



An
Bord
Pleanála

Inspector's Report ABP 315551-23

Development	Apartment building single storey bin store and a cycle store in lieu of a detached house previously permitted under Reg. Ref. 18/1367.
Location	Naas Road, Newbridge, Co. Kildare
Planning Authority	Kildare County Council
Planning Authority Reg. Ref.	22 572
Applicant	Bluehume Ltd.
Type of Application	Permission
Planning Authority Decision	Refuse Permission.
Type of Appeal	First Party x Refusal
Appellant	Bluehume Ltd.
Date of Site Inspection	26 th June, 2023.
Inspector	Jane Dennehy.

Contents.

Site Location and Description.....	3
2.0 Proposed Development	3
3.0 Planning Authority Decision.....	4
3.1. Decision	4
3.2. Planning Authority Reports	4
4.0 Planning History.....	5
5.0 Policy and Context.....	6
5.1. Development Plan.....	6
5.3. Natural Heritage Designations	7
5.4. EIA Screening	7
6.0 The Appeal	7
6.1. Grounds of Appeal	7
6.2. Planning Authority Response	8
7.0 Assessment.....	9
8.0 Recommendation.....	12
9.0 Reasons and Considerations.....	13

Site Location and Description

- 1.1. The application site, which has a stated area of 0.077 hectares, is located on the south side of the R445 at the west side of the bridge at the edge of the town centre of Newbridge. The surrounding area on both sides of the R445 is characterised mainly by single storey detached houses, some of which are in commercial use with access direct onto the R445. A motor sales outlet, services station and retail unit are on the site immediately to the west side of the site and it has frontage directly onto the R445. The retail unit abuts the party boundary wall with the application site in which a row of mature coniferous trees is located the inner side of the wall.
- 1.2. At the time of inspection screen fencing was located along the western frontage of the application site which adjoins two newly constructed apartment blocks and an internal access route within the adjoining site on the east and south side. The larger block which is immediately on the south side of the application site is perpendicular to the road frontage and faces towards the west across the newly constructed internal access road.
- 1.3. The surrounding area on both sides of the R445 is characterised mainly by single storey detached houses, some of which are in commercial use with front and rear gardens and access direct onto the R445. To the south-west and south of this premises and further to the east there is established residential development, mostly two storey houses and some single storey houses with front and rear gardens.

2.0 Proposed Development

- 2.1. The original application lodged with the planning authority indicates proposals for construction of a detached part three storey and part two storey apartment development in a single block. It is stated that it is to replace a previously permitted development (P. A. Reg. Ref. 18/1367 PL 305144-19 refers.) Ten dwelling units are to be provided within the proposed block eight one bed and two studio units and provision is also made for a bin store and bicycle shed.
- 2.2. Further to a lodgement of a response to a multiple item request for additional information issued by the planning authority, and publication and erection of revised newspaper and site notices a revised proposal was lodged with the planning

authority. This revised proposal provides for six apartments in total comprising three one bed and three two bed units, in a three-storey building. There are also revisions to the site layout and internal layouts for the apartment building, its design and the selection of materials and finishes. Seven on-site parking spaces and an area of communal open space incorporating tree planting and cycle parking and bin storage building incorporating a vertical garden facing towards the road frontage are included in the revised proposal.

3.0 Planning Authority Decision

3.1. Decision

By order dated, 13th December, 2022, the planning authority decided to refuse permission based on two reasons outlined briefly below:

Reason One:- Substandard layout and design resulting on poor quality development which is contrary to Policy DL1 of the CDP and criteria within the *Urban and Design Manual - Best Practice Guide* detracting from visual amenities and setting undesirable precedent.

Reason Two:- Conflict with the *Sustainable Urban Housing Design Standards for New Apartments, Guidelines for Planning Authorities, 2020* in that five of six apartments are contrary to the provision that storage space should not exceed 3.5 square metres.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planning officer, in his initial report in which there is a very comprehensive assessment indicated a recommendation for a multiple item additional information request which included issues relating to qualitative standards and matters raised in the technical reports.

The planning officer in his final report on the further information submission noted the supplementary information and the proposed revisions to the original proposal.

However, he indicated that he considered that satisfactory qualitative standards had

not been achieved having regard in particular to the recommendations in statutory guidelines (see section 5.2 below) and the CDP The report is concluded with a recommendation for refusal of permission based on the reasoning under 3.1 above.

