



An
Bord
Pleanála

Inspector's Report

ABP-307090-20

Development	Demolition of dwelling, works within the curtilage of Johnstown Lodge (a protected structure - RPS Reg. Ref. B19-20), and construction of 33 dwellings.
Location	Johnstown, Naas, Co. Kildare.
Planning Authority	Kildare County Council
Planning Authority Reg. Ref.	19841
Applicant(s)	Ardstone Home Limited
Type of Application	Permission.
Planning Authority Decision	Grant permission
Type of Appeal	Third Party
Appellant(s)	Eoin and Candace Sweeney Paul Foley
Observer(s)	none
Date of Site Inspection	31 st August, 2020.
Inspector	Stephen Kay

1.0 Site Location and Description

- 1.1. The appeal site is located on the eastern side of Johnstown Village and to the east of the Main Street. The site is currently undeveloped with the exception of a single storey detached bungalow located at the southern end of the site fronting the L-6035 and a walled concrete yard located towards the northern end of the site that was previously in agricultural use. The site comprises two distinct areas, the first is irregular in shape, and primarily comprises one large agricultural field that is located between the Main Street to the west and the Saint John's residential estate to the east. A second northern area, comprises a roughly triangular shaped piece of land that bounds the Main Street to the north west. This part of the site is also currently undeveloped.
- 1.2. The site has an existing agricultural access onto the L-6035 to the south and the northern part of the site is bisected by a private laneway that runs north west to south east and which connects with the main street at the northern end of the site.
- 1.3. The site is bounded to the west and south west by the rear of properties that front onto the eastern side of Main Street. These properties comprise a mixture of two and three storeys at the northern end (two of which are included on the Record of Protected Structures for County Kildare) with single storey terraced cottages further to the south. The western boundary of the site is also characterised by a site which protrudes into the appeal site and which contains the ruins of a church and associated graveyard. This site is included on the Record of Monuments and Places.
- 1.4. At the southern end of the site, there is a frontage of c.45 metres onto the L-6035 local road that runs south east out of the village centre. Part of this frontage onto the L-6035 is currently taken up with a large detached bungalow. Immediately to the north of the frontage onto the L-6035 is a pair of semi detached bungalows and to the south east a detached house that has an extant permission for the development of an additional house within its curtilage. To the east and south east, the site is bounded by the Saint John's Way residential development which comprises a mixture of detached and terraced dormer and two storey houses. The section of the St. John's Way development located in closest proximity to the appeal site comprises detached houses on large sites.

- 1.5. The site is relatively flat with slight undulations and the general level is higher than that of the surrounding properties on both Main Street and to the east in the Saint John's Way development. Site boundaries are characterised by a significant extent of mature high hedgerows and mature trees. A number of these trees, notably in the vicinity of the graveyard / church site and on the northern part of the site are identified for preservation in the development plan.
- 1.6. The stated area of the site is 1.36 ha.

2.0 Proposed Development

- 2.1. The proposed development comprises the following main elements:
- 2.1.1. The demolition of the existing detached single storey dwelling located at the southern end of the site to facilitate the provision of a new access off the L-6035 to access the site.
- 2.1.2. The construction of a residential development comprising a total of 33 no. houses laid out around two main areas of open space, the first located to the immediate east of the church / graveyard site and the second located at the far northern end of the site.
- 2.1.3. The residential mix proposed in the development as originally submitted to the Planning Authority comprises the following:
- 4 no. one bed maisonettes,
 - 2 no. two bedroom bungalows,
 - 8 no. 2 bed houses,
 - 13 no. three bed houses,
 - 6 no. four bed houses.

A total of six different house types are proposed with the majority (27 out of the 33 units) comprising semi detached or detached units. The balance of the units comprise 4 no. maisonette units in a two storey building and 2 no. bungalows.

- 2.1.4. Units sizes are proposed to range between 88 and 136 sq. metres. The maisonette units vary between 52 and 62 sq. metres and are located close to the entrance to the development from the L-6035. Finishes are proposed to be a mix of buff brick and render, and the roofs dark slate or tile finishes and a consistent design is proposed for all units.
- 2.1.5. Private amenity spaces to serve the houses are proposed to the rear of the building line and the total area of the two public open space areas is 3,150 sq. metre which equates to c.23 percent of the site area. The open space comprises two areas, one centrally located within the residential part of the site and the second located to the north and which will facilitate a pedestrian connection between the site and the Main Street.
- 2.1.6. The application is accompanied by a design statement and a document that compares the floor areas / layout of the proposed development with the requirements set out in the development plan and in Quality Housing for Sustainable Communities.
- 2.1.7. As part of the development a new pedestrian crossing located to the east of the proposed site entrance is to be provided connecting with the existing footpath on the southern side of the L-6035 which connects the site to the village centre. A second new crossing is proposed at the village end of this existing footpath to connect in with the existing footpaths on Main Street. Parking for two cars per house unit is proposed.

3.0 Planning Authority Decision

3.1. Request for Further information / Clarification of Further Information

Prior to the issuing of a Notification of decision the Planning Authority requested further information and clarification of further information from the first party. The following is a summary of the main issues raised in these requests and the first party response:

Further Information

- How the proposal is in compliance with Policy VRS6 of the Plan regarding development proposals being 10-15 percent maximum of the existing population.
- Scale of development fronting the L-6035.
- Extent of open space located on unzoned lands is noted. Minimum of 15 percent should be on zoned land.
- Information on the protected structures and submission of a conservation plan.
- Further landscape details including sections, landscape plan, location of services and proposals for retention of boundary trees and hedgerows. Arboricultural assessment and tree survey also required as well as tree and hedgerow protection plan and boundary treatment plan.
- Revised site services layout ,
- Stage 1 and 2 Road Safety Audit.
- Submission of an Acoustic Design Statement given the proximity to the N7.

In response, the first party submitted a number of documents including the following:

- Revised design statement.
- Revision to the northern part of the layout with the omission of the pedestrian connection to the St Johns estate. An additional house is proposed in this area with the total number of units increased to 34 no.
- Houses near the entrance from the L-6035 are now proposed to be dormer type (c.1.5 metres lower than originally proposed). Considered that the building line is appropriate given that of the adjoining sites.
- Revised Schedule of Accommodation submitted that shows compliance with development plan standards.
- Submitted that the design and scale of the proposed development has had regard to the existing scale and character of the village. Stated that the predicted population increase based on a 2.75 household size would be less than the 15 percent specified in VRS6.

- That the impact of the proposed development on the Core Strategy and figures identified in the core strategy is acceptable and the allocation for the villages would not be exceeded.
- Regarding open space, a revised site plan is submitted that increases the size of the central open space area so that it comprises c.14 percent of the site area. Combined with the open space in the vicinity of the entrance, the 15 percent specified would be exceeded.
- The mature trees and vegetation surrounding the church are retained including the 3 no. trees that are the subject of the tree protection objective.
- That the northern open space is proposed as a means of connecting the development with the Main Street and incorporates an open space area that includes protected trees, two paths and seating. This area is proposed to have a railing of c.1.2 metres in height to the main street (L-2005) and this would extend along the eastern boundary. The area would be overlooked from the street and from the rear of houses in St. Johns.
- Letter of response from Conservation Architect, which includes an assessment of the impact on protected structures and those on the NIAH. Concludes that there have already been many interventions to the rear of Johnstown Lodge and that the proposed development will not have an adverse impact on the structure. Walls that separate the yard, garden and walled garden of Johnstown House from the appeal site are proposed to be retained.
- Johnstown Lodge is in the ownership of the first party, no works are proposed to the structure and it is stated that the first party intends to sell the building. Options for the use of the three disused outbuildings to the rear of Johnstown House are currently being examined, including possible residential use. Any works would be outside the scope of the current application.
- A landscape design Statement is submitted as well as Boundary Treatment Plan, Landscape Masterplan, site sections, landscape detailing and planting plan. Arborist report and tree protection plan details also submitted.
- That the boundary treatment plan has been amended to show all trees and hedgerows as protected and to ensure security of adjoining properties.

- A children's play area is proposed in the central open space area.
- Sections showing development and requested adjoining properties submitted.
- DBFL Report submitted that indicates extent of works undertaken on foot of the Stage 1 and 2 Road Safety Audits undertaken.
- That the option of a footpath on the north side of the L-6035 was examined and is not considered feasible due to land ownerships, the location of houses close to the village and the impact on the existing drainage channel.
- Lighting plan and report submitted.

Clarification of Further Information

Three items requested, summarised as follows

- Notes the publication of draft Variation No.1 to the County Development Plan, and requests comments of the applicant.
- Submission of details with regard to the protected structure and that it is considered more appropriate that the structure would be considered as part of the overall residential development in the context of an overall plan and proposed use for the structure.
- Clarification on a number of parks and landscape issues including further details of boundary treatment, tree protection measures, cross sections, relationship to services.

