



An
Bord
Pleanála

Inspector's Report ABP-315901-23

Development	Demolition of existing structures and construction of three storey apartment building comprising of 27 apartments.
Location	Hillford House, Old Hill, Leixlip, Co. Kildare
Planning Authority	Kildare County Council
Planning Authority Reg. Ref.	221409
Applicant(s)	Benduff Ireland Limited
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Benduff Ireland Limited
Observer(s)	None
Date of Site Inspection	25 th August 2023
Inspector	Ian Boyle

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Appendix 1

EIA Form 1: Pre-Screening and EIA Form 2: EIA Preliminary Examination

1.0 Site Location and Description

- 1.1. The appeal site is at the junction of Old Hill Road and Station Road, in Leixlip, County Kildare. It contains a dwelling known as Hillford House which is a large 2-storey 3-bay 19th century detached dwelling. It is a period style residence set within mature grounds near Leixlip town centre. The site also accommodates a gate lodge (existing dwelling) and several associated outbuildings / old stone farmyard structures; which are mainly positioned in the northwestern part of the site.
- 1.2. The property is on the southern side of Station Road and Old Hill Road. There is an existing site entrance leading onto the western part of Old Hill Road near the southeast corner of the site. The site is adjoined by existing residential dwellings to the south and southwest and there is a recently constructed residential development on its western side (The Paddocks). The Paddocks comprises a mix of semi-detached and terraced houses together with 1 and 2-bedroom apartments.
- 1.3. The site is near Leixlip town centre and therefore within walking distance to many of the services and facilities available in the town. It is also within a 3-minute walk of a local National School. The area is well served by public transport services, including regular Dublin Bus routes. The nearest bus stop is roughly a 1-minute walk from the site. Leixlip (Louisa Bridge) Train Station is roughly a 12-minute walk away.
- 1.4. The area is mainly characterised by residential development, including detached houses, semi-detached houses and apartments.
- 1.5. The site has a stated area of roughly 0.4ha.

2.0 Proposed Development

- 2.1. The proposed development is for the demolition of an existing dwelling and single-storey outbuilding, and the construction of a three-storey apartment block (27 no. units), a new pedestrian entrance at Old Hill Road, the provision of private amenity space and ancillary site works.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority issued a Notification of Decision to Refuse Permission on 27th January 2023, subject to 4 no. reasons, which are summarised as follows.

1. The demolition of Hillford House would be against policies contained in the Kildare County Development Plan 2017-2023 which seek to protect, conserve and manage archaeological and **architectural heritage** (Chapter 12), and the maintenance and appropriate re-use of buildings of architectural, cultural, historic and aesthetic merit (Policy PS 11).
2. The demolition of a building of heritage value, and construction of a 3-storey apartment building dominated by car parking, and the lack of good quality boundary treatments, landscaping, and a high quality innovative residential design, would injure the **visual and residential amenities** of the area. The proposed development would therefore be contrary to Section 17.4.5 of Kildare County Development Plan 2017-2023 and the zoning for the site (i.e., 'B-Existing Residential/Infill').
3. It has not been satisfactorily demonstrated that potential conflict, due to traffic movements and the location of the proposed access via Old Hill Road, would not **endanger public safety by reason of traffic hazard**.
4. It has not been satisfactorily demonstrated that **surface water** can be adequately dealt with within the curtilage of the site. [Emphasis added.]

3.2. Planning Authority Reports

3.2.1. Planning Report

Architectural Heritage

- The principle of a well-designed infill residential development may be acceptable at this location. However, the proposed development seeks the demolition of a 19th century vernacular dwelling and the construction of a 3-storey apartment block in its place. Permission was previously refused for a similar development proposal under Reg. Ref. 22/677.

- The proposal seeks to remove the 19th century dwelling, which has important architectural merit. Therefore, the principle of the development is unacceptable and fails to comply with the zoning objective for the site (Zone B), which seeks 'to protect and enhance the amenity of established residential communities and promotes sustainable intensification'.
- Hillford House is not included on the Record of Protected Structures (RPS) for the Kildare County Development Plan 2017-2023. It is not included on the National Inventory of Ireland (NIAH). However, it is a significant country house, which the Conservation Officer considers to be of regional significance.
- Hillford House was proposed as an addition to the Record of Protected Structures (RPS) as part of the draft Kildare County Development Plan 2023-2029 (CDP)¹. However, it was subsequently decided to not proceed with its inclusion on the RPS at this time. The Architectural Conservation Officer notes that it was considered more appropriate to initiate a Section 55 process in accordance with the provisions as set out in the Planning and Development Act 2000 (as amended).
- The fact remains that Hillford House is considered to be of architectural and historical interest and merits inclusion on the Record of Protected Structures.
- The Applicant's Architectural Heritage Impact Assessment (AHIA) does not demonstrate the significance of Hillford House or the impact of the proposed demolition of the house.
- The proposal would dominate the area and erase the historic evolution of Leixlip town.

¹ The Kildare County Development Plan 2023-2029 ('Development Plan') was adopted by the Elected Members of Kildare County Council on 9th December 2022. The Plan came into effect on 28th January 2023, thereby, replacing the previous Kildare County Development Plan 2017-2023.

Design and Layout

- No attempt has been made to provide for a new residential development whilst also retaining the existing building of heritage value.
- The car parking area dominates a significant portion of the site. The topographical survey submitted does not reflect tree coverage or tree removal following the works to the entrance. The communal open space areas lack any design or function and largely appear to be grassed areas.
- Architecturally, the proposed apartment block is an improved design on the one previously refused under Reg. Ref. 22/677. However, of fundamental concern is the principle of the proposed demolition of an important 19th century structure to accommodate the new apartment block.
- If the site was a greenfield site or zoned for new residential development, which it is not, there would still be concerns regarding the layout and dominance of the apartment block, on an elevated site, with little landscaping and a dominance of car parking. The proposed apartment block would not integrate with the existing gate lodge or adjoining buildings. It would have a significant impact on the visual amenity of the area.
- The proposed density, 68 units per ha (uph), is above the 35-50uph range recommended by the LAP. A higher quality design and layout would be required to justify the proposed density.

Landscaping and Trees

- The proposed number of trees to be removed is excessive. A Tree Survey and Schedule, Arboricultural Impact Assessment and Tree Constraints Plan has not been provided.
- The landscaping plan does not provide a rationale for the proposed landscaping scheme or justify the loss of further mature trees.

Ecology

- The bat survey report states that the site does not have any particular importance for bats. However, the surveys were undertaken outside the summer seasons meaning no maternity roosts could have been identified.

Transportation/Traffic

- The Transportation Department has concerns regarding the proposed access from Old Hill Road. A better alternative would be to relocate this proposed vehicular access to be through the adjacent permitted development (Reg. Ref. 21/655). A new VRU entrance could be provided from Old Hill Road.
- Whilst it is noted that works to a new entrance were permitted (Reg. Ref. 21/1247), this was not intended to serve a new residential development, nor was it assessed having regard to additional traffic movements.
- The proposal to utilise this entrance to serve a new apartment scheme would conflict with traffic movements and potentially create a traffic hazard.

