



An
Bord
Pleanála

Inspector's Report

ABP-309418-21

Development	Construction of two houses, one with a single storey Montessori and all associated works.
Location	The Weir View The Weir, Castlecomer Road, Kilkenny.
Planning Authority	Kilkenny County Council
Planning Authority Reg. Ref.	20352
Applicant(s)	Paddy Raggat Homes Ltd
Type of Application	Permission
Planning Authority Decision	Grant with Conditions
Type of Appeal	Third Party
Appellant(s)	Weir View Estate Residents
Observer(s)	Conor O'Shea
Date of Site Inspection	15 th of April 2021
Inspector	Caryn Coogan

1.0 Site Location and Description

- 1.1. Weir View, is a housing estate to the north of Kilkenny City within a residential suburban area accessed off the Castlecomer Road. It is located north of The Weir housing estate.
- 1.2. Weir View includes mainly detached two storey dwellings punctuated by a number of apartment blocks. There are semi-detached units currently under construction at the northern end of the site.
- 1.3. The subject site, 0.19 Ha in area, is rectangular, and is located within a large green/ play area in close proximity to the main access to the estate. The site has two storey dwellings along the western site boundary. The northern and eastern site boundary are within the public open space area and the service road is to the south. There are no site boundaries in place.
- 1.4. The site appears and has been maintained as part of a large open space area.

2.0 Proposed Development

- 2.1. The proposed development consists of 2 detached two storey dwellings, (one dwelling includes a single storey Montessori building), site access and pathways, boundary treatment, landscaping and connection to public services.
- 2.2. Following receipt of the further information on the 9th of December 2020, the Montessori was omitted from the scheme and the proposed development was revised to two detached dwellings only on 0.19ha. The total site area was revised to 0.14Ha as the applicant has offered to surrender 407sq.m. to the local authority as open space.

3.0 Planning Authority Decision

3.1. Decision

By Manager's Order on the 13th of January 2021, Kilkenny Co. co. granted the proposed development subject to 12No. standard conditions.

There is one site specific condition relevant to the appeal:

Condition No. 3

Prior to any development commencing on site, the applicant shall commence proceedings to transfer the area of land to the Local Authority totalling 407.54sq.m. as indicated on the site plan submitted to the planning authority on the 9th of December 2020. The transfer of this area shall be completed prior to the dwellings being occupied and the cost of the transfer shall be borne by the developer.

Reason: In the interests of enhancing the open space amenity in this estate.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- A certificate of exemption from Part V included with the application documentation;
- Only qualitative open space in the entire estate, with various tracts of narrow pieces and at roundabouts which were not functional open space areas;
- Section 11.7.2 of the Plan is for new residential estates only;
- Open space issues were questioned in the planning history relating to the site;
- The large green area where the site is located plays a fundamental role in the 187 house estate.;
- The Montessori school has been removed at further information stage;
- Traffic concerns relating to the Montessori are no longer a concern;
- Applicant submitted drawings of the estate showing the public open space areas total 11% of the estate area, 0.96ha. The applicant is willing to reduce the site area and transfer 407sq.m. to the local authority as open space.
- The total site area has been reduced from 0.19ha to 0.14ha;
- Under 00/1617 there was a creche permitted on the subject site therefore the principle for a development on the site is set;

3.2.2. ***Other Technical Reports***

Environment: No objections subject to conditions.

3.3. **Prescribed Bodies**

None

3.4. **Third Party Observations**

There was a high volume of third-party objections to the proposed development mainly from residents within Weir View estate. The concerns expressed are collectively summarised below:

- The removal of the green space will mean the children in the estate have no place to play;
- The greens pace is a visual enhancement to the estate;
- There is no other safe place within the estate for children to play;
- The proposal consumes a huge portion of the green space
- There is no need for a Montessori;
- The remaining open space area will have no surveillance
- The proposal does not comply with Section 12.8 of the development plan, it will result in only 6.67% of open space provision for the entire estate.

