



An
Bord
Pleanála

Inspector's Report ABP-305284-19

Development	Demolition of existing agricultural sheds and front boundary wall and the development of 33 residential units.
Location	Station Road, Leixlip, Co.Kildare
Planning Authority	Kildare County Council
Planning Authority Reg. Ref.	19/6
Applicant(s)	Maridan Property Limited.
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Date of Site Inspection	11 th March 2020
Inspector	Paul O'Brien

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	4
3.1. Decision	4
3.2. Planning Authority Reports	5
4.0 Planning History.....	7
5.0 Policy and Context.....	7
5.4. Natural Heritage Designations	10
6.0 The Appeal	10
6.1. Grounds of Appeal	10
6.2. Planning Authority Response	11
7.0 Assessment.....	12
8.0 Recommendation.....	16
9.0 Reasons and Considerations.....	16
10.0 Conditions	Error! Bookmark not defined.

1.0 Site Location and Description

- 1.1. The subject site with a stated area of 1.267 hectares, contains an almost square shaped area of land with an irregular section, located to the south of Station Road/ R148, to the north west of Leixlip Village. The majority of the site, which is the square shaped section, is undeveloped, is under grass and was most recently in agricultural use. To the south of this section is Knockaulin, a housing development of detached houses. To the west are playing fields associated with adjoining schools and to the north is a short cul-de-sac with detached houses backing onto the site.
- 1.2. The irregular shaped area of land connects the larger square area to Station Road. On this area is a large one and a half storey, random rubble stone finished, former agricultural building and a smaller agricultural building consisting of a mix of block wall, metal cladding and concrete roofing.
- 1.3. There is a gentle though uneven rise on the site from an east to west axis. In general, this part of Leixlip is flat, with a significant fall in levels from the junction of Station Road and Old Hill Road/ Celbridge to the east of the site, south eastwards into Leixlip village and down to the River Liffey.
- 1.4. A wall with hoarding/ metal sheeting along the top, provides the boundary along Station Road. A wooden finished double gate provides access to the site from Station Road. The other boundaries consist of a mix of hedgerows/ trees, fencing and walls.
- 1.5. Leixlip Louise Bridge railway station served by Maynooth line services, is located approximately 750 m to the north west of the site. Bus stops are located outside of the site on Station Road with an off-peak service on Dublin Bus route 66 of every 30 minutes between Maynooth and the City Centre. The 139 also provides a service between Naas and Blanchardstown, approximately every two hours. Cycle lanes have been provided on Station Road. Leixlip Garda station is located to the north of the subject site.

2.0 Proposed Development

- 2.1. The proposed development consists of the following:
 - Demolition of existing agricultural sheds and structures.

- Removal of front boundary wall along Station Road.
- Provision of revised access and road layout.
- The provision of 33 residential units consisting of:
 - 25 no. four-bedroom, three storey, semi-detached units (House Type A).
 - 8 no. three-bedroom, three storey, semi-detached units (House Type B).
- 1,301 sq m of public open space.
- Associated site development works.

The Planning Authority issued a request for further information and following the receipt of the significant further information response, minor alterations to the layout were proposed and there were no revisions to the number of units proposed. A house type C was introduced, and which is a detached unit.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to refuse permission for three reasons as follows:

1. 'Having regard to the location of the proposed entrance in close proximity to the R404 Old Hill Celbridge Road and the R148 Station Road, it is considered the proposed development would endanger public safety by reason of a traffic hazard.
2. The proposed development by reason of the demolition of the existing stone outbuilding on the site would contravene Policies VA1 and VA2 of the Kildare County Development Plan 2017 – 2023 and Policy BH01.3 of the Leixlip Local Area Plan 2017 – 2023 which seek to protect, retain and renovate structures of vernacular heritage. The proposed development would therefore be contrary to the proper planning and sustainable development for the area.
3. Having regard to the status of Leixlip of a Large Growth Town II in the Settlement Hierarchy of the Kildare County Development Plan 2017 – 2023, the new dwellings target of 3,315 units identified for Leixlip in the Kildare County Development Plan during the plan period up to 2023, the density indicated within the Leixlip Local Area Plan 2017 – 2023 for infill sites, Leixlip being located within

the Metropolitan Area of Dublin and site being considered in close proximity to public transport links, the density proposed would be below that indicated in the Kildare County Development Plan 2017 – 2023 and the Leixlip Local Area Plan and would therefore be contrary to the proper planning and sustainable development for the area’.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Authority Case Officer’s report reflected the decision to refuse permission. Further information was sought in relation to a number of aspects of this development including in summary:

1. Provision of a structural survey of the stone building and to retain it for integration as part of the development in accordance with policies and objectives of the Kildare County Development Plan and Leixlip Local Area Plan. Also, revisions to the layout to ensure that open space/ public roads are adequately addressed, to provide a design statement and details on the relocated bus stop/ shelter etc.
2. To provide full details of the gross/ net density and site coverage and to ensure that all houses are provided with adequate storage.
3. Revise the height of unit no. 11 and to provide a shadow analysis for the site having regard to impact on adjoining sites.
4. Provision of a bat survey and details of measures for the protection of trees and hedgerows.
5. Revisions to the proposed boundary treatment and landscape plan.
6. Revised layout plan indicating landownership.
7. Revisions to road layout, access, car parking and surface water drainage.
8. Proposal for Part V provision.
9. Surface water and foul drainage details.
10. Requested to comment on third party submissions.

The applicant was advised to contact the Planning Authority Area Planner prior to lodging the further information response. A report was prepared by the Planning Authority Case Officer on receipt of the further information and refusal of permission was recommended.

3.2.2. **Other Technical Reports**

Area Engineer: Further information was requested with relation to alterations to the road network, relocation of an attenuation area and to relocate surface water manholes. No further comment was made on receipt of further information.

Environment Section: No objection subject to recommended conditions.

Housing Section: Further information requested on the provision of Part V housing.

Transportation Department: Further information request recommended with respect to road/ footpath design, relocation of bus stop/ shelter, access arrangement, car parking and provision of a Road Safety Audit (RSA).

Further information was received and was the Transportation Department recommended refusal as the entrance proposal would be a traffic hazard and insufficient details were provided that the bus shelter could be relocated.

Water Services Section: No objection subject to conditions and on receipt of further information, no objection subject to revised conditions.

Kildare County Fire Service: No objection subject to conditions.

Building Control: Further information requested.

Heritage Officer: Report on file is dated after the decision to refuse was issued, no objection to the development subject to recommended conditions.

3.2.3. **Prescribed Bodies Reports**

Irish Water: No objection subject to conditions.

Inland Fisheries Ireland: Note the importance of the River Ryewater and Royal Canal. Foul and surface water drainage to be have adequate capacity and any discharges to be in accordance with EC regulations.

3.2.4. **Objections/ Observations**

Letters of observation/ objection were received to the original application. Issues include the following:

- A proposed three-storey element may give rise to overlooking leading to a loss of privacy.
- The area is characterised by two-storey houses and three storey units would be out of character.
- Concern about foul drainage which is already an issue for the existing residents in the area.
- Loss of hedgerows and there are no details provided regarding the replacement of same.
- Concern about the loss of trees/ hedgerows to the south of the south and the potential loss of biodiversity and privacy.
- Request that a landscaping scheme be in operation prior to the commencement of development of houses.
- Concern about flooding through surface water drainage.
- Request that that management of noise, dust and working hours be put in place.

4.0 Planning History

None.

5.0 Policy and Context

5.1. Development Plan

- 5.1.1. Under the **Kildare County Development Plan 2017 – 2023**, the following are relevant:

Chapter 2. Core Strategy:

Leixlip is located within the Metropolitan Area and is categorised as a Large Growth Town II. These settlements are described as 'Smaller in scale but strong active growth towns, economically vibrant with high quality transport links to larger towns/ city'. 35% of the Housing Unit Target for County Kildare is to be provided within the

Metropolitan Area of which Leixlip is part. Under Section 2.11.1 it is identified as a 'Primary Economic Growth Town'.

Chapter 3: Settlement Strategy:

Leixlip is allocated a growth of 10.2% over the period 2016 – 2023.

Objective SO 1 states: 'Support the sustainable long-term growth of the Metropolitan Area towns of Leixlip, Maynooth, Celbridge and Kilcock and zone additional lands, where appropriate, to meet the requirements of the Core Strategy and Settlement Hierarchy of this Plan'.

Chapter 12: Architectural & Archaeological Heritage:

It is the policy of the Council to:

(Objective VA 1) 'Encourage the protection, retention, appreciation and appropriate revitalisation of the vernacular heritage of the county'.