The following is a summary of the main issues / information submitted as part of the response received from the applicant.

- Landscape information including further response from arborist, specification for play equipment revised landscape design statement, and cross sections.
- That the Planning Authority is restricted to consideration of the proposal in the context of the development plan in place at the time of the decision.
- That the conservation issues were the subject of discussion between the conservation officer and Cathal Crimmins and it was agreed that a report would be prepared that set out the evolution of the site and outbuildings and assessment of the current condition and relationship to the site setting.

- This report was submitted and sets out how Johnstown Lodge was occupied until recently, is in good repair, and that the house and site at the rear have been the subject of significant alterations over time. Stated that it is intended that the house will be sold.

3.2. Decision

The Planning Authority issued a Notification of Decision to Grant Permission subject to 37 no. conditions. The following conditions are particularly noted:

Condition No. 2 clarifies that the permission is for a total of 34 no. residential units.

Condition No.6 requires that the site shall be landscaped in accordance with the information submitted on the 12th December, 2019 (FI) and 12th March 2020 (CFI).

Condition No.11 requires the retention of a landscape architect for the lifetime of the proposed works.

Condition No.8 specifically restricts the use of attic accommodation for habitable accommodation without the benefit of planning permission.

Condition No.22 requires that the mitigation measures set out in the Acoustic Design Statement shall be incorporated into the design.

Condition No.25 requires that prior to the commencement of development proposals for a 2 metre wide footpath to the western side of the entrance and the retention of the pedestrian crossing shall be submitted.

Conditions Nos. 33-35 relate to archaeology including excavation of previous test areas, retention of an archaeologist on site and monitoring of works under licence and the establishment of a buffer zone.

3.3. Planning Authority Reports

3.3.1. Planning Reports

The initial report of the planning officer states that principle of development is acceptable, identifies some concerns regarding the compliance with the core strategy and Policy VRS6 of the Plan and states that the two storey form of development fronting the L-6035 is inappropriate. General lack of detail regarding site landscaping noted. Initial report states that further information is required.

Second report notes the response to further information received and highlights some concerns regarding demonstration of compliance with Variation No.1 of the Plan (then in draft form). Revisions and increase in open space considered acceptable and proposals for the protected structure require further clarification particularly regarding the sub division of the holding. Clarification of further information is required.

3.3.2. Other Technical Reports

Area Engineer – Initial report requests further information of footpath / pedestrian crossing layout. Subsequent report recommends grant of permission subject to conditions.

Water Services – Initial report notes the flood risk assessment submitted and recommends conditions with regard to foul drainage and water supply (Irish Water) and Water Services Department.

Fire Officer – No objection.

Parks Department – Initial report recommends further information and including use of a landscape architect, submission of sections, relationship with underground services, public lighting and relationship with existing trees and hedgerows. Submission of revised boundary plan and arborist report required. Second report states that a number of the items submitted as further information require additional detail. Third report subsequent to the submission of clarification of further information notes that a number of issue where there remain a lack of detail regarding specifically the impact of the path in the northern open space on protected trees and the proposed boundary treatment along the eastern side of this space.

The initial Transportation Report recommends further information on services provision, submission of a road safety audit, submission of an acoustic design statement, investigation of the potential for a 2 metre footpath on the northern side of the L-6035, lighting proposals and address concerns regarding the surveillance of the open space area to the north of the site. Second report subsequent to the response to further information states no objections.

Environmental Health Officer – No objections subject to conditions.

Environment Report – No objection subject to conditions.

Housing Department Report – Note the proposed transfer of the proposed 4 no. maisonette units.

3.4. **Prescribed Bodies**

Irish Water – No objection subject to conditions including regarding a connection agreement with Irish Water being in place.

Development Applications Unit of Department of Culture, Heritage and the Gaeltacht

- With regard to archaeology, conditions / requirements suggested including the use of a buffer zone around the graveyard as proposed in the application. Nature Conservation submission requires that all works shall cease in the event that bats encountered during demolition of structures on site.

3.5. **Third Party Observations**

The following is a summary of the main issues raised in the third party submissions made to the Planning Authority:

- That the development is contrary to the development plan and particularly the requirement that population of villages would not increase by more than 30 percent over the plan period,
- That the social infrastructure assessment contains errors and shows that there are not adequate facilities available. Overdevelopment of the site and increased potential for anti social behaviour.

- Impact on the character of the village,
- Traffic congestion and impact on pedestrian and traffic safety,
- Errors in the submitted traffic assessment, particularly regarding bus routes and numbers.
- Absence of pedestrian facilities and pedestrian connection to the village centre on the site side of the L6035. Proposals for the upgrading of the L6035 are required.
- Lack of detail regarding noise impact.
- Lack of detail regarding the works / protection of Johnstown House.
- Concern at potential connection to Saint John's Way north.
- Impact of development on amenity of surrounding properties.
- Potential worsening of flooding impact on surrounding areas.
- Overdevelopment and excessive density.
- Proximity to former Knights Hospitaliers church ruin / graveyard.
- Impact on trees that are identified for protection in the development plan.

4.0 Planning History

There is no planning history of note relating to the appeal site.

The following application relates to the residential site immediately to the south east of the appeal site:

- Kildare County Council Ref. 19/63 – Permission granted for the construction of a single storey detached house incorporating shared access with the existing house.

The following relate to applications by Ardstone Homes on residential sites located further to the south east along the L-6035.

- Kildare County Council Ref. 18/585 – Permission granted by the Planning Authority for the demolition of the existing habitable dwelling on site (111sqm) and the construction of 49 no. residential dwellings on a site located to the south east of the current appeal site.
- Kildare County Council Ref. 16/833; An Bord Pleanála Ref. PL09.248488 – Permission granted by the Planning Authority for the construction of 52 no. residential dwellings on a site located to the south east of the current appeal site and for the realignment of the junction of the L-6033 and L-6034.

5.0 Policy Context

5.1. National and Regional Policy

- 5.1.1. NPO 32 of the **National Planning Framework** sets out a target for the delivery of 550,000 households by 2040. One of the key objectives of the NPF is to ensure balanced regional population growth, the promotion of compact development and the minimisation of urban sprawl. The NPF sets a target of at least 40% of all new housing to be delivered within the existing built up areas of cities, towns and villages on infill or brownfield sites. Under NPO 1b, the population of the eastern and midlands region is to increase by between 490,000 and 540,000, to c.2.85 million by 2040.
- 5.1.2. The village of Johnstown is located in the area identified as the core region in the **Regional Spatial and Economic Strategy for the Eastern and Midland Region**. The site is located close to Naas which is identified as a key town in the strategy, being a large economically active town that provides employment for the surrounding area and which have high quality transport links and the capacity to operate as economic drivers.

5.2. Development Plan

- 5.2.1. Johnstown is designated as a village under the provisions of the *Kildare County Development Plan, 2017-2023*. The county plan includes a Village Plan for the settlement of Johnstown that is contained at section 2.5.7 of Volume 2 of the County Plan. This plan identifies specific zonings and objectives for the settlement, and the appeal site is located on lands that are zoned as follows. The majority of the site is zoned Objective B (Existing Residential) with a stated objective, *'to protect and improve existing residential amenity, to provide for appropriate infill residential development and to provide for new and improved ancillary services'*. There is a small area at the north west corner of the main part of the site that is zoned Objective A (Village Centre) and which has an objective *'to provide for the development and improvement of appropriate village centre uses and including residential, commercial, office and civic use'*.
- 5.2.2. It is noted that the northern part of the site comprising the approximately triangular shaped area of land located to the north of the private access that traverses the site, is located on lands that are outside of the village plan boundary and which are not therefore the subject of any specific zoning objective.
- 5.2.3. Chapter 2 of the Kildare County Development Plan relates to the core strategy and a number of these policies have relevance to the assessment of this case.
- 5.2.4. **Policy VRS2** states that it is policy *'to facilitate sustainable population growth in the identified villages with growth levels of up to 25 percent over the plan period to cater primarily for local demand.'*
- 5.2.5. **Policy VRS 5** promotes the sequential development of settlements.
- 5.2.6. **Policy VRS 6** states that it is policy to *'generally control the scale of individual development proposals to 10-15 percent of the existing housing stock of any village or settlement over the lifetime of the plan....Larger developments may only be considered where they relate to important strategic sites (e.g. infill within the core of settlements or the redevelopment of backlands) and will be contingent on th agreement of a phasing / Masterplan being agreed with the Council'*.

- 5.2.7. Section 2.5.7 of Chapter 2 of Volume 2 contains the village plan for Johnstown and includes a requirement that the village be developed in a planned coherent manner , that the rate of growth be at an appropriate scale and that new development should have regard to the character, form and setting of the village core.
- 5.2.8. Density of development is set out at Chapter 4 of Volume 1 of the County Plan and Table 4.2 identifies that the appropriate density for edge of centre sites within small towns and villages is in the range 20-35 units per ha.