4.0 **Planning History**

Planning Reference 19/956

Planning permission granted for 8No. dwellings consisting of 6No. semi-detached three-bedroom dwellings and 2No. semi detached 4-bedroom dwellings at the rear of the Weir estate.

The remaining open space areas are not functional as open space areas.

Planning Reference 07/1463

Amendments to a previously approved scheme granted under ABP Ref PL10.130083, involving change of house types, and realignment of road 6

Planning Reference 05/1925

Planning permission granted for 5No. dwellings alongside the (west) subject site. Under this application the planning authority were concerned about the lack of open space within the estate.

Planning Reference 04/1974 (ABP PL10.213111)

Permission granted for amendments to the parent permission on site (reference 00/1617) which granted the removal of 13No. permitted detached dwellings and the replacement with 53No. apartments and semi-detached dwellings, increasing the number within the estate from 140No. units to 179No. units

Planning Reference 00/1617 (ABP PL10.213111)

The parent planning permission for 140 No. dwellings and a creche. The creche was located on the subject site and was not constructed.

5.0 Policy Context

5.1. National Policy

Sustainable Residential Development in Urban Areas 2009

Public open space

Introduction

4.15 Public open space can have a positive impact on physical and mental well being as it provides spaces to meet, interact, exercise and relax. It needs to be appropriately designed, properly located and well maintained to encourage its use. It is one of the key elements in defining the quality of the residential environment. Apart from the direct provision of active and passive recreation, it adds to the sense of identity of a neighbourhood, helps create a community spirit, and can improve the image of an area (especially a regeneration area). Well-designed open space is even more important in higher density residential developments.

Recommended quantitative standards

4.19 Most planning authorities include quantitative standards for public open space in their development plans, generally in the range of 2 -2.5 hectares per 1,000 population, and allocated according to a hierarchy of spaces. Assessing open space requirements on a population basis can be difficult due to the unpredictability of occupancy rates where often larger houses and apartments are occupied by fewer persons

- In other cases, such as large infill sites or brown field sites public open space should generally be provided at a minimum rate of 10% of the total site area;

4.21 It will be necessary for planning authorities to take a more flexible approach to quantitative open space standards and put greater emphasis on the qualitative standards outlined above. Where residential developments are close to the facilities of city and town centres or in proximity to public parks or coastal and other natural amenities, a relaxation of standards could be considered. Alternatively, planning authorities may seek a financial contribution towards public open space or recreational facilities in the wider area in lieu of public open space within the development.

5.2. Development Plan

In the ***Kilkenny and City and Environs Development Plan 2014-2020*** the site is zoned 'Existing Residential' with an objective to protect, provide and improve residential amenities.

11.7.2 Public Open space

The Council will require a detailed high quality open space and landscape design plan including specifications, prepared by suitably qualified professionals, to be submitted with all planning applications for multi-unit residential developments.

Developers should consider providing a variety of open spaces both formal and informal. Seminatural areas should be provided such as wetlands, woodlands, meadows, green corridors as well as formal gardens, and seating areas. These elements work best as part of a structure to the provision of open space.

Applications shall have regard to the qualitative standards outlined in Section 4.18 of *Sustainable Residential Development in Urban Areas*.

The following must be taken into consideration when designing open space:

- Open space should be of a high visual standard so that it is functional and accessible to all;
- Open space should be designed so that passive surveillance is provided.
- Open spaces should not be located to the side or the rear of housing units.
- Provide multifunctional open spaces at locations deemed appropriate whereby both passive and active uses are delivered.

Ensure open space provision is suitably proportioned. Inappropriate narrow tracts of land are not acceptable and will not be included in the calculation of open space for a proposed development nor any area due to its nature (e.g. marshy) or topography (slope) which is deemed unsuitable.