Services

- Uisce Éireann states that the Applicant has not engaged with them prior to submitting the application and that a pre-connection enquiry is required to assess feasibility of a connection to public water/wastewater infrastructure.
- The Water Services Department requests detailed further information in relation to surface water drainage and attenuation.
- A waste management strategy was not submitted with the application.

The report recommends permission be refused.

3.2.2. Other Technical Reports

<u>MD Engineer:</u>	Further Information requested.
<u>Transportation Department:</u>	Further Information requested.
<u>Environment:</u>	Further Information requested.
<u>Conservation Officer:</u>	Recommends refusal.
<u>Heritage Officer:</u>	No objection, subject to conditions.
<u>Housing:</u>	Further Information requested.
<u>Water Services:</u>	Further Information requested.
<u>Chief Fire Officer:</u>	Further Information requested.
<u>Environmental Health Officer:</u>	No objection, subject to conditions.

3.3. Prescribed Bodies

Uisce Éireann: Further Information requested.

National Roads Office: No objection (the proposed development would not impact the national roads network).

3.4. Third Party Observations

The Planning Authority received 4 no. third party submissions in relation to the proposed development. The main issues raised are summarised on Pages 4 and 5 of the Council Planner's Report (dated 26th January 2023), and are in relation to:

- Alleged unauthorised works on the site.
- Size, scale and design.
- The current application is similar to the previously refused development proposal on the site.
- Removal of trees.
- Hillford House is an important local landmark.
- Ecology, biodiversity, bats.
- Traffic and road safety, including a lack of pedestrian permeability.
- Failure to comply with the zoning objective for the site ('B – Existing Residential / Infill').

4.0 Planning History

Subject Site

Reg. Ref. 22/677: The Planning Authority **refused** permission for the demolition of the existing dwelling and single-storey outbuilding on the site, and the construction of a four-storey apartment block comprising 40 apartments and ancillary site works in July 2022.

The reasons for refusal were:

1. Loss of Hillford House which has important architectural merit.

2. Excessive removal of mature trees, lack of a bat survey, inadequate landscaping plan and impact on biodiversity.
3. Absence of a detailed SuDS strategy and surface water drainage details.
4. Traffic hazard.

Surrounding Area

The surrounding area comprises mainly existing residential development, much of which has been permitted and constructed in recent years. The locality is characterised by mainly two-storey housing spread across apartments, terrace, semi-detached and detached houses, which is reflective of the setting of the site within an inner urban area. The main applications of note are as follows:

Reg. Ref. 22/1483: The Planning Authority **granted** permission for amendments to the previously permitted development (Reg. Ref. 21/655), including nine additional residential units in February 2023.

Reg. Ref. 21/655: The Planning Authority **granted** permission for the construction of 57 dwellings and ancillary site works in December 2021.

An overview of other planning history for the subject site and its environs is included on Pages 5 to 10 of the Council Planner's Report.

5.0 Policy Context

5.1. Leixlip Local Area Plan, 2020-2023, extended to the 30th March, 2026 (inclusive)

Status

Kildare County Council resolved to adopt Amendment No. 1 of the Leixlip Local Area Plan 2020-2023 (as extended to 2026) at its special meeting on the 25th March 2024. Amendment No. 1 of the Leixlip Local Area Plan 2020-2023 (as extended to 2026) is effective as of the 6th May 2024.

Zoning

- The appeal site is zoned 'B – 'Existing / Infill Residential' under the Leixlip Local Area Plan ('LAP') where the objective is 'to protect and enhance the amenity of established residential communities and promote sustainable intensification'.

- Table 13.1 of the LAP states that a dwelling is 'Permitted in Principle' under this zoning. Land uses designated 'Permitted in Principle' are generally acceptable, subject to compliance with those objectives as set out in other chapters of this Plan.

Chapter 4: Core Strategy

- **Objective CS1.1** is to support and facilitate compact growth through the sustainable intensification and consolidation of the town centre and established residential areas.

Chapter 7: Housing and Community

Section 7.3 states given the proximity and connectivity of Leixlip to Dublin and being a key employment centre in the Dublin Metropolitan Area (DMA) it is anticipated that there will continue to be a strong demand for a varied mix and type of housing in the Plan area. There is a high proportion of 3-bed semi-detached type dwellings within the town. The Plan seeks to address this mono type of housing and will seek to ensure a greater mix of housing. Residential schemes should provide for both a mix of dwelling size and dwelling type to cater for a diverse range of housing needs. The overall design and layout of residential development should be of high-quality and comply with the urban design principles contained in the County Development Plan.

The following policies and objectives are considered relevant:

- **Policy HC2** is to ensure that all new residential development provides for a sustainable mix of housing types, sizes and tenures and that new development complements the existing residential mix.
- **Objective HC2.1** is to ensure that a good mix of housing types and sizes is provided in all new residential areas including each Key Development Area (KDA) and appropriate infill/brownfield locations to meet the needs of the population of Leixlip, including housing designed for older people and people with disabilities.

Chapter 10: Built Heritage and Archaeology

Objective BH1.2 is to acknowledge and promote awareness of the origins, historical development and cultural heritage of the town, to support high quality developments

that relate to local heritage and to ensure that new development respects and is responsive to the cultural heritage of Leixlip’.

Other Relevant Chapters

Chapter 8: Movement and Transport

Chapter 9: Infrastructure and Environmental Services

Chapter 11: Natural Heritage, Green Infrastructure and Strategic Open Spaces

5.2. **Kildare County Development Plan 2023-2029**

Background

The Kildare County Development Plan 2023-2029 (‘Development Plan’) was adopted by the Elected Members of Kildare County Council on 9th December 2022. The Plan came into effect on 28th January 2023, thereby, replacing the previous Kildare County Development Plan 2017-2023.

Chapter 2: Core Strategy

Chapter 2 of the Development Plan includes the Core Strategy Map (Ref. No. V1-2.1). The Core Strategy identifies Leixlip as a ‘Self Sustaining Growth Town’.

Section 2.5 of the Development Plan deals with the matter of ‘Compact Growth and Climate Action’ sets out that one of the areas where environmental pollution and climate policy has significant impacts on vulnerable communities is in relation to transportation and: “for this reason, the promotion of a compact urban form of development, including sustainable rural development, is a central part of reducing the need to travel and mitigating climate change and to enhance public transport options for these areas to encourage the use of same. The policies and objectives of this Core Strategy seek to provide for a consolidated urban form within existing settlements.”

Key Policies and Objectives

- **Section 11.16** states that County Kildare has a large number of **country houses** and demesnes where the grounds and settings constitute an intrinsic element of their character.... there are many other country houses, with important designed landscapes and substantially intact demesnes that

contribute the architectural and landscape heritage of County Kildare. Piecemeal development of demesnes can be detrimental to the historical and architectural importance of the demesne and country house. It is an objective of the Council to prohibit development in gardens or landscapes which are deemed to be an important part of the setting of a protected structure or where they contribute to the character of an Architectural Conservation Area.

Chapter 3: Housing

Section 3.8 is in relation to protecting existing residential amenity.