Variation No.1 of the Kildare County Development Plan, 2017-2023

- 5.2.9. This variation was adopted by the Council in June, 2020 and reflects the changes arising from the adoption of the National Planning Framework (NPF) and the Eastern and Midland Region Regional Spatial and Economic Strategy. A new Table 2.3 for population projections by County to 2031 is inserted which projects that the population of Kildare will increase by up to c.31,500 over the 2016-2026 period and by up to 43,500 up to 2031. As per Table 2.4 of the Variation, the population growth 2020 to 2023 for County Kildare is identified as 16,863 or 6,023 dwellings.
- 5.2.10. Table 3.3 of the Variation sets out the population growth provided for the villages of which Johnstown is one. These figures are that the percentage growth of population over 2020-2023 is 3.7 percent, and that the population and unit growth figures over the 2020-2023 period are 624 and 223 respectively.
- 5.2.11. It should be noted that this Variation is the subject of High Court Proceedings between Ardstone Homes Limited and Kildare County Council where a stay on the adoption of Variation No.1 was granted. As at the date of writing this report, the most recent order in this case is dated 12th August, 2020 and directs that the coming into force of Variation No.1 shall be stayed as it affects the towns of Celbridge and Clane and the village of Johnstown.

5.3. Natural Heritage Designations

The site is not located in or close to any European sites.

The closest European site to the appeal site are Mouds Bog SAC (site code 002331) which is located c.11km to the west of the appeal site at the closest point, Poulaphouca Reservoir SPA (site code 004063) which is located c.10km to the south east of the site and the Glenasmole Valley SAC (site code 001209) which is located c.15km to the east of the site at the closest point.

The Weston Stream runs close to the site to the south west and on the opposite side of the L-6035 from the appeal site. This stream is a tributary of the Morrell River which itself is a tributary of the River Liffey. The River Liffey discharges to Dublin Bay where there are a number of European sites designated.

5.4. EIA Screening

Having regard to the scale of development proposed which comprises a construction of 33 no. houses, to the degree to which this is below the threshold set out in the Fifth Schedule (500 units) to the urban infill location and nature of the site and to the absence of any particular sites or features of particular environmental sensitivity in the vicinity, it is considered that 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.

6.0 The Appeal

6.1. Grounds of Appeal

The following is a summary of the main issues arising in the two third party appeal submissions received:

- That the density of development is excessive and results in a negative impact on the amenity of surrounding houses.
- That there would be overlooking of surrounding houses.

- Excessive proximity of houses to the rear gardens of existing surrounding properties resulting in visually overbearing impact.
- In particular, Block 7 C-C is considered to be of excessive height and scale and located such that it will significantly impact existing residential amenity.
- That the proposal would be contrary to 17.2.4 of the Kildare Development Plan and should be refused as the council did with Ref. 20/90.
- That the proposal, when combined with other Ardstone developments (Refs 16/833 and 18/585) will result in the population of the village increasing by c.35 percent. This exceeds the 25 percent specified in the development plan. Even the previous two permissions also exceed the limit set in Policy VRS2 only 2 year into the 6 year plan cycle.
- That the permissions granted would irrevocably change the scope, feel and character of the village.
- That there is a lack of local facilities to cater for additional residential development. This is the third large scale development approved in recent years and the pressure on local facilities is already high with the doctor and crèche full. Schools are also full and sports facilities / capacity lacking.
- Development of the old garden centre in the village as an amenity facility has stalled.
- That the site access, including proposed pedestrian crossing, is proposed at a congested location and would be dangerous. The additional traffic generated by the development could not be safely accommodated.
- The traffic survey undertaken is deficient in terms of the survey location (which avoids the main route between the development site and the N7), account has not been taken of the other two permitted but not yet completed developments and incorrect statements regarding the number of busses that access the village each day.
- The proposed pedestrian entrance will lead to the creation of a rat run.

6.2. First Party Response

The following is a summary of the main issues raised in the response of the first party to the third party appeals:

- That the proposed development is on serviced and appropriately zoned land and comprises an infill site immediately adjacent to the centre of Johnstown Village.
- That the design has sought to take account of national guidance promoting increased densities and residential consolidation, the protection of the sensitive character of Johnstown Village and residential amenities of adjoining properties.
- That the scale of proposed residential units at dormer and two storey would not have a significant impact on the residential amenity of surrounding properties.
- With regard to the appellants at No3 Devoy Glade, the gable end of unit 26 (Block &) is the closest proposed development and there would be a separation distance of 23 metres between the rear of the appellants property and this gable. No windows are proposed in this gable elevation and there is therefore no potential for overlooking.
- That while Block 7 would be slightly more elevated than the majority of development on the site, this is only by c.1 metre (98 m. as against an average of 97 m.) relative to the majority of the proposed development and would be only c.0.3 metres above the average ridge height of Nos. 1-3 Devoy Glade.
- That the information submitted during the assessment of the application provides for the protection of the mature tree and hedgerow along this boundary with the appellants property.
- Submitted that given the proposed layout, heights and separation distances together with the retention of the boundary treatment, that no adverse impacts on residential amenity of No.3 Devoy Glade will arise.

- No.2 St. Johns Way is a storey and a half detached dwelling to the east of the site. There are no rear first floor windows in this house but there is a first floor window in the gable end that faces the appeal site. The closest proposed units to this window are Nos. 10 and 11 which would be separated from this gable window by c.20 and 21 metres. While this is slightly below the recommended minimum of 22 metres as per 17.2.4 of the Plan, it is considered that the relative angle is such that mitigation of potential direct overlooking would be achieved.
- That there are houses and maisonette units located to the south and south east of the rear of No.2 St. Johns Way which are at a substantial separation distance.
- That proposals for the provision of a footpath connection were submitted as part of the initial application. A RSA undertaken did not identify any issues with regard to the capacity or width of the L-6035. As part of further information submitted, proposals were submitted for a raised pedestrian crossing at the L-6035 / main street junction, revisions to the location of the pedestrian crossing at the site entrance, and revisions to the access to the northern open space area to improve security.
- That there are significant impediments to the provision of a footpath connection on the northern side of the L-6035 that make it unviable. These include number of third parties, presence of a drainage ditch and location of existing buildings.
- That significant effort has gone into ensuring permeability with the existing village and pedestrian safety.
- That there have been changes to the bus services operating through the village since the date that the TTS was prepared.
- That a detailed assessment of the L-6035 / L-6034 / L-6033 junction was undertaken for Ref. 18/585 which indicated that all junctions could operate well within capacity in 2.35. The RFC of 6% was well within the capacity of the junction.

- That the TTS was undertaken in line with IHT and NRA guidelines. Demonstrated that the post development impact is less than 5% in terms of additional traffic generated in both scenarios. (2021 and 2036).
- DBFL did not consider that the proposed development required a TTA or additional traffic surveys to the north of the proposed junction as the development involves less than 100 trips into and out of the development and comprises less than 100 units. That the site is the last substantial zoned site in the village and is in a sustainable central location. It is therefore considered that an undesirable precedent does not arise.
- It is calculated that the proposed development and 2 permitted residential developments would lead to an increase in population of c. 337 persons or c.33 percent above the 2016 census. However no increase took place over the 2011-2016 census period and resulting skew in the demographic profile the increase in considered acceptable.
- That Policy VRS6 of the plan seeks to limit individual developments to 10-15 percent of the existing housing stock except where the site is strategic / infill. This is derived from 6.3(re) of the Sustainable Residential Development in Urban Areas (SRDUA) Guidelines which promotes the concept of expansion on the basis of a number of well integrated sites within and around the village centre. The proposed development is consistent with Policy VRS6.
- With regard to Policy VRS2 and compliance with the Core Strategy, it is noted that Variation No.1 of the Plan was adopted and came into effect on 9th June, 2020 and allocates 223 units to villages (including Johnstown) to 2023. The issue of extant permissions was raised during the course of consideration of Variation No.1 and the chief executives report indicated that the consideration of extant permissions and live applications will be dealt with in the specific LAP for each settlement. The county development plan cannot be read to limit the freedom for the settlement plan and LAPs to treat the allocation to 2023 as additional, and the current application cannot be read to contravene the county development plan.

- That the application was accompanied by a detailed social infrastructure assessment report set out the demographic profile of the area, the likely population growth and changes to this profile likely to arise from the subject proposal and 2 other permitted developments, and an outline of the main facilities available to meet this demand.
- That the existing childcare facility in Johnstown is at capacity, however there are currently 4 outlets in Kill which have capacity for 11 children with more developments proposed with an additional 90 child capacity. Facilities in Naas have the capacity to accommodate an additional 148 children.
- The SIA notes that the first party had a number of meetings with the Community Association regarding the former garden centre site and it is understood that these lands have now been leased by the council for the delivery of the project. The project is proposed to comprise three phases and the first party has committed to making a contribution towards Phase 1.
- Submitted that the proposed development will assist in the achievement of a critical mass for the future development of services.
- That the open space areas in the proposed development equate to c.24 percent of the site area.
- A copy of the first party's submission to the Planning Authority on Variation No.1 of the Plan is attached with the appeal response.