- ☐ Include proposals for drainage of the public open space
- ☐ Hard landscaping elements should also be identified, such as paving or cobbled areas which play important role in the design and presentation of open space concepts
- ☐ Retention of existing natural features (which should be protected and incorporated into open space)
- ☐ Appropriate pedestrian and cycle linkages between open spaces should be shown on the site layout plan;
- ☐ All children and young people should have access to play space which should be within a reasonable and safe walking distance from home.
- ☐ Play spaces should be made identifiable by appropriate 'play' signage
- ☐ Pedestrianisation in the vicinity of such areas should be maximised, and traffic should be eliminated or traffic calming measures put in place
- ☐ Lanes within housing estates or connecting housing estates should be designed to allow for the safe movement of pedestrians and cyclists and should be adequately overlooked and lit and not be excessive in length.

5.3. Natural Heritage Designations

The site of the proposed development is located c. 0.35 km east of the River Barrow and River Nore Special Area of Conservation (SAC) (Site Code 002162).

The site is located C. 0.35 km from the River Nore Special Protection (SPA) (Site Code 004233).

5.4. EIA Screening

Having regard to the small scale of the proposed development, the proposed connection to public water and drainage infrastructure and the separation from any environmentally sensitive sites, 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

A Group of the Weir View Estate Residents has taken this appeal against Kilkenny County Council's decision to grant planning permission for the two dwellings. The following is a summary of their appeal.

Background

The appellants are long term residents of The Weir View, and the estate contains 179No. residential units. The applicant, Paddy Raggett acquired some residual parcels of land within the estate in 2018. The developer is currently constructing 8No. additional houses on the northern side of the estate (planning reference 19/956), bringing the total number of houses in the Weir View to 187No. Houses and apartments.

Appeal Site

The appeal site comprises of 0.19ha situated close to the entrance of the Weir View housing estate which is a mature residential estate.

Site History

The Weir View housing estate was granted planning permission in 2002, under appeal reference PL10.130083. The permitted development included 140No.

dwellings and a creche. The creche was to be located on the subject site but it was never developed.

Planning permission was granted under reference number PI 10.21311 for the replacement of 13No. dwellings with 53No apartments and semi-detached units. The open space provision was a critical consideration in the assessment of the case, as the planning authority considered the estate was deficient in usable open space. A further planning application P05/1925 resulted in 5No. additional dwelling been constructed at The Green where the planning authority again highlighted a deficiency in usable open space.

There are 8 No. semi detached units currently been constructed at the northern end of the site by the applicant.

The proposed development 0.19ha. The site is at a pivotal entrance to the entire estate and in a functional area of public open space. The proposed development would increase the number of houses in the Weir to 189 and reduce the amount of public open space.

The proposal consists of 2No. detached dwellings, one of which was originally submitted as a Montessori. In response to the further information the planner's report, the applicant stated the site was for a permitted creche and therefore development should be permitted. The site was not taken in charge, the site is in private ownership. The houses will bound the revised open space and will have a railing along the side boundary to enable passive surveillance. The key reason for the decision to grant related to the applicant's miscalculation of public open space which was reported as 11.3% of the total site area.

Development Plan

The current development plan, Kilkenny City and Environs Development Plan 2014-2020, section 11.7.2 states that open space should be to a high visual standard with passive surveillance provided, and should not be located to the side or rear of housing units, it should be suitably proportioned and accessible. Based on development plan requirements of 2.4ha per 1000 population, the current housing stock is 187 No. units, therefore the Weir View open space requirement is 1.26ha.

Grounds of Appeal

Loss of the only functional open space recreation and play space

The existing estate is grossly under provided for in terms of open space provisions. This is accepted throughout the planning history of the estate. The granting of the proposed development represents a complete turnaround of previous stance. The reporting planner dismissed all open space other than the application site, as pockets of informal open space areas. The pockets are aesthetic open space areas and have no meaningful functional use. Developing more houses on the open space area will result in the diminution of the amenity area and contrary to proper planning.