- **HO 06** is to ensure a balance between the protection of existing residential amenities, the established character of the area and the need to provide for sustainable residential development is achieved in all new developments.
- **HO 08** is to support new housing provision over the Plan period to deliver compact and sustainable growth in the towns and villages in the County, and supporting urban renewal, infill and brownfield site development and regeneration, to strengthen the roles and viability of the towns and villages, including the requirement that at least 30% of all new homes in settlements be delivered within the existing built- up footprint

Chapter 11: Built and Cultural Heritage

Section 11.15 (Protected Structures) states that County Kildare has a wealth of structures of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest. Many of these structures are contained in the Record of Protected Structures (RPS). When a building or structure is included on the RPS, legal protection extends to the exterior and interior (where applicable) of the structure, all man-made features within its curtilage, and any man-made features within its identified attendant grounds.

- **AH P7** is to promote appreciation of the landscape and historical importance of traditional and historic gardens, demesnes and parks within County Kildare and particularly where they constitute an important and intrinsic value to the setting of a protected structure.

- **AH O46** is to encourage conservation, renewal and improvement which enhances the character and the setting of parks, gardens, and demesnes of historic interest within the county.
- **AH O51** is to require that planning applications take into consideration the impacts of the development on their landscapes and demonstrate that the development proposal has been designed to take account of the heritage resource of the landscape.
- **AH O52** is to designate and protect historic landscape areas including demesnes and ensure that new development enhances the special character and visual setting of these historic landscapes and to prevent development that would have a negative impact on the character of the lands within these historic landscape areas.

5.3. National and Regional Policy

- *Sustainable Urban Housing: Design Standards for New Apartments, 2023 ('the Apartment Guidelines')*
- *Design Manual for Urban Roads and Streets, 2019*
- *Project Ireland 2040 National Planning Framework, 2018*
- *Urban Development and Building Height, Guidelines for Planning Authorities, 2018, (the 'Building Height Guidelines').*
- *BRE Guide 'Site layout Planning for Sunlight and Daylight', 2011*
- *Architectural Heritage Protection Guidelines for Planning Authorities, 2011*
- *The Planning System and Flood Risk Management, including the associated Technical Appendices, 2009 ('the Flood Risk Guidelines')*
- *Quality Housing for Sustainable Communities – Best Practice Guidelines, 2007,*
- *Regional Spatial and Economic Strategy for the Eastern and Midland Region, 2019-2031.*

5.4. Natural Heritage Designations

No natural designations apply to the subject site.

The Rye Water Valley / Carton SAC (Site Code: 001398) is roughly 300m to the east of the site at its nearest point.

5.5. EIA Screening

- 5.5.1. Having regard to the nature and relatively small scale of the proposed development, which is for of 27 apartments in an established urban and serviced area, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environment impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.
- 5.5.2. See Appendix 1 of this report for further information (EIA Form 1: Pre-Screening and Form 2: EIA Preliminary Examination).

6.0 The Appeal

6.1. Grounds of Appeal

- Hillford house is not of any significant architectural merit and does not warrant retention given the development potential of the site.
- The Architectural Heritage Impact Assessment (AHIA) notes that Hillford House is a pleasant, if unremarkable, detached house dating from approximately 1890 to 1910.
- The AHIA also states that while the house was originally built of good quality materials, and has remained in good condition, it is not a fine country house, or a unique architect-designed house. The House is effectively an old building, built to a relatively grand scale for its time, but is of no particularly unique architectural standard.
- The removal of the structure would not result in any negative impacts on the visual amenity of the area or compromise its character, and its replacement

with a modern residential development provides for the efficient use of zoned and serviced land.

- The design of the proposed scheme is considered appropriate relative to the non-descript nature of its receiving area.
- The reference to Section 17.4.5 of the (previous) Development Plan is in relation to dwelling houses, and not apartments.
- The Transportation Department states that insufficient car parking is proposed, whilst conversely the Planning Department states there is an overdominance of car parking on the site. It is considered that adequate car parking is included as part of the application.
- The bin store in the southeastern corner of the site can be repositioned to another location to facilitate additional screening / landscaping in its place.
- Only one tree is proposed to be removed (T401) and the proposal includes for 16 no. replacement trees together with other shrubs and perennials.
- The proposal is designed to ensure no undue impact on local traffic.
- A Road Safety Audit (RSA) was completed on foot of Refusal Reason No. 4 (Reg. Ref. 22/677). The Council's Transportation Department has not considered the contents of the RSA, and which addresses concerns regarding traffic movement at the site entrance.
- The Applicant has not control over the lands to the south and this would require the disturbance of an approved residential development.
- The proposed access from Old Hill Road would not endanger public safety by reason of a traffic hazard.
- The documentation submitted in relation to drainage is considered appropriate to demonstrate the proposal will not prejudice public safety.

Note: The main appeal report is accompanied by two supporting documents; an Architectural Heritage Impact Assessment, prepared by MESH Conservation Architects (dated February 2023), and a letter responding to traffic impact and drainage issues, prepared by Gordon White Consulting Engineers (dated 10th February 2023).

6.2. Planning Authority Response

The Board received a response from the Planning Authority (Transportation Note), received 22nd March 2023. The letter stated the following:

- Transportation has concerns about conflict of movements of vehicles using the proposed access for the development on Old Hill Road (also raised in RSA report point 3.1). The Applicant is required to remove vehicular entrance from Old Hill Road and replace with a VRU entrance to address this issue. The Applicant is required to relocate the vehicular access for the development to cul-de-sac roadway in development 21/655.
- The Applicant has not submitted road design drawings for the proposed development.
- The Applicant has not provided detail on proposed VRU entrances onto the Old Hill Road.
- There is a large shortfall in car parking. There should be 47 spaces provided as per Chapter 17 of the Kildare County Development Plan. Applicant has not detailed EV charging details.
- The Applicant has not provided public lighting scheme and drawings.
- The Applicant has not submitted a Construction Management Plan for proposed development.

6.3. Further Responses

- Given the particular circumstances of this appeal, the Board were of the opinion that it would be appropriate for the Applicant to make an observation on the submission received from the Planning Authority (i.e., the Transportation Note, received 22nd March 2023).
- The request was issued on 25th April 2023, in accordance with section 131 of the Planning and Development Act, 2000 (as amended), with a response required on or before 15th May 2023.
- The Board did not receive a response.

7.0 Assessment

Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues are as follows:

- Zoning
- Architectural Heritage
- Visual and Residential Amenity
- Traffic Hazard
- Drainage
- Other Issues

7.1. Zoning

- 7.1.1. The appeal site is at the junction of Old Hill Road and Station Road, in Leixlip, Co. Kildare. It contains a dwelling known as Hillford House which is a large 2-storey 3-bay 19th century detached dwelling.
- 7.1.2. The proposed development is for the demolition of the house and an outbuilding on the site and the construction of a three-storey apartment block comprising of 27 units, a new pedestrian entrance, the provision of private amenity space, car parking (36 no. spaces), cycle parking (48 no. spaces) and ancillary site works and services.
- 7.1.3. The site is zoned 'B – 'Existing / Infill Residential' under the Leixlip Local Area Plan 2020-2023 (as extended to 2026) ('LAP'). The objective is 'to protect and enhance the amenity of established residential communities and promote sustainable intensification'. Table 13.1 of the LAP states a dwelling is 'Permitted in Principle' under the zoning, subject to compliance with those objectives as set out in other chapters of this Plan.
- 7.1.4. Hillford House is not a Protected Structure and does not fall within an Architectural Conservation Area. It is not listed on the National Inventory of Architectural Heritage.

