athy Distributor Road and it is now located further S and on the far side of the Shanrath estate, it would continue to cross the R418(S) at this location. The preferred route option for the Athy Distributor, which was approved by the Board, broadly follows the route identified in Variation no.2, and it would result in the closure of the R418(S) to the S of the Shanrath estate.

The Council's Roads and Transportation Department originally recommended the refusal of planning permission for 2 reasons:

- The proposed multiple junctions onto the R418 will create an unsafe situation for road users, this road should have one combined junction, eliminating the need for separate junctions for adjoining estates.
- The development may be premature pending agreement on the above and also the re-routing of the R418 which will follow the construction of the proposed Athy Distributor Road.

Notwithstanding this objection, the Roads Department along with the Athy Area Engineer requested further information in relation to the shared use of the existing access off the R418 to the Shanrath estate. FI was also requested in relation to: - amendments to the proposed internal road network with regard to road width, footpaths, horizontal alignment; demonstrate compliance with DMURS standards (including provision for cyclists, sightline visibility, permeability & car parking); carry out a safety audit & swept path analysis; and provide lighting details.

The applicant responded to most of this request and minor amendments were proposed. As previously stated in section 7.2 above, the applicant confirmed that agreement could not be reached on the shared use of the Shanrath estate access off the R418 and internal estate road, for legal and administrative reasons (voluntary liquidation, not taken in charge and CPO proceedings).

Following the receipt of FI, the Area Engineer recommended the refusal of planning permission as the application is premature as it is dependent on a road being taken in charge by the local authority. The Roads and Transportation Department stated that it did not consider the layout to be fully optimal for the previously outlined

reasons (combined junction and prematurity) however it went on to recommend 28 conditions related to road and footpath improvements, car parking, permeability, road safety, signage, compliance with DMURS standard, drainage, and public lighting. The planning authority subsequently refused planning permission for 4 reasons. Reason no.1 related to the proliferation of residential accesses onto the R418 which s.17.7.4 of the Development Plan seeks to discourage, and the proposed additional access beside the existing access that serves the Shanrath estate would create an unsafe situation for road users and endanger public safety by reason of a traffic hazard.

The applicant, in their appeal submission states that there is no evidence the proposed development would give rise to a traffic hazard, that this section of R418 will eventually become a cul-de-sac, that the Council is not in a position to take the Shanrath estate in charge and that the applicant has been unable to obtain permission to access the Shanrath road network.

Discussion:

According to Variation no.2 of the Athy Town Development Plan 2012-2018 the proposed and recently permitted Athy Distributor Road would cross the R418 to the S of the Shanrath estate which would result in the closure of this section of the R418. Although preliminary works have commenced on the new distributor road, the Council has not yet agreed a detailed plan for the future use of the severed lands or the cut off section of the R418, and the proposed development would therefore be premature pending the agreement of a road layout for the area.

According to section 17.7.4 of the Kildare Development Plan, the Council seeks to discourage the proliferation of access points onto public roads, particularly in areas where the maximum speed limit applies or where road safety is of concern, and to encourage and promote shared access points in all circumstances. The concerns raised by the planning authority in relation to this issue as it relates to the proposed development are noted.

The triangular shaped site is bound to the immediate N by an existing house which has direct access off the R418 and to the immediate S by the Shanrath estate which has 2 access roads off the R418, one of which is blocked off. The proposed entrance

would be located within c.3m of the blocked access and c.35m of the operational access to the Shanrath estate, and within 10m of the entrance to the neighbouring house to the N. The 80kph speed limit operates from a point along the R418 to the S of the Shanrath estate and the internal Shanrath estate road runs parallel to the SE site boundary of the proposed development.

Planning permission was sought under 03/300061 for 105 houses at the Shanrath estate with access off the R418 to the S of the appeal site. Permission was granted for c.80 of the units with the option of lodging a new planning application to replace 24 of the 27 omitted units. So far in the region of 20 houses have been constructed with the bulk of the residentially zoned lands undeveloped. The existing access off the R418 is therefore operating well under capacity.

As previously stated, the proposed access off the R418 would be located within c.35m of this existing Shanrath entrance and the 45m sightlines from the centre points of the proposed and existing entrances would overlap. This arrangement could potentially result in a conflict in vehicular movements which could in turn give rise to public safety concerns. Given that section 17.7.4 seeks to avoid a proliferation of access points onto public roads, particularly in areas where road safety is a concern, and to encourage and promote shared access points in all circumstances, and having regard to the lack of certainty around the future function of the R418 after the completion of the Athy Distributor Road, the proposed development would be contrary to section 17.7.4 of the Development Plan.