Further Information Open Space Assessment

The further information submitted by the applicant claims the total area of open space is 9,626sq.m., the application site extending to 1500sq.m. provides the only large functional space.

The apartment areas have small grass verges and corridors, which are non-functional, non-usable and make up 30% of the developer's total open space calculation. No account has been taken the open space must serve the increasing population. The additional 8no. houses provided 719sq.m., but also increased demand on existing open space areas.

The development plan states open spaces to the side and rear of houses should not be included in the calculation which would indicate the level of open space within the estate is zero, and therefore the proposal materially contravenes the development plan.

Ownership

It was a requirement of the parent permission that the site be developed a creche as per the An Bord Pleanala permission, which the applicant failed to comply with and the planning authority failed to enforce. The site was never identified as a site for housing but a site for amenity for the residents. Substituting one community facility for another was the most likely outcome.

P05/1925 was an application for 5No. dwellings on The Green beside the subject site. The Council should have CPO'd the subject site to be permanently used as a recreational space. The Council have taken in charge the open space areas associated with the apartments.

Proposed Open Space

It is proposed to cede 407sq.m. of the application site to the planning authority for open space purposes. Reference to 'nearing 500sq.m.' in the Planner's Report is grossly inaccurate and will not provide an extension to the open space area. The existing open space area receives good surveillance from the apartments .

6.2. Applicant Response

The applicant has included their landholding map of 3No. parcels of land in the Weird View, Kilkenny, one of which is the subject site.

A Taking In Charge Map is also submitted

To summarise the submission:-

- The site is zoned existing residential
- The site was not presented or accounted for as open space in open space calculations
- Drawings attached include detailed assessment of the existing public open space which equates to 11% of the total estate area.
- There are additional open space areas not accounted for in the calculations
- The applicant is transferring 407sq.m. to the local authority as a good gesture.
- The appellants calculations of open space are misleading as they include a large section of unzoned lands in their area calculations.
- The subject site is a privately owned piece of land that has been long earmarked for development purposes within the estate.

6.3. Planning Authority Response

The planning authority had nothing further to add on appeal.

6.4. Observations

Conor O'Shea, 4 The Green, Weir View, Kilkenny

A summary of the submission is as follows:

- The outcome and assessment of the case was greatly influenced by the applicants submission of further information detailing their calculations of open space in the entire estate. The assessment claimed there is 11% or 9626sq.m. of public open space within Weir View.
- Error 1: the area of the pumping station (901sq.m.) was not included in the calculations of the total site area and it had been in previous planning applications
- Error 2: In open space calculations the applicant included private garden areas associated with the apartment blocks exclusively owned by owners of the apartments. On the applicants maps they are Area C- 221sq.m., Area E 218sq.m. and Area H 465sq.m. and Area I – 319 sq.m.
- Error 3: In the calculation of public open space Area G was included and this is not 619sq.m., and the amount of open space is 479sq.m.
- Error 4: Area J is a fenced bin storage area for 20No. apartments and the applicant has claimed it constitutes 413sq.m. of open space, this is no usable open space at this location. (Photographs attached)
- Error 5: The applicant has made a mistake in calculating the amount of open space available at the north end of the estate serving his new development of 8No. dwellings. The open space according to the drawings on planning reference 19/956 is 719sq.m and not 822sq.m. as submitted by the applicant.
- Area M: is stated by the applicant to be 1303sq.m. when it is overgrown construction ground, and it is completely unusable. It is. beside the pumping station with access to the Castlecomer Rod and is therefore unsafe.
- The other calculations by the applicant are acceptable, Areas B (536sq.m.), Area F (866sq.m.) and Area L (318sq.m. are heavily sloped and planted and not usable as open space. In addition the 409sq.m. which the developer is offering to the local authority as part of the planning application is very sloped.