7.2. Architectural Heritage

- 7.2.1. The Planning Authority's first reason for refusing permission is in relation to the proposed removal of Hillford House which is considered to have important architectural heritage value. The Planning Authority is of the view that a well-designed infill residential development may be acceptable at this location. However, the removal of the house is not supported, and it is considered that this would be against local policies and objectives, including in relation to the maintenance and appropriate re-use of buildings of architectural, cultural, historic and aesthetic merit Policy PS11 of the (previous) Kildare County Development Plan 2017-2023 refers.
- 7.2.2. In this regard, I note the concerns raised by the Council's Conservation Officer ('the CO') and confirm I have read and referred to their report as part of my assessment (18th January 2022). I also completed a site inspection and visited the property and its surrounding vicinity (25th August 2023).
- 7.2.3. During my inspection, I found Hillford House to be an attractive country house in good condition. It is a conspicuous landmark for the local area owing to its visual prominence on elevated ground and relatively tall height. The recent removal of mature boundary trees and understorey vegetation from the site means views into the site have been 'opened up', such that the subject lands and House are more visible and exposed to the public, particularly from along Old Hill Road. Hillford House is a detached three-bay two-storey house with two rear returns. Its most striking feature is its front entrance porch. This takes the form of a small vestibule with a painted green door and has detailed square pilasters with moulded capitals and render corncicing. The CO confirms that the house was likely constructed in the late 19th century. I note that a series of stone farmyard buildings are in the northern part of site at the rear of the main house. The house is positioned near the centre of the site and the proposed apartment block would replace it. The gate lodge building is to be kept as part of the development proposal.
- 7.2.4. The Applicant's Architectural Heritage Impact Assessment (AHIA) provides a detailed description of the building, including several internal and external photographs of the structure with accompanying text. The Planning Authority concurs with the AHIA in that it adequately describes the house; albeit the CO states the report does not properly demonstrate the significance of the building. Whilst the

structure appears to be in good condition, generally, it also shows signs of being physically altered and modified over the years. For example, there are various external finishes which detract from its quality, including the application of dashed cement and pebble aggregate. There are some features of interest inside the structure, including cast iron fireplaces at groundfloor level. However, most original items and detailing associated with the house are modest and relatively ordinary and found in many other typical 20th century suburban family homes.

- 7.2.5. The CO Report states the house represents one of a number of fine country houses on the outskirts of Leixlip Town. These houses were often built by the elite, distinguishing their status, and provided employment in the area. The report states that these houses with their associated outbuildings and wider greatly contribute to the special character of the area and were important factors in the evolution of Leixlip. The Conservation Officer recommends that permission be refused on the basis this would contravene several policies of the (previous) County Development Plan (2017-2023). These are in relation to the conservation of Protected Structures (PS 1), the curtilage of the Protected Structures (PS 2), higher quality design for development proposals involving Protected Structures or older buildings of architectural merit (PS 8), retention of early building fabric (PS 12), and that permission should be refused for the demolition of any Protected Structure unless exceptional circumstances exist (PS 14). I confirm that Hillford House is not a Protected Structure, and that Policies PS 1, PS 2 and PS 14 specifically applied to 'Protected Structures'. It is acknowledged, however, that the house has early building fabric of some importance, and that this must be considered as part of the assessing the proposal to demolish the building.
- 7.2.6. The CO Report goes on to state that Hillford House is on a prominent site on the outskirts of Leixlip and is one of the few country houses associated with the town. The CO states that the House is an important architectural heritage asset and positively contributes to the streetscape and the special character of Leixlip and is considered to have regional significance. The report cites examples of other country houses in the Leixlip area. The Council's CO suggests these are comparable to Hillford House in terms of architectural heritage value.
- 7.2.7. The AHIA states that these other houses are representative of the 'kind of fine country houses that were built by gentry during the 18th and 19th Centuries and would

clearly have regional or national levels of significance in terms of architectural and social merit'. However, the report submits Hillford House does not fall into that class of architecture and is obviously much more middle class in its scale and refinement. I note that many of these country house examples – if not all of them – are designated as Protected Structures under the current RPS (2023-2029) and feature on the NIAH, but that Hillford House does not. Having reviewed the relevant historic material using online resources, and consider all of the information on the file, it is clear to me that these other houses referenced in the CO Report have far greater significance in terms of architectural design, construction methodology and detailing, and historical importance – hence their inclusion on the Council's RPS. I do not consider that Hillford House falls into the same category of architectural interest or historical, social or aesthetic merit as those shown in Figure 1 of the CO Report.

7.2.8. I note that Hillford House was proposed as an addition to the RPS as part of the review of the Kildare CDP (2023-2029). The public consultation period ended in May 2022. It was decided not to proceed with placing the House on the RPS. While I note the Planner's Report states that it is the intention of Kildare County Council to instigate a future 'Section 55 process' (to add the structure to the RPS), this has not happened to date. The corollary of this, in my opinion, is that the House has not met the criteria, or the required categories of special interest, for its inclusion on the RPS. In some cases, a Planning Authority may potentially overlook or not have had sufficient time to complete a full assessment of a structure in terms of its architectural heritage value. However, the appeal site and its receiving environment has been subject to a series of planning applications spanning several years and Hillford House has featured on historic mapping for this part of Leixlip for some time. The site is also in a busy urban area populated with housing, schools, public transport services, etc. (i.e., it is not a site / building that could have been easily overlooked or missed in error.)

7.2.9. It may be possible for the structure to be adapted to accommodate a modern-day residential scheme. In this regard, I have referred to the section of the Architectural Heritage Protection Guidelines for Planning Authorities (2011) which is in relation to 'Keeping a Building in Use'. Section 7.3 of the Guidelines states that it is generally recognised that the best method of conserving a historic building is to keep it in active use. Where a structure is of 'great rarity or quality', every effort should be

made to find a solution which will allow it to be adapted to a new use without unacceptable damage to its 'character and special interest'. The Guidelines go on to state that while a degree of compromise will be required in adapting a protected structure to meet the requirements of modern living, it is important that the special interest of the structure is not unnecessarily affected.

- 7.2.10. Whilst Hillford House would appear to have a local historical significance, this is not particularly unique, and the structure is not considered to be of a great rarity or quality in the manner described by the Architectural Heritage Guidelines. In this regard, I would refer the Board to the AHIA prepared by MESH Conservation Architects, which outlines the condition and characteristics of the existing structure and a justification for its demolition. I also consider that adapting an older building like as this can present a difficult and unique set of design challenges, particularly in trying to meet modern-day standards and user expectations, including universal accessibility, environmental performance, and sustainability targets. Therefore, in this particular case, I do not consider that an adaptive reuse of the building should be made a prerequisite for redeveloping the site.
- 7.2.11. I further note that the site is zoned 'B – 'Existing / Infill Residential' where the objective is 'to protect and enhance the amenity of established residential communities and *promote sustainable intensification*' (emphasis added). Objective CS1.1 of the LAP is to support and facilitate compact growth through sustainable intensification and consolidation of the town centre and established residential areas; while Policy HC2 is to ensure that all new residential development provides for a sustainable mix of housing types, sizes and tenures and that new development complements the existing residential mix in an area. In this regard, I consider that the proposed apartment scheme is in accordance with the zoning and applicable local planning policies and objectives for the site.
- 7.2.12. The concluding section of the CO's report states that the construction of the proposed '5-storey monolithic structure' would have a detrimental impact on the historic fabric of the area by eradicating this surviving tangible heritage asset. The report goes on to say that proposal would dominate the area and erase the historic legibility of the evolution of Leixlip town to the northwest. Notwithstanding that this was likely a typographical error / misprint, I consider it important to highlight to the

Board that the proposed development is for a three-storey apartment block, and not a five storey one.