6.3. **Planning Authority Response**

The following is a summary of the main issues raised in the response of the Planning Authority to the third party appeals:

- That the main concerns are addressed in the reports of the Roads Department on file and specifically that dated 2nd January, 2020.
- That Stage 2 and 3 road safety audits will be undertaken and all recommendations to be implemented as per the requirements of Condition No.26.

- Submitted that the proposed works to the L6035 including footpath and uncontrolled pedestrian crossing should provide safe pedestrian connections from the site and other developments to the village centre.
- That the proposed 2 metre wide footpath through the amenity area to the north of the site is in line with DMURS.
- The design of the internal road layout and the junction with the L6035 is in accordance with the requirements of DMURS.
- That the application was accompanied by a Transportation Statement and this indicates that the additional traffic from the 33 no. units will result in a negligible impact on the surrounding road network. This assessment is noted and agreed with.
- That the traffic counts were undertaken in April, 2018 at the L6035 / L6034 / L6033 junction and are considered to be appropriate for use especially given the recent traffic reductions arising from Covid 19.

6.4. Further Submissions

The first party response to the third party grounds of appeal was circulated to the Planning Authority and third party appellants for comment. The following submissions were received:

6.4.1. Planning Authority

The Planning Authority responded to state that it did not have any further comment to make on the first party response to the third party grounds of appeal.

6.4.2. Eoin and Candace Sweeney

- That their property at No.3 Devoy Glade is actually a three storey house and not a two and a half storey as stated by the first party response.
- That the contextual elevations and the levels provided by the first party clearly demonstrate how the proposed development will have a dramatic impact on residential amenity.

- That the increased ground level on the site relative to their property will significantly impact on light and outlook from their property.
- That the hedge and ash tree located along the shared boundary are all deciduous and will lose their vegetation in winter.
- That the population increase from this development and the other two permitted developments adds up to 358 and not 337 persons or 35 percent of the existing population and contrary to Policy VRS2 of the Plan.
- That the attached article from the Leinster Leader paper sets out how there are concerns among elected members regarding development in advance of services and this is the basis of Variation No.1 of the Plan. The statement that a critical mass is required to ensure service provision is not correct.
- As recognised by the first party all childcare positions in the village are full and so childcare will have to be provided elsewhere and such that children will not be able to walk. The spaces that are available in Kill are sessional pre school places and not full time.
- The first party should have provided a childcare facility on foot of the demand generated by the overall development of the three sites.
- That contrary to the statement of the first party, the play area within the development will be for the residents of the development and not a facility for the village as a whole. In any event, the extent of play equipment proposed to be provided is very limited.

6.4.3. **Paul Foley**

- That the third party property at No.2 St. Johns Way North is a two storey dwelling and not storey and a half as stated by the first party.
- That the layout should be adjusted to ensure that the multiple proposed houses that are located within the 22 metre separation are relocated.
- That the attitude to service provision in terms of local healthcare and childcare is very casual. The local GP cannot take any new patients and the crèche is full.

- The fact that there was no development between 2011 and 2016 does not mean that development in excess of the development plan provisions can now be acceptable.
- Submitted that until Variation No.1 has been the subject of judicial review then the development has to be assessed under the provisions of the County Development Plan.
- That there remains a gap in local walk in facilities for the young and teenage groups in the village and will result in anti social behaviour if they are not available in tandem with the increased residential development.
- If the amenities are not provided in advance of this third development then there will be no legal onus on Ardstone or the council to do so when the development is permitted.

6.4.4. **Other Circulations by the Board**

Details of the application were referred by the Board to An Taisce, the Development Applications Unit of the Department of Culture, Heritage and the Gaeltacht, the Heritage Council, An Chomhairle Ealaion and Failte Ireland. No response to these requests for comments was received by the Board.

7.0 **Assessment**

7.1. The following are considered to be the most significant issues in the assessment of this case:

- Principle of Development and Compliance with Core Strategy
- Design and Layout
- Impact on Amenity
- Traffic, Access and Services
- Other Issues
- Appropriate Assessment

7.2. Principle of Development and Compliance with Core Strategy (and Variation No.1)

Land Use Zoning

- 7.2.1. The bulk of the appeal site is located on lands that are zoned Objective B (Existing Residential) with a stated objective, *'to protect and improve existing residential amenity, to provide for appropriate infill residential development and to provide for new and improved ancillary services'* under Volume 2 of the *Kildare County Development Plan, 2017-2023*. The principle of residential development and infill residential development of the form proposed in the subject application is acceptable in principle on such lands. There is a small area at the north west corner of the main part of the site that is zoned Objective A (Village Centre) and which has an objective *'to provide for the development and improvement of appropriate village centre uses and including residential, commercial, office and civic use'*. Residential development is also permitted in principle on lands zoned Objective A.
- 7.2.2. It is noted that the northern part of the site comprising the approximately triangular shaped area of land located to the north of the private access that traverses the site, is located on lands that are outside of the village plan boundary and which are not therefore the subject of any specific zoning objective. It is also noted that this part of the site is not proposed to accommodate any residential units or services and that it is proposed to form part of a landscaped area that would provide a pedestrian connection between the appeal site and the Main Street in Johnstown. I also note the fact that the overall extent of public open space proposed as part of the development is significant and that the level of open space proposed within the zoned area of the site is generally consistent with the development plan requirements without allowance for the unzoned areas, (see section 7.3 below regarding Design and Layout). In principle therefore I consider that the development proposed for this area is acceptable and consistent with the provisions of the development plan.

Policies Regarding Growth in Villages

- 7.2.3. Section 2.4 of Volume 2 of the Kildare County development Plan (relating to smaller settlements) sets out a number of policies regarding population increase and the scale of development appropriate to identified settlements over the plan period (2017-2023).
- 7.2.4. ***Policy VRS 5*** promotes the sequential development of settlements. In the case of the development undertaken in Johnstown, there are two extant permissions for residential development on lands located to the south east of the appeal site further out on the L-6035. These extant permissions, which are also to Ardstone Homes, are for 52 no. units and 49 no. units (Ref.
- 7.2.5. . The subject application is for development on lands that are closer to the village centre and such that they would be a higher order or priority in sequential development of the village and would in my opinion comprise an appropriate form of infill development that would result in urban consolidation consistent with the principles set out in national guidance. Given that the other two permissions are granted and were not the subject of appeal to An Bord Pleanala and the given the central location of the appeal site, it is incorrect to say that the proposed development would be inconsistent with a sequential approach to development and, in the circumstances, it is my opinion that policies VR2 and VRS6, regarding the scale of residential development relative to the existing settlement, are of more relevance in this assessment.
- 7.2.6. ***Policy VRS 6*** states that it is policy to '*generally control the scale of individual development proposals to 10-15 percent of the existing housing stock of any village or settlement over the lifetime of the plan....Larger developments may only be considered where they relate to important strategic sites (e.g. infill within the core of settlements or the redevelopment of backlands) and will be contingent on th agreement of a phasing / Masterplan being agreed with the Council*'. The third party appeals received contend that the proposed development would be contrary to this policy as well as VRS2. At an occupancy ratio of 2.75 per unit, the proposed 34 no. units would result in an additional c.93 persons which is c.9 percent of the 2016 population of Johnstown (1,004). At an individual level therefore, I consider that the proposed development is consistent with the provisions of Policy VRS6.

- 7.2.7. Given the fact that there are two extant permissions for residential development in Johnstown, (Refs. 16/833 and 18/585), it is considered that **Policy VRS2** is relevant in this case and this policy is highlighted by the third party appellants. Policy VRS2 states that it is policy '*to facilitate sustainable population growth in the identified villages with growth levels of up to 25 percent over the plan period to cater primarily for local demand*'. The third party appellants contend that the proposal, when combined with other Ardstone developments (Refs 16/833 and 18/585) will result in the population of the village increasing by c.35 percent, and that the previous two permissions would exceed the limit set in Policy VRS2 only 2 years into the 6 year plan cycle.
- 7.2.8. In terms of population, the 2016 population of Johnstown was 1,004 persons. The current proposal plus the two other permitted Ardstone developments would result in an increase of 135 no. units which at an occupancy of 2.75 persons would result in a population increase in the village of 371 persons or c.37 percent. Even at an occupancy rate of 2.5 per unit, the total increase in population would be c.337 or 33.5 percent, and well above the 25 percent cited in Policy VRS2. The first party contends that in the assessment of the total population increase over the plan period and compliance with Policy VRS2 regard should be had to the fact that no population increase took place over the 2011-2016 census period and that the potential 33-37 percent population increase is more acceptable. Given the negligible population increase over the 2011-2016 census period, it is also submitted that to restrict population increase excessively over the current plan period would result in a significant skew in the demographic profile of the village. The proposed development is clearly at variance with the provisions of Policy VRS2 of the Plan and would therefore result in a significant level of population increase over the plan period. Given the fact that there was virtually no population increase over the previous number of years (prior to 2017), and having regard to the fact that the site is located in such close proximity to the village centre and such that it comprises an infill site, I do not consider that non compliance with this policy individually is a basis for refusal of permission. The implications of a significant increase in population on services and character of the settlement is however clearly an issue and is considered further in the sections below.