3.2.2. Other Technical Reports

The report of the Transportation Department indicates a recommendation for an additional information request.

The report of Irish Water indicates no objection subject to conditions of a standard nature.

The internal report of the Water Services Department indicates no objection subject to conditions.

The report of the Environment Department indicates no objection subject to standard conditions.

The final report of the Housing Department indicate that it is acceptable for Part V requirements to be finalised and agreed by compliance with a condition.

4.0 **Planning History**

P.A Ref 05/154B / PL09.218069: Permission was granted to Mr. & Mrs Finlay for the demolition of existing bungalow and to replace with a two-storey detached dwelling, construction of eleven town houses, connections to public mains and all associated site works and services in place of previously sought permission for construction etc. Decision to grant upheld on appeal.

P.A. Reg. Ref 21/1186: Permission was refused for a part three storey part two storey apartment building consisting of ten apartments, bin store and a cycle store in lieu of a previously permitted development under P.A. Reg. Ref18/1367. (PL 305144-19 refers.)

P.A. Reg. Ref. 18/1367-PL 305144-19:- Following appeal, the planning authority decision to refuse permission for demolition of the existing house and construction for twelve houses, upgraded entrance, landscaping bin store and cycle store and services and site works on grounds endangerment to public safety by reason of traffic hazard and obstruction of other road users due to unsatisfactory surface water attenuation and arrangements was overturned and permission was granted.

5.0 Policy and Context

5.1. Development Plan

The operative development plan is which was brought into effect in January, 2023. The planning authority determined its decision to refuse permission during the lifetime of the, now superseded Kildare County Development Plan 2017-2023 according to Policy DL1 of which the planning authority sought to promote a high quality of design and layout in new residential development.

In the Kildare County Development Plan, 2023-2029 the settlement hierarchy is within the core strategy Chapter 2, according to which Newbridge is a self-sustaining growth town and a second-tier settlement.

Housing policies and objectives are set out in chapter 3 and reflect those within national and regional strategic policy and guidance. According to Table 3.1 for brownfield and/or inner suburban infill sites in larger towns, determination of densities for development are to be site specific. Sections 3.8 provide for a reasonable balance which provides for protection of existing residential amenities, 3.9 for regeneration, densification and compact growth and 3.10 for dwelling mix. Policy HO P5, HO P6 and Objectives H 6-14 refer.

Development Management standards are set out in chapter 15.

According to the Newbridge Local Area Plan 2013-2019 the duration of which was extended, the site is subject to zoning objective B: “*Existing Residential Infill*”, providing for protection and improvement of residential amenity and improved residential development for the site.

5.2. Strategic Guidance.

National Planning Framework (NPF)

Sustainable Urban Housing Design Standards for New Apartments, Guidelines for Planning Authorities, 2022 (Apartment Guidelines)

Sustainable Residential Development in Urban areas, Guidelines for Planning Authorities (DoEHLG, 2009) (SRDS)

Design Manual for Urban Roads and Streets (DMURS).

5.3. **Natural Heritage Designations**

The subject site is not located within or immediately adjacent to any designated site.

5.4. **EIA Screening**

Having regard to the brownfield nature of the subject site, together with the scale of the proposed development, 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**

An appeal was received from the applicant's agent on 16th January, 2023. Attached are a set of drawings and copies of reports previously submitted to the planning authority at application stage on lighting, traffic, noise and services.

According to the appeal:

- The planning authority failed to apply a balanced and reasoned approach appropriate to development on a brownfield site.
- The redesign for the proposed development shown in the additional information submission has a direct architectural relationship to surrounding development and is positive in impact on visual amenities. It is not clear what the basis is for the planning authority's rejection on architectural quality and therefore as to how its concerns could be addressed. The proposal is fully consistent with the existing built environment as demonstrated in a photomontage included with the appeal and materials finishes are similar to those at the newly constructed adjoining development. The proposed design mirrors that of previously permitted development (P.A. Reg. Ref18/1367/ PL 305144-19 refers.) The planning officer also failed to the adjoining apartment development into consideration.