7.2.13. In conclusion, I consider that the demolition of Hillford House is justified on the basis that it has not been formally designated or recognised in any way as having significant architectural heritage value. The building is not listed on the Council's Record of Protected Structures – which has been recently updated – or the National Inventory of Architectural Heritage, and it does not form part of the Leixlip Architectural Conservation Area.

7.2.14. I accept that the house has a certain local importance attached to it; but it is not a unique historic building and cannot be considered in the same category as other examples of country houses found in other parts of the County, and which have clear regional and/or national levels of significance. Therefore, I consider that subject to an acceptable design, scale and layout, there is sufficient justification for the removal of the building and its replacement with an apartment scheme of sufficient quality.

7.3. Visual and Residential Amenities

7.3.1. The Planning Authority's second reason for refusing permission is that the proposed development would injure the visual and residential amenities of the area, lacks good quality boundary treatments, landscaping, and is not a high quality innovative residential design which justifies the demolition of Hillford House.

7.3.2. The proposed development comprises a three-storey apartment block positioned centrally on the site on a northeast-southwest axis. The building would be in roughly the same location of the existing house, which is proposed to be demolished. The building has an overall (maximum) height of 10.5m. The site sits on relatively higher ground than its receiving environment and is therefore slightly elevated over other buildings in the vicinity. The footprint of the proposed building is larger than the existing house. It has a proposed floorspace of roughly 2,847sq. This equates to roughly a five-fold increase compared with the extant house.

7.3.3. The apartment block would be more visually prominent than Hillford House, particularly as it appears some mature trees have been recently removed from the site. [Recent aerial photography suggests a series of trees on the northeastern boundary of the site were in-situ up until early 2022, but these are no longer present.

They would have provided further visual screening of the development has they remained in place]. The apartment block would be setback approximately 11.6m from its northeastern boundary, and 20.7m from its southeastern boundary, respectively.

- 7.3.4. The plans and particulars accompanying the application, and Architectural Design Statement (Page 12), show that the proposal incorporates a varied palette of materials and finishes. This includes coloured / painted render and sand cement for the main elevational treatment(s), stone cladding at groundfloor level, metal balconies, glass balustrades, PVC / aluminium windows and stone capping. [The photomontage booklet includes mainly long-distance viewpoints and are of limited use in terms of gauging the potential visual impact on the immediate receiving environment, in my opinion. They do show, however, that the apartment block would be readily absorbed into the wider urban landscape. The CGIs are somewhat useful but are reliant on landscaping and established planted vegetation to soften the impact of the proposal.]
- 7.3.5. I consider that the northeastern gable end of the apartment block would stand out and be the most physically apparent part of the building. It would be particularly conspicuous for those travelling along Old Hill Road in a northwest direction towards Leixlip town centre. It is important that this section of the building presents an attractive aesthetic appeal and high-quality elevational appearance. Therefore, in the event permission is granted by the Board, I would recommend a condition requiring details of all materials used in the external treatment of the development be submitted to, and agreed in writing, with the Planning Authority prior to works commencing. The Planning Authority may wish to see an alternative, higher quality and more durable urban finish at this interface, such as brick or another high-quality material, compared to that which is currently proposed.
- 7.3.6. I also have a concern regarding the visual impact that would be caused by the prevalence of surface car parking proposed in front of the apartment block. All 36 no. car parking spaces are to be provided here. I understand that the rationale for this is to protect the gate lodge at the rear of the site and that the northern part of the site also accommodates the communal amenity space area for the scheme. However, I consider that the car parking in its current layout would contribute to an unattractive urban setting, characterised by a monotonous expanse of hard surface

area and a long bank of uninterrupted parking bays. There is a general absence of soft landscaping measures in this part of the site, including planted trees, shrubs, low-lying ground cover and/or grassed areas. This is not conducive to creating an aesthetic residential setting, in my opinion.

- 7.3.7. I consider that there is scope to improve the public realm by omitting at least two car parking spaces, those in the row closest to the southeastern boundary of the site. A planted tree in their stead would break-up the uniformity of this otherwise long row of car parking. It would help to facilitate a better-defined public realm with only a limited effect on the overall provision of car parking (34 no. spaces instead of 36 no.). Whilst I accept the concern raised by the Council's Transportation Department in their internal report – 'there is a large shortfall in car parking' – those comments were made in respect of the provisions contained in the previous County Development Plan. The current CDP (2023-2029) states under Section 15.7.8 that car parking standards for residential development should be a 'maximum standard to promote more sustainable forms of transport and in line with the Design Standards for New Apartments document'.
- 7.3.8. In this regard, the Apartment Guidelines state that for an Intermediate Urban Location served by public transport, or close to town centres or employment areas, and particularly for housing schemes with more than 45 dwellings per hectare net, planning authorities must consider a reduced overall car parking standard and apply an appropriate maximum car parking standard. [The proposed development is for c. 68uph.] Therefore, and in having regard to wider public benefits that would be accrued, it is my opinion that the provision of a slightly lower quantum of car parking would be appropriate in this case. I am satisfied that the removal of 2 no. car parking bays would not have a material impact either on traffic or the management of car parking on the site, and that it can be justified in the context of the current Development Plan and national planning policy.
- 7.3.9. I also consider that the potential repositioning of the bin store from southwestern corner of the site to another location would help facilitate additional planting and that this too could be achieved by condition. In relation to the issue of boundary treatment(s), the Applicant confirms in their first party appeal that they are willing to plaster / render and cap the existing block wall running along the northeastern edge of the site. Again, this can be readily dealt with by condition.

7.3.10. Notwithstanding the above, I consider the overall proposed design and layout satisfactory and that the scheme would not result in any unacceptable visual or residential amenity impacts. The apartment building is contemporary in style and design, and the transition in scale is to be welcomed, in my opinion, particularly when compared with the more traditional housing typology that is prevalent in the area; mainly two-storey detached, semi-detached and terrace units. The proposed building height at three storeys is not excessive, in my view, and the block has generous setback distances from each of its boundaries. Furthermore, Section 7.3 of the LAP states that there is a high proportion of 3-bed semi-detached type dwellings within Leixlip. The LAP seeks to address this mono type of housing by ensuring a greater mix of tenure in the area and that new residential schemes provide for a mix of house sizes and types to cater for a more diverse range of housing needs. The scheme would contribute to meeting this objective by its proposed mix of one and two-bedroom apartments.