Compliance with Core Strategy and Variation No.1 of the Kildare County Development Plan, 2017-2023

- 7.2.9. The Core Strategy is contained at Chapter 2 of Volume 1 of the County Development Plan and the settlement strategy is at Chapter 3, and figures identified in the core strategy is acceptable. As per Table 3.3 of the Plan, villages are assigned 3.7 percent of the overall growth, and this equates to c.1,202 units over the 2016-2023 period. The extant permissions prior to the adoption of the plan permitted a total of 611 units, and the number of units permitted in the designated village settlements since the plan was adopted as indicated in the assessment presented by the first party is 389 no. units. This means that even with no account for the number of these permissions that may not be completed, the total number of units permitted in the identified villages settlements would be c.1,034 no. units and the allocation for the villages as per Table 3.3 (1,202 no. units) would not be exceeded.
- 7.2.10. With regard to the Core Strategy, it is also noted that ***Variation No.1*** of the Plan was adopted and came into effect on 9th June, 2020. As per revised Table 3.3 of this variation (copy attached with this report) there is an allocation of 223 units to villages (including Johnstown) over the 2020 to 2023 period. As set out in the information submitted by the first party as part of the response to the grounds of appeal, the issue of extant permissions was raised during the course of consideration of Variation No.1 and the chief executives report indicated that the consideration of extant permissions and live applications will be dealt with in the specific LAP for each settlement. The position put forward by the first party in their response submission is that the county development plan cannot be read to limit the freedom for the settlement plans and LAPs to treat the allocation to 2023 as additional population allocation, and the current application cannot therefore be read to contravene the county development plan. On the face of the wording of Variation No.1 and the information presented by the first party regarding the consideration of Variation I would agree with this interpretation and consider that if Variation No.1 is followed, the Core Strategy provides for an additional 223 units over the remainder of the Plan period up to 2023.

7.2.11. The attention of the Board is drawn to the fact that Variation No.1 is the subject of High Court Proceedings between Ardstone Homes Limited and Kildare County Council where a stay on the adoption of Variation No.1 was sought and granted. As at the date of writing this report, the most recent order in this case is dated 12th August, 2020 and orders that the coming into force of Variation No.1 shall be stayed as it affects the towns of Celbridge and Clane and the village of Johnstown. As of the date of this report therefore, Variation No.1 does not apply to Johnstown and the provisions of the original Core Strategy as set out at Chapters 2 and 3 of Volume 1 of the Kildare County Development Plan remain in effect. As set out above, it is my opinion that the proposed development would be consistent with the Core Strategy as originally drafted in the County Development Plan and that the proposed development is in my opinion compatible with both the original Core Strategy and that as amended by way of Variation No.1.

Principle of Demolition

7.2.12. The proposed development involves the demolition of a bungalow that fronts the site at the proposed entrance to the site from the L-6035. I consider that this house is not of any significant architectural or other merit and that its removal is required in order to facilitate the provision of a new access. The design and scale of replacement houses fronting the L-6035 is the subject of comment under the heading of Design and Layout below, however I do not have any objection to the principle of demolition of the existing structure as proposed.

7.3. Design and Layout

7.3.1. The **density** of development proposed works out at c.25 units per ha. when the whole site (inclusive of the northern open space area) is counted. Without this area, the density over the main part of the site inclusive of the central area of open space and the open space in the vicinity of the access from the L-6035 rises to c.28 units per ha. Density of development is set out at Chapter 4 of Volume 1 of the County Plan and Table 4.2 identifies that the appropriate density for edge of centre sites within small towns and villages, such as the appeal site, is in the range 20-35 units per ha. Similarly, the density set out at Chapter 6 of the Sustainable Residential

Development in Urban Areas Guidelines for Planning Authorities is also in the range of 20-35 units per ha. for edge of centre sites in villages and smaller towns. The proposed development is consistent with this requirement and I also note that paragraph 6.3 of the guidelines stresses the prioritisation of development that either re uses brown field development land such as central sites or backlands or through the development of acceptable 'green field' sites, such as the appeal site.

- 7.3.2. The basic site layout proposed is centred around the main area of open space adjacent to the graveyard and is considered appropriate. With the exception of the 5 no. units fronting the L-6035 all units back onto adjoining sites and properties.
- 7.3.3. Fronting the L-6035, the building line has been set back to be in keeping with the prevailing building line of the existing houses to the west of the site and the permitted but not yet constructed house to the east. While this results in an area of open space to the front of the site and a parallel access road arrangement that is generally not favoured, in the circumstances of the site I consider that the layout in this area is appropriate. I also note the amendments to the house design in this area submitted as part of the further information response, and consider that the proposed dormer style houses are acceptable from a visual amenity and streetscape perspective.
- 7.3.4. With regard to **public open space**, as part of the response to further information, the size of the main central area of open space has been increased such that it comprises c.14 percent of the site area. Combined with the open space in the vicinity of the entrance, the 15 percent specified in the further information request and cited in the development plan (paragraph 17.4.7) would be exceeded. The open space area proposed to be provided at the northern end of the site and located on lands outside of the development boundary of Johnstown are additional to the 15 percent open space requirement. In terms of amenity and layout, the central open space area would have good passive surveillance and is proposed to incorporate a small play area at the north east corner.
- 7.3.5. I note and recognise the concerns expressed by third parties with regard to the design of the northern open space area and pedestrian connection to the Main Street in Johnstown and the potential for this area to lead to anti social activity. Given the separation between the entrance to the estate onto the L-6035 and the Main Street a pedestrian connection at the northern end of the site would, in my

opinion, have clear benefits in terms of connectivity and is consistent with the key priorities for the development of backland and infill sites as set out in Paragraph 6.3(a) of the Sustainable Residential development Guidelines for Planning Authorities. The pedestrian route and area of open space proposed at the northern end of the site would not however be well overlooked, and I do not agree with the submissions of the first party that properties in the St John's development to the south or on Main Street would have a sufficient presence onto this space to achieve a good level of passive surveillance. The concerns as originally expressed by the residents of the St. John's development regarding a connection between the proposed development and the St. John's development are noted, however, as per the revised layout submitted during the course of the application, such a connection is no longer part of the proposed layout. While I would have some concerns regarding the potential for the northern open space area to generate a degree of anti social activity, I consider that there is a clear benefit to the development from an additional pedestrian connection between the northern end of the site and the Main Street. The layout of development on the southern side of Main Street is such that there are no other potential connections available and if the boundary between the northern open space area and the road is as proposed with a railing that would facilitate views across this space from the street. On balance therefore, I consider that it is beneficial to the development that the northern open space area and pedestrian link would be permitted. As set out above, in the event that the Board have significant concerns regarding the layout of this part of the site, I consider that adequate public amenity space has been incorporated in the central open space area and the northern area of open space and associated pedestrian link could be omitted from any permission.

- 7.3.6. The **site boundaries** are characterised by mature hedgerows and trees and it is specifically noted that there are a number of trees which are identified in the Johnstown Village Plan for protection. As part of consideration of the application, significant information in the form of a Boundary Treatment Plan, Landscaping Plan and Arborist report were submitted and are on file. The basic approach is for the retention of the bulk of the existing mature boundary vegetation, with particular focus on the area in the vicinity of the graveyard where the existing mature trees and vegetation surrounding the church are retained including the 3 no. trees that are the

subject of the tree protection objective. Significant detail with regard to the integration of the existing trees and hedgerows and particularly the protected trees into the scheme has been submitted during the course of the application and is on file. Overall, I consider that the proposals for the landscaping of the site as set out in the submitted documentation is acceptable and such that the existing character of the site, particularly in the vicinity of the graveyard area, would be protected in any future development of the site.