(Objective VA 2) 'Resist the demolition of vernacular architecture, in particular thatched cottages and farmhouses and to encourage their sensitive reuse having regard to the intrinsic character of the structure'.

(Objective VA 4) 'Preserve the character and setting (e.g. gates, gate piers, courtyards etc.) of vernacular buildings where deemed appropriate by the planning authority'.

Chapter 15. refers to **Urban Design** and **Development Management Standards** are contained within **Chapter 17** and are noted. Section 15.7.11 is also noted:

'Protection of the Existing Environment

All development proposals immediately adjoining existing development shall provide for the protection of existing residential amenities and shall have particular regard to minimising overlooking and visual intrusion. Kildare County Council places significance on the existing heritage fabric of the towns and villages within the county. These represent key heritage and cultural assets for Kildare and include protected structures of special architectural, historical and cultural interest'.

5.2. Leixlip Local Area Plan 2020 – 2023

The subject site is zoned B – ‘Existing/ Infill Residential’ with an objective ‘To protect and enhance the amenity of established residential communities and promote sustainable intensification’.

The following are relevant:

Objective CS1.1 - ‘To support and facilitate compact growth through the sustainable intensification and consolidation of the town centre and established residential areas’.

Objective HC2 – ‘It is the policy of the Council to ensure that all new residential development provides for a sustainable mix of housing types, sizes and tenures and that new development complements the existing residential mix’.

Objective BH1.2 – ‘To acknowledge and promote awareness of the origins, historical development and cultural heritage of the town, to support high quality developments that relate to local heritage and to ensure that new development respects and is responsive to the cultural heritage of Leixlip’.

5.3. National Guidance

5.3.1. National Planning Framework – Project Ireland 2040

The National Planning Framework (NPF) recommends compact and sustainable towns/ cities and encourages brownfield development and densification of urban sites. Policy objective NPO 35 recommends increasing residential density in settlements including infill development schemes and increasing building heights.

Other relevant policies from the NPF include the following:

- NPO 6 – Regenerate/ rejuvenate cities, towns and villages.
- NPO 13 – Relax car parking provision/ building heights to achieve well-designed high-quality outcomes to achieve targeted growth.

5.3.2. Sustainable Residential Development in Urban Areas (Cities, Towns & Villages) (DoEHLG, 2009) and its companion, the Urban Design Manual - A Best Practice Guide (DoEHLG, 2009).

These Guidelines promote higher densities in appropriate locations. A number of urban design criteria are set out, for the consideration of planning applications and appeals. Quantitative and qualitative standards for public open space are recommended. Increased densities are to be encouraged on residentially zoned lands, particularly city and town centres, significant 'brownfield' sites within city and town centres, close to public transport corridors, infill development at inner suburban locations, institutional lands and outer suburban/greenfield sites. Higher densities must be accompanied in all cases by high qualitative standards of design and layout. Chapter 6 of the Sustainable Residential Development in Urban Areas sets out guidance for residential development in small towns and villages.

5.3.3. **Quality Housing for Sustainable Communities (DoEHLG, 2007).**

These guidelines provide for a range of information including detailing minimum room and floor areas.

5.3.4. **The following are also relevant:**

- **Design Manual for Urban Roads and Streets (DMURS).**
- **Regional Spatial & Economic Strategy (RSES) 2019 – 2031.**
- **Permeability Best Practice Guide (NTA, 2015).**

5.4. **Natural Heritage Designations**

The subject site is not located within any Natural Heritage designated lands. The Royal Canal pNHa (Code 002103) is located circa 760 m to the north of the site and the Rye Water Valley/ Carton SAC (Code 001398) and pNHA (001398) is located circa 350 m to the east and the River Liffey pNHA (Code 000128) is circa 800 m to the south.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

The applicant has engaged the services of Andrew Stewart Architects to prepare a first party appeal against the decision of Kildare County Council to refuse permission for this residential development. The grounds of appeal are summarised as follows:

- The existing stone agricultural building cannot be incorporated into the layout of the development as it would impact on sightlines.
- The stone building is not suitable for conversion into a use that would see its retention. Uses considered include residential, retail and as a childcare facility.
- The building is not on the list of protected structures and they are of no merit. The Kildare County Council Heritage Officer raised no objection to the demolition of this structure.
- The density and nature of development is appropriate having regard to the existing character of the area.
- Safe access to the site can be provided in accordance with the layout provided by Stephen Reid Consulting – Traffic and Transportation, and an independent Road Safety Audit was prepared by Atkins.
- A copy of a letter has been provided sent by the National Transport Authority allowing for the relocation of the bus stop/ shelter.