7.3.11. I do not consider that the proposal would be disproportionate, or out of scale, with its receiving environment, or that it would present inharmoniously. I accept that a transition in height would be apparent, particularly when viewed from along the northeastern boundary of the site and certain vantage points from along Old Hill Road. The contiguous elevation drawings show this would be the case. However, the proposed development has been designed to an acceptable standard, in my view, one which is receptive to its surroundings and in accordance with the zoning for the site ('Zone B – 'Existing / Infill Residential'), which seeks to protect and enhance the amenity of established residential communities and promote sustainable intensification. I consider that there would be appropriate contrast in architectural style with the broader receiving environment and that the scheme would not present as an incongruous form of development, particularly against the backdrop of the recently constructed residential scheme on the adjoining site to the west (The Paddocks).

7.3.12. In summary, I consider that the proposed development is consistent with Objective CS1.1 of the Leixlip LAP, which is to support and facilitate compact growth through the sustainable intensification and consolidation of the town centre and established residential areas. It is also consistent with HO O8 of the County Development Plan, which supports urban renewal and infill / brownfield regeneration to strengthen the

roles and viability of towns and villages, including that at least 30% of all new homes in settlements be delivered within the existing built-up footprint. Furthermore, and given the appropriate scale and design of the development sought, I consider the application strikes a good balance between protecting existing residential amenities, the established character of the area, and the need to provide sustainable residential development (HO O6 of the CDP). The proposed development is also in accordance with national and regional planning policy, including the National Planning Framework (2018) (NPF) and Regional Spatial and Economic Strategy for the Eastern and Midland Region (2019) (RSES). The NPF specifically targets a greater proportion (40%) of future housing development to be within and close to the existing 'footprint' of built-up areas.

- 7.3.13. I conclude that the proposed development is acceptable in terms of design, layout, height, scale and massing, that it would not result in any unacceptable visual or residential amenity impacts, and that is consistent with the relevant policy objectives in terms of achieving compact growth and supporting sustainable development in built-up areas.

7.4. Traffic Hazard

Access from Old Hill Road

- 7.4.1. The Planning Authority's second reason for refusing permission is that the proposed means of accessing the site via Old Hill Road would endanger public safety by reason of traffic hazard.
- 7.4.2. I would concur with the general view of the Planning Authority that a better alternative for accessing the site would be from the southwest. This would mean vehicles entering the subject lands using a section of the existing residential street that leads off Old Hill Road and serves Knockaulin (residential estate). However, creating a site access from this location would require land which the Applicant does not currently own or control. Therefore, I consider it would be unreasonable and unrealistic to make this access arrangement a prerequisite as part of an application to develop the site.
- 7.4.3. However, I note that a Road Safety Audit (RSA) has been completed for the site which addresses this issue. The purpose of the RSA is to recognise potential

hazards for road users and how these can be addressed post-planning. It includes carrying out a comprehensive check by a qualified transport engineer (i.e., the auditor) who sets out a series of final design recommendations, engineering solutions and modifications.

- 7.4.4. The Applicant's appeal submission confirms that one of the key recommendations of the RSA is that 'the layout between Station Road and Old Hill Road should be amended by removing the dedicated left turn slip-road from Station Road onto Old Hill Road'. I have reviewed Section B3 of the Services Report accompanying the original planning application (dated 12th October 2022), including the relevant appendices, and consider that this issue together with the other 'problem locations' identified by the audit can be addressed post-planning and without endangering public safety. I consider that this would improve the general flow of road traffic in this localised area, as well as being able to accommodate the proposed development in a safer road environment.
- 7.4.5. I would also note that the appeal site is within short walking and cycling distance of Leixlip town centre, several public bus routes, and Leixlip (Louisa Bridge) Train Station, meaning a reasonable proportion of trips generated by future residents would be on foot or by bicycle. The application also proposes a dedicated pedestrian (separate from the vehicular access) and pedestrian infrastructure improvements, including the construction of new sections of footpath to link in with existing footpaths near the northwestern corner of the site. The scheme would also be served by 48 cycle parking spaces. The cycle parking is secured and sheltered and located in two different (accessible) locations on the site – one at the southeastern corner of the site and one near the existing gate lodge.
- 7.4.6. In summary, I do not consider that the proposed means of accessing the site from Old Hill Road forms reasonable grounds for refusing permission, particularly as an RSA has been completed and the Applicant has shown a commitment to implementing future road safety works.

Onsite Manoeuvrability

- 7.4.7. The report completed by the A/Chief Fire Officer states that where access roadways are provided within a site, turning facilities for fire appliances should be provided in any dead-end access route exceeding 20m in length. The report recommends further

information on how access for a fire tender would be provided, including the preparation of an auto-track analysis.

- 7.4.8. I have reviewed the traffic and site access details submitted as part of the application and appeal submission. The information indicates that fire tenders and refuse collection vehicles can enter the property in a forward-moving direction. From there, a vehicle would utilise the hammer-head arrangement at the western end of the site to reverse and safely turn before exiting again in a forwards-facing direction.
- 7.4.9. I consider this arrangement acceptable, particularly given the width and location of the hammer-head turnaround which is away from the front entrance to the apartment block. This would reduce the likelihood of potential conflict happening between vehicles and residents and allow for a practical solution in terms of managing traffic flow in this urban environment. I note also that there would be a relatively small number of apartments on the site (27 no.) and that a significant volume of vehicular movements is unlikely to be generated on the site.
- 7.4.10. Furthermore, as noted above, the Applicant has committed to implementing the items identified as part of a Road Safety Audit. This is with a view towards identifying and addressing any potential traffic safety hazards. The items would be completed as part of the subsequent, detailed design stage of the development.

7.5. Drainage

Surface Water

- 7.5.1. The Planning Authority's fourth reason for refusing permission is that the application has not satisfactorily shown that surface water can be adequately dealt with within the curtilage of the site.
- 7.5.2. The first party appeal includes details regarding the proposed surface water drainage proposal. The original application has a Services Report, including a section on surface water drainage. The Applicant asserts that the Council's Water Services has not thoroughly reviewed this information and that a generic report recommending further information was produced.
- 7.5.3. I note that Section D of the Services Report and Drwg. Nos. G1223-23 ('Proposed and Existing Surface Water Drainage') and G1233-32 ('Surface Water Drainage

Longitudinal Sections') provide details on the proposed surface water layout, system and ground level. The information provides an overview of the existing situation, the proposed development, and drainage attenuation and treatment measures that would be incorporated as part of the roads and footpaths, car parking areas, and new buildings on the main site area.