- 7.3.7. At the level of the individual residential units, the unit mix proposed comprises a mix of maisonette, two three and four bedroom units. The mix was altered slightly on foot of the response to further information submitted and a comparison of the two is contained at Figure 1.0 of the first party response to further information dated 12th December, 2019. The bulk of the units are proposed to be two bed (29 percent) and three bed (44 percent) and the unit mix proposed is in my opinion acceptable.
- 7.3.8. The **internal layout** of the units and compliance with the requirements of the development plan (Section 17.4 of Volume 1) and with Quality Housing for Sustainable Communities, is set out in a revised schedule of accommodation submitted as part of the response to further information received by the Planning Authority on 12th December, 2019. Unit sizes, layouts and room sizes are all in accordance with the relevant standards and are considered to be acceptable. Private amenity space area to serve all house units are proposed to the rear of the building line and the size of these areas is consistent with the requirements set out at Table 17.5 of the plan.

7.4. **Impact on Amenity of Surrounding Properties**

- 7.4.1. A number of specific issues regarding the impact of the proposed development on residential amenity are raised by the two third party appellants. These relate to the potential impact on two specific properties, at No.3 Devoy Glade located to the west of the site, which comprises a three storey house which fronts onto the Main Street and No.2 St. John's Way North located to the east of the site and which comprises a detached house located at the end of a cul de sac that adjoins the eastern boundary of the site. In both cases it is contended that the proximity, layout and relative levels between the development proposed on the appeal site and the appellants properties

will have a negative impact on residential amenity with issues of overlooking the primary concern in the case of No.2 St. John's Way and overlooking and overshadowing the main issues of concern in the case of No.3 Devoy Glade. The issue of the impact on the amenity of adjoining residential properties was raised by the Planning Authority as part of the response to further information and a detailed response is on file as part of the first party response to the grounds of appeal.

- 7.4.2. In the case of **No.3 Devoy Glade**, the first party response notes that the gable end of unit 26 of Block 7 is the closest proposed development to this site and there would be a separation distance of 23 metres between the rear of the appellant's property and this gable. It would appear that the closest property is actually Unit No.27 as per the revised layout submitted as part of the response to further information, however the design and separation distance of the unit to the site boundary, and therefore to the appellant's property, is the same as in the originally submitted layout. No windows are proposed in the gable elevation to No. 27 and in my opinion there is therefore no potential for overlooking of No.3 Devoy Glade. A rear garden depth of c.10.5 metres is proposed to No.27 and such that no significant issues of overlooking or loss of amenity would occur to the properties to the west of No.27. The appellants at No.3 raise concerns regarding the impact of the proposed development, and specifically the closest proposed house at No.27, on their amenity due to overshadowing and loss of light. As set out in the first party response to the appeal (Contextual Section C-C), while Block 7 incorporating unit No.27 would be slightly more elevated than the majority of development on the site, this is only by c.1 metre (98 m. as against an average of 97 m.) and would be only c.0.3 metres above the average ridge height of Nos. 1-3 Devoy Glade. Given the location of Block 7 to the south east of the appellants property and the proximity of this block to the boundary, there will likely be some negative impact on the availability of light to the rear garden area of Nos.1-3 Devoy Glade, however given the length of the rear gardens of Nos.1-3 Devoy Glade I do not consider that there would be any material impact on the availability of light to the rear elevation in Nos.1-3 Devoy Glade. Potential reduction in the availability of sunlight to the rear garden of these properties and the potential for a visually obtrusive impact, has also to be seen in the context of the existing mature tree and hedgerow boundary in this location for which significant detail regarding its retention have been submitted, and the length of the rear gardens

to Nos. 1-3 which are c.22 metres. Having regard to the above, I do not consider that the proposed development would have a significant negative impact on the residential amenity of No.3 Devoy Glade or any other residential properties adjoining this part of the site.

7.4.3. In the case of **No.2 St. Johns Way North** which is to the east of the site, the main issue of concern relates to potential overlooking from the maisonette units proposed to the west and the adjacent semi detached units proposed to the north west. No.2 St. John's Way North is a dormer style detached dwelling which has a north west facing gable end window at first floor level that faces the appeal site, dormer windows at first floor level to the front and rooflights to the rear roofslope. The closest proposed units to the gable window would be Nos. 10 and 11 which would be separated from this gable window by c.20 to 21 metres. While this is slightly below the recommended minimum of 22 metres as per 17.2.4 of the Plan, I agree with the first party that the relative angle of the windows would mitigate the potential for direct overlooking such that a slight reduction in the normal minimum separation distance is acceptable. On this issue, I also note the provisions of Paragraph 6.10 of the *Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities* which, in the context of development in villages and small towns, makes reference to the standard 22 metre separation distance and states that while normally recommended for privacy reasons, this may be impractical and incompatible with infill development, and that in such cases, innovation and that a degree of flexibility in interpretation of the standards is required.

7.4.4. The maisonette units proposed to the west of No.2 St. Johns Way North are at a substantial separation from the appellant's house (in excess of 22 metres), however the layout of the boundary is such that the separation between the rear of the two storey maisonette building and the site boundary is c.5-6 metres at the closest point. In mitigation, the rear garden of No.2 St. John's Way is large, the relative angle between the maisonette block and the appellant's house is close to right angled and there is significant vegetation located at the boundary between the maisonette block and the appellant's property. In the case of the maisonette block it should also be noted that there is no clear way by which the block can be moved further from the site boundary due to the restricted shape of the site, and thus a redesign by way of condition is not clearly available. On balance therefore, while it is considered that

the proposed development would have some reduction in residential amenity for the appellant's properties, I do not consider that these impacts are such as to warrant refusal of permission.

- 7.4.5. I do not consider that there are other third party properties bounding the site which would be significantly impacted by the proposed development. Specifically, the house at No.3 St. John's Way North is located in very close proximity to the site boundary, however adjoining proposed development (Units 17-19) are located at right angles and separated by 10-11 metres from the boundary. Similarly, at the southern end of the site, I do not consider that the proposed houses facing the L-6035 would have any negative impact on the residential amenity of surrounding properties. The access road is noted to run very close to the gable end of the bungalow located to the west of the site entrance and the alignment of the access road is such that lighting from cars entering the development could be considered to have a potential negative impact on the residential amenity of this property. As per the boundary plan submitted as part of the response to further information, the existing 1.8 metre high boundary wall is proposed to be retained in this location, and this is considered suitable to mitigate any potential lighting impact.

7.5. **Traffic, Access and Services**

- 7.5.1. The ***internal road layout*** proposes the provision of dedicated footpaths along only one side of the road in most location and dedicated pedestrian crossing points. The layout including the detailed layout of the estate entrance to the L-6035 is in my opinion consistent with the requirements of DMURS with a 5.5 metre wide carriageway and junctions of the correct radius.
- 7.5.2. The internal and external road and pedestrian layout was included in the issues requested in the request for further information and as part of the response a Stage 1 and 2 Road Safety Audit was undertaken, and the recommendations incorporated into the design. On the issue of footpath connection, the further information request sought further details on the feasibility of a footpath connection to the village centre along the northern side of the L-6035 (i.e. the same side as the entrance). On the basis of the response submitted and an inspection of the site, I would agree with the first party that such a route is not feasible for reasons of inadequate space, location

of buildings and land ownership. The option proposed incorporates a footpath connection on the eastern side of the entrance with a pedestrian crossing provided in this location. This then connects with the existing footpath along the southern side of the L-6035 and a further pedestrian crossing proposed at the village end of this path. The Transportation section of the council recommended that it would be more appropriate that the applicant be required to provide a section of footpath to the south west of the entrance as well as to the north east and that the pedestrian crossing would be located in this area. This comment is noted and I do not have any objection to this alteration. When combined with the proposed northern pedestrian connection route to the Main Street it is my opinion that the proposed pedestrian access to the site is satisfactory and that the pedestrian crossing and improvements proposed along the existing footpath on the southern side of the L-6035 will benefit existing and permitted residential development to the south east of the site and accessed via the L-6035.

- 7.5.3. **Sightlines** at the proposed new access point onto the L-6035 were the subject of assessment by the Planning Authority and during the Road Safety Audit undertaken. Sightlines are in accordance with the requirements of DMURS for an urban location and are considered to be acceptable.
- 7.5.4. **Car parking** within the development is proposed to be provided at a rate of 2 no. spaces per residential unit with an additional 6 no. visitor parking spaces. This provision is in keeping with the requirements set out in the development plan and is in my opinion acceptable.
- 7.5.5. With regard to the assessment of the traffic impacts of the proposed development, the application was accompanied by a Transportation Statement (prepared by DBFL). The first party have detailed how the proposal did not require the preparation of a formal Traffic and Transportation Assessment on account of the limited number (less than 100) trips into and out of the development that would be generated. I would agree with this assessment, and consider that the traffic assessment submitted is sufficient to assess the likely traffic impact of the proposed development.