6.2. Planning Authority Response

The Planning Authority have submitted a detailed response to the appeal and the following points are made in summary:

- The Planning Authority and the Roads Department remain of the opinion that the proposed entrance is not acceptable and has not been relocated as requested.
- The Heritage Officer's remit is not to comment on architectural heritage, they were requested to assess the development from a biodiversity point of view.
- The reuse of the stone building remains a recommendation of Kildare County Council. It has a local importance and should be incorporated into the design of this development.
- The density of development and mono-type nature of the housing proposed is not acceptable having regard to the proximity to the railway station and existing bus network.

7.0 **Assessment**

7.1. The main issues that arise for assessment in relation to this appeal can be addressed under the following headings:

- Nature of Development
- Design and Impact on the Character of the Area
- Impact on Residential Amenity
- Access and Transportation
- Water Supply and Drainage
- Other Issues
- Appropriate Assessment Screening

7.2. **Nature of the Development**

7.2.1. The proposed development is located on lands zoned for residential development and is located within the development boundary of Leixlip. The applicant proposed the development of 33 houses in the form of detached and semi-detached units. All houses were allocated two car parking each and additional visitor parking was proposed. Two areas of open space were proposed, one located centrally on site with good passive surveillance and the other is adjacent to the public footpath to the north east of the site.

7.2.2. Existing/ former agricultural buildings were to be demolished to allow for the development of this site and to provide a suitable access from Station Road. The site is only served by a single vehicular/ pedestrian access.

7.3. **Design and Impact on the Character of the Area**

7.3.1. Whilst the layout is acceptable in principle and may provide for a good quality residential setting with useable open space, I consider that the applicant has failed to take account of National, Regional and Local Policy with respect to residential development in established urban areas. The proposed development would provide for a density of 26 units per hectare. The B zoning Objective seeks 'To protect and enhance the amenity of established residential communities and promote sustainable intensification'. I note the location of the site and in particular the

proximity of the railway station at Louisa Bridge. The station is just under 700 m away on a direct walking route. I also note that to the west/ north of the railway line is the Intel campus, a significant employer for the region.

- 7.3.2. The site is therefore appropriately zoned for increased residential density and is located within walking distance of a high capacity public transport corridor. The development of such a low density of housing is not appropriate in this location and would give rise to the inefficient/ unsustainable development of a serviced site. This site can easily provide for a higher density of development and the mono-type nature of the houses does not promote or provide for a mix of tenure. Densities at the higher end of the 35 to 50 units per hectare could be expected in this location perhaps fully or partially in the form of apartments/ duplexes.
- 7.3.3. In addition to the low-density nature of the development, the design does not promote high quality urban design in accordance with the Urban Design Manual (2009). There is an opportunity to strengthen the streetscape here, but the applicant has proposed setting back the first house (no. 01) by 13 m from the roadside edge with an area of open space between this house and the back of the footpath. The existing bus stop/ shelter is to be relocated adjacent to this space. The low wall and railings over, between the house and this open space is not acceptable and the location of this area of public open space is likely to give rise to problems in the future.
- 7.3.4. The Planning Authority Case Officer identified the former agricultural buildings along Station Road as worthy of retention and should be incorporated into the development. I would agree with this and from the site visit it was apparent that these structures combined with the adjoining units to the south, add character to the area. Leixlip has undergone a significant transformation since the 1970s continuing to the present day with the development of suburban housing estates around the village core. From the site visit, it was again apparent that there were few buildings left along Station Road, that dated before this significant period of house building.
- 7.3.5. It is accepted that the reuse of these buildings will require significant alteration, but this has been done successfully in numerous locations throughout the Country. The loss of these units would be contrary to Objectives VA1 and VA2 of the Kildare County Development Plan 2017 – 2023. An appropriate redevelopment of this site

would see an increase in density and the incorporation of these structures into the design. Such a revised development should not impact negatively on the existing residential amenity of the area.