- 7.5.4. The only impermeable area on the site at present is the roof of the existing house which constitutes roughly 5.3% of the total site area. The remaining area is mainly permeable surface, comprised of a gravel driveway and grassed areas. An existing 375mm surface water sewer is on Station Road. The section of footpaths running along the front of the site drain towards the public road and its gullies.
- 7.5.5. The proposed development makes provision for surface water runoff from the first section of the access road, footpaths, and car parking spaces to be collected in gullies and discharged into the mains stormwater network. The Services Report confirms that gullies will be provided at a rate of one per 180sqm of road surface. In terms of SuDS measures, it is proposed to discharge the remaining water runoff from Road 1 and the Road 1A to a landscaped swale, which includes a small biodiversity area, near the western boundary of the property. I note that this area is marked as public open space on the Proposed Site Plan. There is a proposed drainage headwall at the lower end of the swale to receive stormwater runoff that remains in the swale. This then discharges to the surface water attenuation system. This system would facilitate a slow rate of flow across the swale bed before allowing the remaining runoff to soak into the ground and enter the public drainage system.
- 7.5.6. I note that the proposed car parking areas use permeable paving bricks over a permeable bedding and sub-base. This will result in the initial runoff from a rainfall event filtering downwards through the top-level surface and avoiding discharging directly into the surface water drainage system. The permeable paving system also includes a hydrocarbon interceptor to separate hydrocarbons (such as oils, greases, and fuels) from runoff. This will help to prevent environmental contamination, particularly in the stormwater management and wastewater treatment systems.
- 7.5.7. The remainder of the development would discharge surface water towards the northern section of the site via a flow control chamber limiting the flow to 2.1 l/sec, as per the requirements of the Greater Dublin Strategic Drainage Study. A hydrobrake

would control discharge to the mains system. The proposal also provides attenuation storage provision for the 1-in-30-year storm event in an underground attenuation tank situated below the communal amenity space area. Additional attenuation is available in the open space area (above the underground system). The Services Report confirms that underground attenuation systems would be placed a minimum of 5m away from any existing or proposed buildings and that percolations tests carried out on the site indicate an acceptable infiltration rate can be achieved.

- 7.5.8. I conclude that the proposed drainage arrangement serving the proposed development, including the disposal of surface water is generally acceptable. However, there is a general lack of SuDS measures, and various other nature-based drainage solutions, which would help to ensure the disposal of surface water complies with the requirements of the planning authority for such works and services. The inclusion of additional SuDS measures, such as bioswales, green roofs, blue roofs, would not have a material impact on the proposed layout or design of the proposed development. I therefore consider that further SuDS items could be implemented as part of the scheme and that this can be done by way of condition.

7.6. Other Issues

Water and Wastewater

- 7.6.1. I note that Uisce Éireann did not provide an observation on the current application and the reference to such in the Planner's Report was in error.
- 7.6.2. The Applicant states that a previous observation from Uisce Éireann (UÉ) indicated no objection to the proposed redevelopment of the site and that this comprised a larger apartment scheme (40 units) (Reg. Ref. 22/677). This correspondence is appended to the Applicant's Services Report and confirms that both a water connection and wastewater connection is feasible without upgrades to infrastructure. Whilst it is not common practice to rely on such correspondence, as it relates to a different project, I would note that the UÉ submission on Application Reg. Ref. 22/677 is relatively recent (13th June 2022). I would also note that the developer would still be required to shall enter into future water and wastewater connection agreements with Uisce Éireann, prior to commencement of development.

- 7.6.3. The Board is entitled to seek further information from the Applicant regarding the matter of wastewater disposal if they are not satisfied with this approach. This could involve requesting the Applicant to liaise directly with Uisce Éireann and to provide documentation or evidence of same, prior to the Board making a Decision. However, I do not consider that such an approach is necessary in this case, for the reasons outlined above, and it is my opinion that the issue can be adequately dealt with by condition.

Appropriate Assessment

- 7.6.4. Having regard to the nature and small scale of the proposed development, which is for demolition works, construction of 27 no. residential units in an established urban and serviced area, and the distance from the nearest European site, no Appropriate Assessment issues arise. Therefore, it is not considered that the proposed development would be likely to have a significant effect, individually, or in combination with other plans or projects, on a European site.
- 7.6.5. I note also that the Planning Authority completed an AA Screening which confirms that there would be no material risk to any protected habitats and, therefore, no requirement for a Stage 2 AA.
- 7.6.6. See Appendix 1 'Form 1: EIA Pre-Screening' and 'Form 2: EIA Preliminary Examination' for further details.

8.0 Recommendation

- 8.1. I recommend that planning permission be granted for the reasons and considerations set out below.

9.0 Reasons and Considerations

- 9.1. Having regard to the zoning of the subject site, to the relevant provisions of the Leixlip Local Area Plan (2020-2023, as extended to the 30th March, 2026) and Kildare County Development Plan 2023-2029, to the planning history of the site, the prevailing pattern of development in the area, and the nature, design and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities of the area or the residential amenities of property in the vicinity, and would be acceptable in terms of public health, and of pedestrian and traffic safety, and would constitute an acceptable form of development. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>A detailed materials strategy shall be prepared for, and agreed in writing with, the planning authority, that include details of materials, colours and textures of all the external finishes to the proposed buildings. The proposed render finish on the gables of the apartment block shall be omitted and replaced with a high quality and durable urban finish, such as brick, or another high-quality finish. The finishes shall reflect the residential use of the development and include variation in materials, colour and textures to break up the scale of the elevations.</p> <p>Reason: In the interests of visual amenities and good urban design.</p>

3.	<p>Prior to the commencement of development, details of the following shall be submitted to and agreed in writing with the Planning Authority:</p> <ul style="list-style-type: none"> a) Two car parking spaces in the row closest to the southeastern boundary of the site shall be omitted and the area incorporated as part of the proposed planting and landscaping proposal. b) The proposed bin store in the southwestern corner of the site shall be relocated to another position on the site and the area incorporated as part of the proposed planting and landscaping proposal. c) The unfinished block wall along the northern and western boundary of the site shall be plastered / rendered on both sides and capped. d) A minimum of 10% of the total number of car parking spaces shall be provided with functioning electric vehicle (EV) charging stations/points. Ducting shall be provided for all remaining car parking spaces, to facilitate the installation of electric vehicle charging points/stations at a later date. <p>Reason: In the interests of residential amenity and sustainable transportation.</p>
4.	<p>The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs shall comply with the detailed standards of the planning authority for such road works.</p> <p>Reason: In the interests of amenity and of traffic and pedestrian safety.</p>
5.	<p>Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste</p>

	<p>and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.</p> <p>Reason: In the interest of sustainable waste management.</p>
6.	<p>A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.</p> <p>Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment</p>
7.	<p>Surface water drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services, details of which shall be agreed in writing prior to the commencement of development.</p> <p>Reason: In the interest of public health.</p>
8.	<p>Details of the following SuDS measures shall comply with the requirements of the planning authority and be agreed in writing prior to the commencement of development, and include:</p> <ul style="list-style-type: none"> a) Replacement of the proposed underground attenuation storage and detention basin with a nature based SuDS solution eg constructed wetlands, retention pond or bioretention area. b) Provision of rainwater harvesting, green roofs, blue roofs or green living walls at the apartment block. c) The proposed swales shall be bioretention swales with extensive landscaping/planting, maximising provision of bioswales and tree pits-trenches throughout the proposed development. d) Using bioswales as conveyance measures without pipes, gulleys and manholes.