- The public open space if the development is permitted will be 7.32% which is significantly lower than the stated 11.2%. It does not meet with the minimum requirements .
- 150 houses = 1 Hectare of open space
This was the scale used when the previous planning applications (04/1974, 05/1925) were assessed. There are 179 dwellings + 8 at the back of the estate. Total is 197 = 1.2466ha. Should the proposal be permitted it would be 189No. dwellings equals 1.2566ha of open space. At 6393sq.m. the current provision of public open space is just 50.8% of the figure.
- Previous planning histories demonstrate the public open space requirements were not met within the estate. The Council took over the large area of public open space to build the pumping station, and did not seek any transfer of land within the estate to compensate for this loss of open space area. However, the pumping station site has continued to be depicted and classed as public open space, and this went unnoticed and corrected by the planning authority under its assessments of 04/1974 and 05/1925. The applicants of the planning applications included the garden space at the perimeter of the apartments as open space and again the planning authority did not address this. Unfortunately the current applicant is continuing with the previous anomalies, and the planning authority has relied totally on the applicant's architect in the assessment of the case.
- The estate always had a lack of open space. The planning authority always had the option to transfer the site on the Green as public open space in lieu of planning permissions for more housing, and this is the last chance to rectify previous oversights and errors.
- There were 26No. individual objections to the proposal, 350 signatures from The Weird View to retain the play area. It is a safe central play area for adults and children. The green area has been an integral part of the community allowing everyone to mix. Tuath Housing Association has leased a number of housing units and they have very little open space beside The Hall where the units are leased.

7.0 Assessment

7.1. I have visited the site and reviewed the content of the appeal file, I consider the following issues need to be addressed under this appeal:-

- The relevancy of the planning history
- The public open space at Weir View
- The principle of the proposal
- Appropriate Assessment

7.2 The Relevancy of the Planning History

According to the appeal file the original parent permission for the housing estate, Weir View, was granted under planning reference 00/1617 (*An Bord Pleanála Ref PL10.130083*) for a total of 141No. housing units. There were two subsequent planning applications granted within the estate that altered the house types and removed houses to provide apartment blocks and created minor alterations to the overall layout (*Planning references 04/1974 and P05/1925*). The Bord under PL10.130083 (parent permission) granted planning permission for a creche and carpark on the subject site facing out onto the green area. The creche was not built on the site and the site has remained part of the open space area associated with Weir View. The creche was referenced in subsequent planning applications associated with Weir View, and indicated on certain submitted drawings, but the creche element of the overall proposal did not form part of any subsequent planning applications and remained undeveloped throughout the development of the estate since 2002. The subject site has remained a vacant green area with no defined boundaries as an integral part of the designated public open space associated with Weir View for in excess of twelve years.

Planning permission was granted under reference number PL10.21311 for the replacement of 13No. detached dwellings (granted under planning reference PL10.130083) with 53No apartments and semi-detached dwelling units. The open space provision was a critical consideration in the assessment of the case, as the planning authority considered the estate was deficient in usable open space.

A further planning application P05/1925 resulted in 5No. additional dwelling been constructed at The Green where the planning authority again highlighted a

deficiency in usable open space. It should be noted that the planning authority requested further information under P05/1925 stating the amount of public open space for the Weir View did not meet with the development plan standards applicable at that time, and also the provision of the creche was questioned despite the fact it was outside of the site boundaries associated with P05/1925. The appeal site was owned by a different developer at the time to the current applicant. The former owner responded stating the open space was designed on a hierarchical basis, however there was no quantitative analysis carried out by the applicant or the planning authority regarding the public open space areas, and the planning authority granted the 5No. dwellings without further assessment of the open space provision, and the creche issue was side-lined.

Although it was referenced in the conditions of planning reference P05/1925, the creche was outside of the relevant site boundaries and did not form part of the planning application. I have downloaded and studied the documentation relating to planning reference P05/1925 (appended to this report) which was immediately north west of the subject site. The 5No. dwellings were constructed and have been occupied during the past twelve years. The permission for the creche has expired a considerable number of years ago, and there appears to be no enforcement taken by the planning authority to comply with the requirements of the permissions at the time.