- It is established in the noise impact report submitted at application stage that by increasing the setback of the building from the public road noise impact on residential amenity would be negated. This justifies the selected position at the front of the site for the bin and bike stores which also function as a noise attenuation barrier that does not detract from visual amenity. Close proximity to the public road is encouraged in section 4.17 of The Apartment Guidelines, (2020).
- A revision shown on the drawings lodged with the appeal addresses the planning authority concerns about the storeroom sizes.
- A landscape report and drawing were included with the application (Drawing BH/PLN-002Z) and a more detailed plan could have been required by the planning by condition. The public footpath will double in width and a planted vertical wall will be provided.
- Qualitative standards are consistent with the requirements of the Apartment Guidelines, (2020) and there is no necessity for reliance on relaxation of some standards as provided for in the Apartment Guidelines in spite of the constraints of the proposed infill site. Floor areas and private amenity space, (which is south-west facing) for the six units are well in excess of the minimum sizes required and the units are dual aspect and overlook the forecourt, and proximity to the shop compensating for the proximity to boundaries. The open green space at the adjoining development will benefit residents.
- The proposal is in keeping with the compact urban growth objectives of the National Planning Framework, in particular, sections 3.11 and 3.1.2 and Objective 11, the Design standards in the Apartment Guidelines, 2020, the SRD guidelines in particular sections 3.1.5 and 3.1.6 and The Regional Spatial and Economic Strategy (RSES) in view of the site location close to the transport and the town centre being noted.

6.2. Planning Authority Response

In a submission lodged with the Board on 17th January, 2023, it is stated that the appeal grounds have been reviewed and that the planning authority is satisfied that

the issues raised were taken into consideration in its assessment of the proposed development.

7.0 **Assessment**

7.1. The issues central to the determination of the decision can be considered below under the following two main subheadings:

Site Layout – qualitative standards.

Residential qualitative standards.

7.2. Site Layout – Qualitative Standards.

The current proposal, notwithstanding the revisions in the further information submission are not satisfactory for the subject infill site which is restrictive in size and configuration. The site layout itself is dominated by parking and the utility building accommodating refuse and cycle parking facilities and circulation space as a result of which the public/communal open space is secondary.

7.3. Bin and Cycle parking facilities

Bin store is a communal facility, but it provides full scope for separation of items to facilitate recycling. Cycle parking and storage facilities area in fully covered and secure space which is satisfactory for the purposes of serving the proposed development. However, the position at the front of the site adjacent to amenity space is undesirable but it is noted that there is little scope for alternative options given footprint of the block. The proposed arrangements for vehicles providing for refuse collection and for deliveries to the development are not clear.

7.4. Parking provision

7.4.1. The on-site parking provision is considered to be more than adequate for three two bed and three one bed units especially given the location which is very generously served by high frequency public transport services with bus stops for journeys in both directions being adjacent to the site. The railway station is circa twenty minutes walking distance from the site as indicated in the lodged Mobility Management Plan and is close to the town centre's wide-ranging services and facilities and employment.

- 7.5. Landscaping and communal/public open space.
- 7.5.1. The details available with the further information submission for landscaping are outline only and it is not agreed that it is clearly that it has been demonstrated that a high-quality communal amenity space is to be provided. The dedicated area is the north side of the block's gable end and enclosed by the bin storage building and the boundary with adjoining property to the west. It appears that the communal amenity space would lack adequate sunlight access owing to the position, orientation and height of the adjacent apartment building as a result of which the proposed development would be substandard having regard to para 4.11 of the Apartment Guidelines. The quality and security of the communal open space is also compromised by the lack of scope for passive surveillance and visual connectivity between the internal living space within the apartments and the communal open space.
- 7.5.2. The amenity potential, security and 'usability' or amenity potential of the communal open space would be compromised due to conflict with circulation and parking movements by vehicles and the refuse storage building and cycle parking as a result of which the proposed development's consistency with the policy of section 4.10 of the Apartment Guidelines 2022 is at issue.
- 7.5.3. Furthermore, the proposal would not meaningfully compensate for lack of qualitative private open space for the dwellings. (See para 7.3.3 below). The vertical planted wall is a positive feature but as pointed out by the planning officer practicability of its management over the longer term by be problematic. Should permission be granted comprehensive landscaping proposals can be required by condition.

7.6. Residential qualitative standards.

7.6.1. Building form, materials, and finishes.

The apartment building is in a block in the same in height and depth through its entire length and width but the mix and combination of materials and finishes in the additional information submission is of visual interest. They ameliorate potential for the block to have negative visual impact and renders it compatible within the immediate environs. Adverse impacts on attainable standards of residential amenity are not at issue at this inner urban location in this regard. The separation distance

between the road frontage and the footprint of the block, the use of acoustic glazing and the position of the cycle storage and refuse building would be effective in mitigation of potential for adverse noise impact and perceptions of noise impact affecting future occupants.