- 7.5.6. I note the comment of the third party appellants with regard to the errors in the submitted Transportation Statement with regard to the scope and number of **bus services** serving the environs of the site. This was due to revisions to the local bus services and is acknowledged by the first party. I also note the comments of the third parties regarding the scope of the traffic assessment undertaken and whether account has been taken of the combined impact with the permitted developments to the south east of the site (Refs. 18/585 and 16/833). The **Traffic Statement** submitted by the first party makes reference to traffic surveys undertaken to the south east of the site in April 2018, at which time neither of the above referenced permitted developments were complete.
- 7.5.7. Existing peak hour trips of 363 (AM) and 304 (PM) were recorded in this 2018 survey, and these figures are cited as part of the justification for not undertaking a full TTA as the predicted peak trips from the proposed development (using TRICS) would be 17 in the AM peak and 19 in the PM peak and therefore far below the 10 percent threshold normally used for requiring a full TTA. The third party appellants are correct that the assessment undertaken has not had specific regard to the impact of the two permitted developments (Refs. 18/585 and 16/833), however the point made by the first party is valid that the scale of the proposed development and the likely traffic generated is such that it would comprise a small additional percentage of the existing traffic flows and not such that full TTA incorporating full traffic counts is usually required. I also note the fact that the first party state that the detailed assessment of the L-6035 / L-6034 / L-6033 junction (to the south east of the current appeal site) was undertaken for Ref. 18/585 which indicated that this junctions could operate well within capacity in 2035 with a RFC of only 6 percent. Clearly therefore, this junction is going to have adequate capacity to cater for the proposed development. Similarly, while there is no specific analysis presented of the capacity of the L-6035 / Main Street junction, and no survey data for this junction available, on the basis of the predicted peak hour journeys generated by the proposed development I do not consider that the impact on the capacity of this junction would be likely to be significant.

7.6. Other Issues

- 7.6.1. **Johnstown House** located at the northern end of the site is included on the **Record of Protected Structures** for County Kildare (Ref. B19-22 11812020). The house is excluded from the appeal site and information presented during the course of the local authority assessment indicates that it is proposed that the house would be sold separately from the development. As part of the request for further information and clarification of further information the first party provided a justification as to why the house should be retained separate from the balance of the site and not be incorporated into the proposed development. Justification for the proposed approach includes the fact that the existing layout of Johnstown House and the outbuildings to the rear is visually and physically clearly separate from the majority of the site. The outbuildings are currently linked via the existing access road across the northern part of the site to the concrete yard that will be demolished as part of the development, however the house itself is well screened from the interior of the appeal site and set in its own immediate grounds with frontage onto Main Street. Minimal works to the immediate curtilage of Johnstown House are proposed as part of the development, with the blocking up of pedestrian access to the site from the rear the only physical intervention proposed.
- 7.6.2. I note the contents of the letter of response from Conservation Architect to the Clarification of Further information Request issued by the Planning Authority, which includes an assessment of the impact on protected structures and those on the NIAH. This report identifies that the existing boundary walls that separate the yard and garden of Johnstown House from the appeal site are proposed to be retained in the development, that there have already been many interventions to the rear of Johnstown Lodge and that the proposed development will not have an adverse impact on the structure. On the basis of the conservation assessment submitted and an inspection of the site I would agree with the first party that the proposed development would not have a significant negative impact on the setting of the protected structure. Similarly, I note and agree with the case made by the first party that the incorporation of the structure into the proposed development is not readily viable and that the sale of the house separately from the appeal site is proposed.

- 7.6.3. The issue of the proximity of the appeal site to the M7 and the potential for **noise impacts** to arise was raised by the Planning Authority during the assessment of the case. The closest residential property proposed would be c.100 metres from the carriageway on the N7. In response, an Acoustic Design Statement prepared by RSK Consultants was submitted which concludes that the Lden and Lnight levels recorded would be within acceptable limits subject to noise mitigation measures in the form of glazing with high sound insulation and the use of acoustic ventilators at the highest noise locations. On the basis of the information presented, the noise impacts arising, while not ideal and requiring mitigation to achieve the requirements set out in the Kildare County Council Noise Action Plan, are acceptable.
- 7.6.4. The development is proposed to be connected to the **public water supply and drainage networks**. A submission on file from Irish Water states that there is no objection to the development subject to conditions including regarding a connection agreement with Irish Water being in place. There is no indication on file that this is not acceptable to the local authority.
- 7.6.5. I note that a small part of the far north west corner of the appeal site is located in an area that is identified in the Johnstown village plan as being in a **potential flood risk** zone. A Site Specific Flood Risk Assessment was submitted with the application and this identifies a low risk of fluvial flooding with the closest source being the Weston Stream that flows along the south western side of the L-6035 and a low risk of groundwater flooding. In extreme pluvial flood events, (greater than 1 percent) there is potential for overland flow towards the main open space area and towards the L-6035 which is at the low point on the site. The residential use of the site is consistent with the Flood Zone C designation of the site and no significant flood risk is considered likely to arise.
- 7.6.6. With regard to **archaeology**, the site has been the subject of significant archaeological test excavations undertaken in 2018 and the outline of these test trenches can be seen on the aerial views of the site. The report from the Development Applications Unit of the department on file identifies a number of specific conditions / requirements regarding the protection of the proposed buffer zone in the vicinity of the church / graveyard site, the excavation of this area and the supervision and recording of other earthworks on the site. In the event of a grant of

permission it is recommended that these detailed requirements would be incorporated in the condition relating to archaeology.

7.6.7. The third party appellants raise concerns regarding the lack of **provision of ancillary facilities or services** as part of the development and question the capacity of services in the village to cater for additional population. Specifically, it is contended that there are no childcare places available and the local GP cannot take additional patients. The lack of suitable facilities for children in terms of play areas / community activities is also noted. These issues are particularly highlighted given the additional population generated by the other two Ardstone residential developments that comprise 101 no. units combined.

7.6.8. The application was accompanied by a **Social Infrastructure Assessment** report which set out the demographic profile of the area, the likely population growth and changes to this profile likely to arise from the subject proposal and 2 other permitted developments, and an outline of the main facilities available to meet this demand. As set out in the assessment, the existing childcare facility in Johnstown is at capacity, however there are currently 4 outlets in Kill which have capacity for 11 children with more developments proposed with an additional 90 child capacity. Facilities in Naas have the capacity to accommodate an additional 148 children. I agree with the third parties that the situation regarding childcare facilities is not ideal. A case could be made that the current development should be required to incorporate some childcare facilities given the fact that this is the third residential development proposal in the village by Ardstone Homes and would bring the permitted number of new residential units to 135. A requirement for on site childcare provision could be pursued by the Board, however on balance I consider that the evidence indicates that there is a fair level of capacity in the wider area including Naas that could cater for demand in the short term. While the idea put forward by the first party that there is a need for demand in the form of new development to create a critical mass for services is dismissed by the third party appellants, there is a degree of truth in this approach and the development of 135 no units on top of existing developments should create a viable demand for a new provider in the village. Regarding other services such as GP, I do not consider that this can be a basis for the refusal of permission for the development of residentially zoned and serviced lands.

7.6.9. The reference to the former garden centre site by the third parties is noted and this site would appear to have significant potential for the development of a new amenity for the village. On the basis of the information presented by the first party there have been discussions held with the Community Association regarding the former garden centre site and it is understood that these lands have now been leased by the council for the delivery of the project. The first party states that they have committed to making a contribution towards Phase 1.

7.7. **Appropriate Assessment**

7.7.1. The proposed development comprises the demolition of an existing house and the construction of a residential development of 33 (34 as per revised layout) residential units. The development is proposed to be connected to the public water supply and drainage networks and surface water discharge from the site is proposed to be connected to the adjacent Weston Stream, Morrell River and on to the River Liffey. The River Liffey discharges to Dublin Bay where there are a number of European sites designated.

7.7.2. The site is not located in or close to any European sites. The closest European site to the appeal site are Mouds Bog SAC (site code 002331) which is located c.11km to the west of the appeal site at the closest point, Poulaphouca Reservoir SPA (site code 004063) which is located c.10km to the south east of the site and the Glenasmole Valley SAC (site code 001209) which is located c.15km to the east of the site at the closest point. There are no pathways between the appeal site and these sites.

7.7.3. There is a potential pathway between the appeal site and the European sites located in the Dublin Bay area. This pathway is via the Weston Stream and Morrell River to the River Liffey in the case of surface water and via the drainage network to the Osberstown Waste Water Treatment Plan in the case of foul drainage.