There were other planning applications relating to Weir View but these were not relevant to the current appeal. There are 8 No. semi detached units, granted under reference 19/956, currently been constructed at the northern end of the site by the applicant.

The Board should note the only planning permission relating to the creche was the parent permission, reference 00/1617 (An Bord Pleanála Ref PL10.130083). The planning authority in the report dated 13/01/2021 justified granting planning permission for the current appeal proposal on the basis of ‘ *It must be noted this site was permitted a creche under the parent permission for this housing estate under P00/1617, so this section of land was permitted for development, thus the principle for this site being developed is set, but the creche building never commenced and*

the area was used as open space as the estate developed' . I do not accept this argument and the Board is not tied to an outstanding element of a twenty year old planning permission that was not executed. There is no permission for development on the subject site, and the permission for the creche expired in 2007.

It is more prudent and relevant for the Board to consider the current and longterm use of the site over the past twelve years as open space which has been part of the overall estate, this fact is relevant in the assessment of the current case. I consider the Board is open to make a decision on this development proposal de novo.

The assessment of previous planning history files reveals that the lack of functional open space has been an ongoing concern with the Weir View, and this issue was acknowledged by the planning authority in its assessment of previous cases and the current case. I will examine this issue in the next section as it forms the crux of this third-party appeal.

7.3 The public open space at Weir View

The applicant in response to the further information submitted a site layout drawing of the estate, which was also submitted to the Board on appeal, illustrating that 11% or 0.96Ha within the entire 8.6hectare estate, meets with the development plan quantitative standards. In addition, in lieu of planning permission for the two detached dwellings, the applicant will transfer an area of 407sq.m. to the local authority as an open space contribution.

The Weir View is an existing residential estate, and not a new residential development. The relevant open space standards are set out in section 11.7.2 of the Kilkenny City and Environs Development Plan 2014-2020. The Board cannot consider the development plan for 20 years ago when the parent permission was granted. Certain sections of *Sustainable Residential Development in Urban Areas*, DOE 2009 are also relevant to the current proposal.

Given the current national and development plan policy cited in Section 5 of this report above and appended to this report, I am surprised the planning authority placed sole emphasis on the quantitative measure of the public open space areas in the Weir View as presented by the applicant, as opposed to the qualitative measures.

Currently there are 187 No. dwelling units (existing and permitted) within the 8.6Ha. The pumping station site is not included within the boundaries as per previous planning applications, according to the appeal file it was originally part of the public open space area granted under the parent permission, and this area was not replaced over time within the new open space provision to compensate for the loss of that substantial area.

It is clear from the layout drawings 106FL submitted on appeal, the proposed site forms part of the main and only functional area of public open space to serve the entire estate of houses and apartments. Each parcel of public open space has been labelled alphabetically by the applicant on the layout drawing, and the majority of the pockets are the middle of turning circles, at the edge of the roads or end of hammer heads pieces of landscaped areas. Area J on the site layout is a bin storage area, and Area M is not a functional open space area as it is overgrown with scrub, furthermore it is an embankment and has an unsupervised access to the Castlecomer Road. I note from the further information response, area M is owned by the local authority. Therefore, there are sizable areas included in the public open space areas that are not functional or usable as open space.

Whilst, I accept the applicant can present quantities of open space throughout the estate to make up 11% of the total site area, however most of these areas are meaningless as usable open space areas to serve a large estate mainly consisting of large family homes. The planning authority had requested by way of further information on 4th of August 2020 that the applicant detail the open space areas stating what is formal and informal, functional and usable. The applicant assessed the open space areas in terms of accessibility, and not functionality.