7.6.2. Private open space.

7.6.3. The proximity to the motor sales and filling station and its retail unit does have implications for the amenity potential of the balconies and terraces given the footprint of the development immediately inside the party boundary which at present is densely planted by coniferous tree planting. Because of the proximity, the attainable residential amenity of the balconies and terraces is seriously compromised by impact on amenity and perception of impact on privacy attributable to the activities and circulation characteristic to and which are reasonable having regard to the nature of the business operations at this premises.

7.6.4. The balconies at the upper floor levels are adequate in size and have access to some sunlight and daylight from the south-west but the outlook is to the service station's forecourt is not positive. The terraces for the ground floor units which are setback and face toward the boundary at this level are very compromised and lack access to sunlight and daylight.

7.6.5. The units have little or no direct or visual connectivity to the communal space and as such it is considered that there is no scope on the basis of which it could be argued that the communal space, the amenity potential of which is also poor could compensate for the deficiencies in individual private open space provision. It is agreed with the planning officer that the quality of the private open space provision is unsatisfactory and unacceptable.

7.6.6. The six units comprise one, one bed and one two bed unit on each of the three floors and all units are dual aspect with the one bed units also having a side elevation feature window all units have a dual aspect. It is not agreed that dual aspect living accommodation compensates for the deficiencies in qualitative standards with regard to the private open space provision, communal open space, and site layout.

7.6.7. Internal Storage Space:

In the revised proposals lodged with the appeal, storage spaces are reduced in size, (in some units from 6.2 square metres to 4.8 square metres) and/or subdivided from

one space into two spaces. However, the revised proposal is such that not all of the storage spaces accord with the para 3.3.2 of the within the Apartment Guidelines, 2022, in which it is stated that storage rooms should not exceed 3.5 square metres in floor area. To this end, it is considered that the issues raised in Reason Two attached to the decision to refuse permission are not satisfactorily addressed.

- 7.7. In summary and conclusion, high-quality residential development on this zoned and serviced infill site close to the town centre is to be supported and very much encouraged having regard to national, regional and local strategic policies and objectives for consolidation and compact growth and, in particular for inner suburban infill development. However, it is agreed with the planning authority that the proposed development is substandard in attainable residential amenities for the future occupants generally as indicated in Reason 1
- 7.8. The issues within Reason Two are not satisfactorily addressed in the revisions to the storage space on the floor plans lodged with the appeal having regard to para 3.3.2 of the Apartment Guidelines, 2022 in which it is stated that storage rooms should not exceed 3.5 square metres in area. However, it is considered that refusal of permission over this concern is unwarranted in that the matter could be addressed by way of compliance with a condition should permission be granted.
- 7.9. Appropriate Assessment Screening
- 7.10. Having regard to the nature and scale of the proposed development, the nature of the foreseeable emissions therefrom/to the absence of emissions therefrom, the nature of receiving environment as a built up urban area and the distance from any European site/the absence of a pathway between the application site and any European site it is possible to screen out the requirement for the submission of an NIS and carrying out of an Appropriate Assessment at an initial stage.

8.0 Recommendation

- 8.1. It is recommended that the planning authority decision to refuse permission be upheld based on the following reasons and considerations.

9.0 Reasons and Considerations

Having regard to Sustainable Urban Housing Design Standards for New Apartments, Guidelines for Planning Authorities, 2022 and in particular section 4, thereof, it is considered:-

That the private open space for each dwelling unit would be seriously substandard in amenity potential due to the poor outlook and deficient separation distances between the balconies and terraces for the proposed dwellings and the western boundary with the adjoining commercial property and,

That the amenity potential for the future occupants of the proposed communal space would be seriously substandard by reason of lack of primacy and focus within the development, lack of visual connectivity or scope for passive surveillance from the apartments, access to adequate sunlight, inadequate sunlight, proximity to and conflict with the adjoining refuse storage building and cycle parking and conflict with vehicular circulation and parking within the site.

As a result, the proposed development would constitute substandard development that would seriously injure the residential amenities of the future occupants, the visual and residential amenities of the area and would be contrary to the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Jane Dennehy
Inspector
14th July, 2023