7.3.6. The other agricultural buildings within the site are of no architectural merit.

7.4. Impact on Residential Amenity

7.4.1. As already reported, the site is suitably zoned for residential development and I note that revisions to the development by way of further information ensured that issues of overlooking leading to a loss of privacy were addressed.

7.4.2. The proposed houses have adequate private amenity space and rear garden depths are generally in excess of 11 m and where they are under 11 m, there is no opportunity for overlooking of adjoining residential development. Overshadowing leading to a loss of daylight is not foreseen.

7.4.3. The centrally located area of public open space is acceptable and will provide for a useable area of amenity for future residents. As already reported, I have a concern regarding the usability and function of the open space to the east of the site along Station Road.

7.5. Access and Transportation

7.5.1. The Kildare County Council Transport Department reported that the proposed entrance arrangement is not acceptable and would be a traffic hazard. The proposed entrance requires the removal of the stone agricultural building and the relocation of a bus stop/ shelter. The applicant was advised at further information stage to relocate the entrance to the north west of the site and they have failed to do this. The proposed junction on Station Road would be in close proximity to an existing junction of the R148/ Station Road and the R404/ Old Hill Road/ Celbridge Road, which may give rise to drivers entering the wrong lanes thereby giving rise to potential traffic hazard. I therefore note the submitted reports of the Local Authority and the appeal and I consider that the development as proposed could give rise to a traffic hazard.

7.5.2. There is an opportunity here to provide/ allow for improved access to the schools to the west of the site on Green Lane. A revised design and layout could allow for future access to these lands to the west. A gate/ clear indication of future access to

these lands in accordance with the NTA Permeability Best Practice Guide could be considered. The predominant form of housing development in Leixlip, suburban housing estates of cul-de-sacs, does not promote or allow for permeability between different areas.

7.6. Water Supply and Drainage

- 7.6.1. Water supply and foul drainage can be provided in accordance with Irish Water standards. I note that whilst concern was raised in the letters of objection regarding foul drainage, the Water Services Section did not raise this as an issue in their reports.
- 7.6.2. Adequate measures can be provided on site to ensure that surface water can be accommodated.

7.7. Other Issues

- 7.7.1. Some confusion appears to have arisen over the function of the Heritage Officer. I note her report dated the 1st of August 2019 and she does not reference the demolition of any buildings. The submitted Heritage Report only refers to matters of biodiversity.
- 7.7.2. The development as proposed would see the almost total clearance of all structures and trees/ hedgerows from the site. A revised development could ensure that a number of trees could be retained on site, again this would retain part of the existing character of the area. The Heritage Officer did not require that any of the trees on site be retained.

7.8. Appropriate Assessment Screening

- 7.8.1. Having regard to the nature and scale of the proposed development and the location of the site in a serviced urban area and the separation distance to the nearest European sites, no Appropriate Assessment issues arise, and it is not considered that the development would be likely to give rise to a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. I recommend that permission be refused for the following reasons and considerations as set out below.

9.0 Reasons and Considerations

- 9.1. Having regard to the layout and the location of the proposed entrance which is in close proximity to the existing R404 Old Hill Celbridge Road and R148 Station Road junction, it is considered the proposed development would endanger public safety by reason of a traffic hazard.
- 9.2. Having regard to the prominent location of the site on Station Road and to the existing prominent random rubble stone finished buildings on the site which are considered to be of importance to the streetscape, it is considered that the proposed development, consisting of detached and semi-detached houses, set back from the roadside edge, would be incongruous in terms of design, which would be out of character with the streetscape and would set an undesirable precedent for future development in this area. The design is not considered to justify the demolition of the existing structures on the site. The proposed development would seriously injure the visual amenities of the area, would be contrary to the stated policy of the planning authority, as set out in the current County Development Plan, in relation to urban development and urban renewal and would, therefore, be contrary to the proper planning and sustainable development of the area.
- 9.3. The "Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas" published by the Department of the Environment, Heritage and Local Government in May 2009, require a high-quality approach to the design of new housing developments. The National Planning Framework seeks to maximise the efficiency of lands in urban areas. The proposed density at 26 units per hectare indicates that the development does not make provide for maximum efficient use of lands in an urban area within walking distance of high capacity public transport available at Leixlip Louisa Bridge railway station and the layout as submitted is

similarly inefficient. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Paul O'Brien
Planning Inspector

20th March 2020