	<p>e) Submit soil infiltration test report and review of proposed infiltration taking into account the provision of a minimum 1m unsaturated zone below the invert of infiltration system SuDS with expert advice.</p> <p>f) Maximise provision of pervious surfacing throughout the proposed development including permeable paving or porous asphalt on the site access road where it will not be put forward for taking in charge.</p> <p>Reason: In the interest of public health and to ensure a satisfactory standard of development.</p>
9.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan (CMP), 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 hours of working, noise management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity</p>
10.	<p>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 residential unit.</p> <p>Reason: In the interests of amenity and public safety.</p>
11.	<p>a) A Road Safety Audit (Stages 1 and 2) shall be undertaken by an independent, qualified transport engineer (i.e., auditor) and submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. The RSA will demonstrate that appropriate consideration has been giving to all relevant aspects of the development, including in accordance with the road design standards of Transport Infrastructure Ireland.</p> <p>b) The measures recommended by the Auditor shall be undertaken, unless the Planning Authority approves any departure in writing. A</p>

	<p>detailed drawing(s) showing all accepted proposals and a feedback report should also be submitted.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
12.	<p>Prior to commencement of development, the developer shall enter into water and wastewater connection agreements with Uisce Éireann.</p> <p>Reason: In the interest of public health.</p>
13.	<p>The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall:</p> <p>Include a plan to scale of not less than 1:500 showing –</p> <ul style="list-style-type: none"> a) Existing trees, hedgerows, shrubs, stone walls, etc., specifying which are proposed for retention as features of the site landscaping. b) The measures to be put in place for the protection of these landscape features during the construction period. c) The species, variety, number, size and locations of all proposed trees and shrubs, which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder. d) Details of boundary planting. e) Details of any roadside/street planting. f) Hard landscaping works, specifying surfacing materials, SuDS measures, furniture, and finished levels. g) Full details of play equipment and seating within the play area. h) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment. i) All planting shall be in accordance with the recommendations of the bat survey.

	<p>The landscaping measures must be carried out within the first planting season following substantial completion of external construction works.</p> <p>All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p>Reason: In the interest of residential and visual amenity.</p>
14.	<p>a) Prior to commencement of development, all trees, groups of trees, hedging and shrubs which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum a radius of two metres from the trunk of the tree or the centre of the shrub, and to a distance of two metres on each side of the hedge for its full length, and shall be maintained until the development has been completed.</p> <p>b) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.</p> <p>Reason: To protect trees and planting during the construction period in the interest of visual amenity.</p>
15.	<p>The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological</p>

	<p>materials or features which may exist within the site. In this regard, the developer shall:</p> <ul style="list-style-type: none"> a) 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, and b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works. <p>The assessment shall address the following issues:</p> <ul style="list-style-type: none"> i. the nature and location of archaeological material on the site, and ii. the impact of the proposed development on such archaeological material. <p>A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works. In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site</p>
16.	<p>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</p>

	<p>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.</p> <p>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.</p>
17.	<p>All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.</p> <p>Reason: In the interest of visual amenity.</p>
18.	<p>Site development and building works shall be carried out only between the hours of 0800 and 1900 from Mondays to Fridays inclusive, between 0800 and 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
19.	<p>The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.</p>
20.	<p>The developer shall pay to the planning authority a financial contribution 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</p>

	<p>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.</p> <p>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.</p>
21.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company or such other security as may be accepted in writing by the planning authority, to secure the protection of the trees on site and to make good any damage caused during the construction period, coupled with an agreement empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of any tree or trees on the site or the replacement of any such trees which die, are removed or become seriously damaged or diseased within a period of [three] years from the substantial completion of the development with others of similar size and species. 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.</p> <p>Reason: To secure the protection of the trees on the site.</p>

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.

Ian Boyle
Senior Planning Inspector

30th May 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	315901		
Proposed Development Summary	The proposed development is for the demolition of the existing dwelling (Hillford House) and a single-storey outbuilding and the construction of a three-storey apartment building (comprising of 27 apartments), a new pedestrian entrance at Old Hill Road, the provision of private amenity space to serve existing gate lodge, and ancillary site works and services.		
Development Address	The appeal site is at the junction of Old Hill Road and Station Road, in Leixlip, Co. Kildare.		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	✓
		No	No further action required
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes			EIA Mandatory EIAR required
No	✓		Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
No		N/A	No EIAR or Preliminary

				Examination required
Yes		<p>10. Infrastructure Projects</p> <p>(b)(i) Construction of more than 500 dwelling units.</p> <p>(iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.</p>		Proceed to Q.4

4. Has Schedule 7A information been submitted?		
No	✓	Preliminary Examination required
Yes		Screening Determination required

Inspector: Ian Boyle

Date: 30th May 2024

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	315901	
Proposed Development Summary	The proposed development is for the demolition of the existing dwelling (Hillford House) and a single-storey outbuilding and the construction of a three-storey apartment building (comprising of 27 apartments), a new pedestrian entrance at Old Hill Road, the provision of private amenity space to serve existing gate lodge, and ancillary site works and services.	
Development Address	The appeal site is at the junction of Old Hill Road and Station Road, in Leixlip, Co. Kildare.	
The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations.		
	Examination	Yes/No/ Uncertain
Nature of the Development Is the nature of the proposed development exceptional in the context of the existing environment? Will the development result in the production of any significant waste, emissions or pollutants?	The subject development comprises a residential development in an area characterised by existing housing. The proposed development is not exceptional in the context of its existing, receiving environment. The surrounding area comprises mainly existing residential development, much of which has been permitted and constructed in recent years. The locality is characterised by mainly two-storey housing spread across apartments, terrace, semi-detached and detached houses, which is reflective of the setting of the site within an urban area.	No.

	<p>The site is zoned 'B – 'Existing / Infill Residential' under the Leixlip Local Area Plan 2020-2023 (as extended to 2026) ('LAP') where the objective is 'to protect and enhance the amenity of established residential communities and promote sustainable intensification'.</p> <p>During the construction phase the proposed development will create demolition waste. It is proposed to demolish a hardstand area on the site. The site is vacant.</p> <p>Given the moderate size of the proposed development, I do not consider that the demolition waste arising would be significant in a local, regional or national context.</p> <p>No significant waste, emissions or pollutants would arise during the operational phase due to the nature of the proposal, which is for residential use.</p>	
<p>Size of the Development</p> <p>Is the size of the proposed development exceptional in the context of the existing environment?</p> <p>Are there significant cumulative considerations having regard to other existing and/or permitted projects?</p>	<p>The site is in a serviced and urban location.</p> <p>The proposed development is for the construction of a three-storey apartment building comprising of 27 apartments, a new pedestrian entrance at Old Hill Road, the provision of private amenity space to serve existing gate lodge, and ancillary site works and services.</p> <p>The proposed size, scale and quantum of development is not exceptional in the context of its receiving environment.</p> <p>I do not consider there is potential for significant cumulative impacts.</p>	No.

<p>Location of the Development</p> <p>Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?</p>	<p>The application site is not within, or immediately adjoining, any protected area(s). There are no waterbodies on the site and there are no hydrological links between the subject site and any European designated site.</p> <p>The Rye Water Valley / Carton SAC (Site Code: 001398) is roughly 300m to the east of the site at its nearest point on the far side of Old Hill Road, Station Road and intervening developed lands, including residential housing.</p> <p>There is no potential for significant ecological impacts as a result of the proposed development. The site is located within a serviced urban area. I do not consider that there is potential for the proposed development to negatively affect other significant environmental sensitivities in the area.</p>	<p>No.</p> <p>No.</p>
<p>Conclusion</p>		
<p>There is no real likelihood of significant effects on the environment.</p> <p>EIA not required. ✓</p>	<p>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</p>	<p>There is a real likelihood of significant effects on the environment.</p>

Inspector: Ian Boyle

Date: 30th May 2024

DP/ADP: _____ **Date:** _____

(only where Schedule 7A information or EIAR required)