The planning authority raised serious concerns that the proposed development should also utilise the internal estate road to the Shanrath estate as well as the existing access off the R418. The applicant states that he has been unable to reach any agreement in relation to the shared use of the existing access and the internal estate road for reasons mainly related to ownership as the infrastructure has not yet been taken in charge by the Council. This issue was addressed in detail in section 7.2 above in relation to the layout of the proposed development, and I am satisfied that scheme would be premature pending the internal estate road been taken in charge by the local authority.

Conclusion:

Having regard to the foregoing, I am satisfied that the proposed development would give rise to a proliferation of access points onto a public road which would be contrary to section 17.7.4 of the Development Plan that also seeks to encourage and promote shared access points in all circumstances. Furthermore, the proposed development would be premature pending the agreement of a road layout for the area after the completion of the Athy Distributor Road and pending the internal Shanrath estate road been taken in charge by the local authority.

Roads, footpaths, car parking and public lighting:

The proposed development, as amend by FI would provide for an acceptable level of car and bicycle parking would broadly comply with minimum Development Plan requirements and any outstanding issues related to roads, footpaths and lighting could be addressed by planning conditions.

7.5. Environmental services

The proposed water supply, wastewater drainage and surface water drainage arrangements are acceptable subject to compliance with the requirements of Irish Water and the planning authority.

The concerns raised by Irish Water and the planning authority in relation to the recently permitted pumping station to the SW of the site (18/184) are noted, as is the variation in the buffer zones required by both agencies between the pumping station and nearest house (15m v c.35 to 50m). The Council's Water Services Division recommended the omission of 3 houses as future occupants would be disturbed by odour and noise. However, provided that the pumping station (which does not form part of this application) is built to permitted specifications, the Irish Water buffer of 15m would be acceptable. However, if the Board does not concur this conclusion it may wish to omit the 3 houses (nos.20-22) by way of condition.

The concerns raised by Irish Water in relation to the 3m wide wayleave are noted and the Board may also wish to increase the width across the site.

7.6. Other issues

Archaeology: The site is located within c.550m of a Burial site which is a designated Recorded Monument (KD035-04500). It is possible that there are other features of archaeological interest in the wider area and archaeological monitoring of the works is therefore be required.

Flood risk: The proposed development would not be located within an area that is prone to flooding and it would occupy an elevated position relative to any nearby watercourses. The proposed development would not give rise to a flood risk downhill of the works provided that all of the surface water drainage arrangements are implemented in accordance with Council requirements.

Social & affordable housing: It is noted that 3 of the proposed houses would be allocated for social and affordable housing, however the standard Section 96 condition should be attached.

Appropriate Assessment: The site is located a substantial distance from any European Sites. Having regard to the small scale of the proposed works and the absence of a direct connection between the works any designated site, I am satisfied that Screening for Appropriate Assessment is not required.

8.0 Recommendation

Arising from my assessment of this appeal case I recommend that planning permission should be refused for the proposed development for the reasons and considerations set down below.

9.0 Reasons and Considerations

1. Having regard to the provisions of the County Kildare Development Plan 2018 to 2023 and to the nature and scale of the proposed development, the proposed vehicular access arrangements would give rise to a proliferation of access points onto a public road which would be contrary to section 17.7.4 of the Development Plan that also seeks to encourage and promote shared access points in all circumstances. Furthermore, the proposed development would be premature pending the agreement of a road layout for the area by the road authority after the completion of the Athy Distributor Road and pending the internal Shanrath estate road been taken in charge by the local authority. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the provisions of the Department of Environment, Heritage and Local Government's Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Towns and Villages) 2009, the Department of Transport, Tourism and Sport's Design Manual for Urban Roads and Streets 2013 and the County Kildare Development Plan 2018 to 2023, the proposed development would provide for a substandard layout that would not integrate with the surrounding residential areas and local road network or provide for a good quality residential environment because of the layout of the terraces and the extreme location of the open spaces, which would in turn have an adverse impact on the amenities of future occupants and the visual amenities of the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Karla Mc Bride
Senior Planning Inspector
26th July 2019