Another concern is the proposed layout on the subject site exceeds 30metres in width and approximately 50metres in depth across an long established green area, which will render the residual large open space area at this location, dysfunctional because it will become a long narrow strip with the bulk of the open space area to the rear and side of dwellings with limited passive supervision, notwithstanding the proposal to transfer 407sq.m. of the site area to the local authority as an open space contribution.

On balance, the piecemeal development of Weir View has resulted in a disjointed and poor layout in terms of usable public open space to serve the entire community within the estate apart from the large area which the subject site forms part of. The original creche facility on the site included pedestrian links from the crèche through the open space area to the wider estate and it was facing onto the open space area and setback into the site. The creche facility was a community facility to serve the residents of the estate. If the current proposal is granted it will facilitate two dwellings only on a large portion of the green area that has served the entire estate for 12 twelve years which will not benefit the residents and the community, it will deprive the community of a functional green space within an estate that has very limited functional/ usable open space areas. The response to the further information on the planning file, did not specify whether each pocket was usable or functional it focused on the accessibility to residential units, but that does not imply it is usable, in fact from my site inspection, the majority of the pockets are cited, are informal spaces.

In my opinion, the 1304sq.m marked M and owned by the local authority and the 473sq.m. bin storage area marked J are not functional open space areas. Other areas such as D and F are the centre pieces of a large turning circle and are not safe open space areas. Therefore, the estate is grossly lacking in qualitative and quantitative functional open space areas.

On balance, I consider the loss of the substantial green area integral to the permitted green area is unwarranted in planning terms and community facilities to provide two additional dwellings, and the proposal is contrary to the proper planning and sustainable development of the area.

7.4 **Development Plan Policy**

The entire housing estate is zoned in the current development plan, Kilkenny City and Environs Development Plan 2014-2020 as **Existing Residential** with an objective, to protect, provide and improve existing residential amenities.

I refer to section **11.7.2 Public Open Space of the Plan** and the quoted sections are indicated in *italics*.

The following must be taken into consideration when designing open space:

- *Open space should be of a high visual standard so that it is functional and accessible to all;*
- *Open space should be designed so that passive surveillance is provided.*
- *Open spaces should not be located to the side or the rear of housing units.*
- *Provide multifunctional open spaces at locations deemed appropriate whereby both passive and active uses are delivered.*

Whilst I accept that this policy relates to designing open spaces, the proposed development directly impacts on a public open space area, and the proposed development will result in the residual open space area not complying with this policy.

The proposed development will not improve the residential amenities of the area, as there is a significant loss of the open space to the estate in lieu of the proposed two dwellings. The subject site had originally been earmarked as a community facility to benefit the entire estate, this was not executed under the original permission. I note under the current proposal, the applicant had included a small Montessori school with the two dwellings however this was later omitted when the need for such a facility was investigated as there are a number of Montessori schools in close proximity to Weir View, and the proposal may not have been viable. However, two dwellings will not compensate the residents of Weir View the loss of functional open space attributed to granting this development, as the proposal will result in a substandard layout and poor qualitative public open space for Weir View.

7.5 **Appropriate Assessment**

Having regard to the nature and scale of the development proposed and to the nature of the receiving environment and separation distance from the nearest designated site, no appropriate assessment issues arise and it is considered that the proposed development would be unlikely to have a significant effect individually or in combination with other plans or projects on any European sites.

8.0 **Recommendation**

I recommend the proposed development be refused for the following reasons and considerations.

9.0 Reasons and Considerations

The proposed development will result in inadequate qualitative and piecemeal provision of communal open space to serve the Weir View estate, would conflict with the provisions of the current Development Plan for the area and with the minimum standards recommended in the "Sustainable Residential Development in Urban Areas: Guidelines for Planning Authorities" published by the Department of the Environment, Heritage and Local Government in December, 2008 and would constitute a substandard layout of the residual public open space serving the area in terms of functionality, usability and passive surveillance. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Caryn Coogan
Planning Inspector

3rd of June 2021