7.7.4. The relevant sites in the Dublin Bay area that have a potential pathway to the appeal site are as follows:

- North Bull Island SPA
- South Dublin Bay and Tolka Estuary SPA

- South Dublin Bay SAC

7.7.5. The qualifying interests and conservation objectives for these sites are as follows:

North Bull Island SPA (site code 4006)

To maintain the favourable conservation condition of the following species and habitats in North Bull Island SPA, as defined by the specific attributes and targets listed:

- Light-bellied Brent Goose (*Branta bernicla hrota*)
- Shelduck (*Tadorna tadorna*)
- Teal (*Anas crecca*)
- Pintail (*Anas acuta*)
- Shoveler (*Anas clypeata*)
- Oystercatcher (*Haematopus ostralegus*)
- Golden Plover (*Pluvialis apricaria*)
- Grey Plover (*Pluvialis squatarola*)
- Knot (*Calidris canutus*)
- Sanderling (*Calidris alba*)
- Dunlin (*Calidris alpina*)
- Black-tailed Godwit (*Limosa limosa*)
- Bar-tailed Godwit (*Limosa lapponica*)
- Curlew (*Numenius arquata*)
- Redshank (*Tringa totanus*)
- Turnstone (*Arenaria interpres*)
- Black-headed Gull (*Chroicocephalus ridibundus*)
- Wetland and Waterbirds

South Dublin Bay and Tolka Estuary SPA (site code 004024)

To maintain the favourable conservation condition of the following species and habitats in South Dublin Bay and River Tolka Estuary SPA, as defined by the specific attributes and targets listed:

- Light-bellied Brent Goose (*Branta bernicla hrota*)
- Oystercatcher (*Haematopus ostralegus*)
- Ringed Plover (*Charadrius hiaticula*)
- Grey Plover (*Pluvialis squatarola*)
- Knot (*Calidris canutus*)
- Sanderling (*Calidris alba*)
- Dunlin (*Calidris alpina*)
- Bar-tailed Godwit (*Limosa lapponica*)
- Redshank (*Tringa totanus*)
- Black-headed Gull (*Chroicocephalus ridibundus*)
- Roseate Tern (*Sterna dougallii*)
- Common Tern (*Sterna hirundo*)
- Arctic Tern (*Sterna paradisaea*)
- Wetland and Waterbirds

South Dublin Bay SAC (site code 000210)

To maintain the favourable conservation condition of the following habitats in South Dublin Bay SAC, as defined by the specific attributes and targets listed:

- Mudflats and sandflats not covered by seawater at low tide
- Annual vegetation of drift lines
- Salicornia and other annuals colonising mud and sand
- Embryonic shifting dunes

- 7.7.6. The separation distances in both cases are significant with the closest sites (South Dublin Bay and River Tolka Estuary SAC / SPA sites being in excess of 30km from the appeal site on a direct path and significantly more via the hydrological pathway via Osberstown. The Plant at Osberstown is the subject of a discharge licence from the EPA and the most recent available information indicates that there is significant spare capacity available in this location and that emissions are within the limit values set by the EPA. In view of this, it is not considered that there is any likely potential significant impacts arising from discharges from the site post construction.
- 7.7.7. There is the potential for some discharges from the site during the construction phase of the development. The Weston Stream is however located outside of the site boundary and on the opposite side of the L-6035 and such that the risk of any construction related pollutant being discharged to the stream is considered very slight. In any event, the separation distance between the site and the Dublin Bay European sites is well in excess of 30km and is such that there is not considered to be any likely significant effects on the Dublin Bay sites having regard to their conservation objectives.
- 7.7.8. In conclusion, the proposed development is not likely to have significant effects on the identified European sites in the light of the conservation objectives of the sites.

8.0 Recommendation

- 8.1. Having regard to the above, it is recommended that permission be granted based on the following reasons and considerations and subject to the attached conditions:

9.0 Reasons and Considerations

Having regard to:

- the sites location within Johnstown Village on lands primarily zoned Objective B (Existing Residential) under the provisions of the *Kildare County Development Plan 2017 - 2023*,
- to the edge of town centre location, the infill character of the site, and the pattern of existing development in the area,
- to the nature, scale and design of the proposed development,
- to the provisions of the development plan with regard to settlement, and in particular the Core Strategy which identifies capacity for additional development within the designated village settlements of which Johnstown is one,
- to the provisions of the Guidelines on 'Sustainable Residential Development in Urban Areas', issued by the Department of the Environment, Heritage and Local Government in 2009,
- to the provisions of the Design Manual for Urban Roads and Streets (DMURS), issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013,

it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would respect the existing character of the area including protected structures in the vicinity of the site and would be acceptable in terms of traffic and pedestrian 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 development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 12th day of December 2019, and on 12th day of March 2020, 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. Details of the materials, colours and textures of all the external finishes and boundary treatments to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

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

4. The areas of public open space shown on the lodged plans shall be reserved for such use and shall be contoured, soiled, seeded, and landscaped in accordance with the landscaping scheme submitted to the planning authority on the 12th day of December, 2019 as amended by the further details submitted to the Planning Authority on 12th day of March, 2020. This work shall be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority.

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

5. The developer shall retain the services of a suitably qualified Landscape Architect throughout the life of the site development works. A Practical Completion Certificate shall be signed off by the Landscape Architect when all landscape works are completed to the satisfaction of the planning authority in consultation with the Parks and Landscape Services Department, and in accordance with the permitted landscape proposals.

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

6. Prior to the commencement of development, the following landscape and arboricultural items shall be complied with and requested details submitted for the written agreement of the Planning Authority:
 - (a) Excavations in preparation for foundations and drainage, and all works above ground level in the immediate vicinity of trees, with the exception of trees identified for removal on the submitted drawings and in the Arborist's Report, as submitted to the planning authority on the 12th day of December, 2019, shall be carried out under the supervision of a specialist arborist, in a manner that will ensure that all major roots are protected.

(b) the detailed alignment of the proposed paths through the northern open space area that ensures the alignment is outside of the tree protection zone of the all trees proposed for retention in this area.

(c) Details of the design and construction methodology for paths in the northern open space area,

(d) details of the proposed railings bounding the northern open space area,

(e) No works shall take place on site until a construction management plan specifying measures to be taken for the protection and retention of the trees, together with proposals to prevent compaction of the ground over the roots of the trees, has been submitted to, and been agreed in writing with, the planning authority. Any excavation within the tree protection areas shall be carried out using non-mechanised hand tools only.

Reason: To ensure that the trees are not damaged or otherwise adversely affected by building operations.

7. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interests of amenity and public safety.

8. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interest of visual and residential amenity.

9. Prior to commencement of development, the developer shall enter into water and waste water connection agreements with Irish Water.

Reason: In the interest of public health.

10. 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.

11. (a) The roads and traffic arrangements serving the site, including the pedestrian crossings of the L-6035 shall be in accordance with the detailed requirements of the planning authority for such works and shall be carried out at the developer's expense. Details in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

- (b) Footpaths shall be dished at road junctions in accordance with the requirements of the planning authority. Details of the locations and materials to be used in such dishing shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

- (c) The internal road network to serve the proposed development (including junctions, parking areas, footpaths and kerbs) shall comply with the detailed standards of the planning authority for such road works.

- (d) The materials used, including tactile paving, in any roads/footpaths provided by the applicant shall comply with the detailed standards of the planning authority for such road works.

- (e) prior to the commencement of development, the developer shall submit a revision to the DBFL drawing No.190006-9001 'Existing Footpaths and Proposed Site Access', indicating a two metre wide reinforced concrete footpath to the western side of the site entrance within the red line of the application site and the relocation of the pedestrian crossing to a location to the west of the entrance.

Reason: In the interests of traffic and pedestrian safety.

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

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

13. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -
- (a) Prior to the commencement of development, provide for the establishment of a buffer zone of an extent to be agreed with the Planning Authority in around the proposed open space area in the vicinity of the church and graveyard site. This area shall be fenced off from the rest of the site and no ground disturbance shall occur within this area and it shall not be used as a site compound or for the storage of any equipment or materials,
 - (b) Known archaeological features discovered during the course of test excavations in March 2018 shall be the subject of archaeological excavation.

- (c) Features to be excavated are identified in the report of archaeological test excavations as being in areas AA1, AA3 and the part of AA2 that is not to be preserved in situ in the buffer zone,
- (d) Full excavation shall only proceed once the full extent of archaeological features has been established by the removal of topsoil under archaeological supervision,
- (e) If human remains are found in close proximity to the existing graveyard they should not be excavated in advance of notification to and the agreement of the Department of Culture, Heritage and the Gaeltacht.
- (f) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
- (g) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
- (h) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.
- (i) In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

14. The construction of the development shall be managed in accordance with a detailed 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, site operational hours and off-site disposal of construction/demolition waste.

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

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

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

16. The mitigation measures contained in the RSK Ireland Acoustic Design Statement, received by the Planning Authority on 13th December, 2019 shall be incorporated into the design. Details of these mitigation measures, including their location on the elevation of all units, shall be submitted for the written agreement of the planning authority prior to the commencement of development.

Reason: In the interests of residential amenity.

17. The developer shall pay to the planning authority a financial contribution of €170,050 (one hundred and seventy thousand and fifty euro) 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 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. The application of any indexation required by

this condition 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.

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.

18. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

Stephen Kay
Planning Inspector

16th September, 2020