



An
Bord
Pleanála

Inspector's Report ABP315988-23

Development	Amendments to previously approved 21/655 to add additional storey to blocks 1 and 2 increasing their heights from 3 storey to 4 storey adding an additional 9 residential units.
Location	The Paddocks, Station Road, Leixlip, Co. Kildare.
Planning Authority	Kildare County Council.
Planning Authority Reg. Ref.	221483.
Applicant	Mulberry Properties Ltd.
Type of Application	Permission.
Planning Authority Decision	Permission with conditions.
Type of Appeal	Third Party
Appellant	Joe Mulligan.
Observer(s)	None
Date of Site Inspection	29 th June 2023.
Inspector	Derek Daly

1.0 Site Location and Description

1.1. The development is located on Station Road to the northwest of the centre of Leixlip village in County Kildare. The site is within the built up area and the general area is predominantly residential. The site is irregular in configuration and has a stated area of 1.267 hectares. The site at the time of inspection was a construction site with residential units being constructed. The site has frontage onto Station Road which defines part of the northeastern boundary with the rear boundaries of a number of properties which have frontage onto Station Road defining the remainder of the northeastern boundary. The southeastern boundary adjoins a residential estate Knockaulin and there is vehicular access from this estate into the appeal site. The southwestern boundary adjoins the site of a school, Naomh Bhríde, and the northwestern boundary adjoins the rear boundary of properties including childcare facilities and a dwelling with access onto Station Road from a narrow roadway.

2.0 Proposed Development

- 2.1. The proposed development is for amendments to previously approved planning permission P.A. Ref. No. 21/655 to add an additional storey to blocks 1 and 2 increasing their heights from 3 storey to 4 storey adding an additional 9 residential units. The additional units consist of 2 no. additional one bedroom units and 3 no. additional two bedroom units in block 1 and 2 no. additional one bedroom units and 2 no. additional two bedroom units in Block 2.
- 2.2. The overall development comprises a mix of residential units including semi-detached and terraced houses, maisonette units, apartments and the conversion of stone barn into three residential units. The main section of the development comprises of a square overlooking an area of open space and block 2 is at the western side of this area with the rear of the block adjoining the boundary with the school. Block 1 is in a separate section of the site in the northeastern corner of the site. The proposed development will increase an existing approved development of 57 no. units, 30 houses and 27 apartments, with the addition of 9 apartments.
- 2.3. Details submitted included drawings specifically related to the amendments proposed, a construction management plan and a Part V schedule of agreement.

The submitted documentation also indicates the floor areas of the individual apartment units, internal space allocated in relation to areas of bedrooms, living space, storage, dual aspect and private amenity areas. The overall public open space is indicated and overall parking provision. Shadow diagrams are also submitted and photographs of the site.

- 2.4. The apartment blocks are of a modern construction with a flat roof and a slightly elevated central core. Block 1 will have height of 13.255 metres to parapet level and maximum height of 14.305 metres for the upper parapet above ground level. Block 2 will have height of 13.250 metres to parapet level and maximum height of 14.300 metres to the upper parapet height. The external finishes of the additional level are a dashed render wall finish with glazing on the balcony areas.
- 2.5. The overall height of the terraced three storey houses on the site have an overall height to the ridge roof of between 10.717 metres and 11.491 metres.
- 2.6. It is proposed to connect to public piped services and road network and it is indicated that no additional infrastructural amendments are required. Car parking are shared spaces in close proximity to the apartment blocks.

3.0 Planning Authority Decision

3.1. Decision

The decision of the Planning Authority was to grant planning permission subject to seven conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planning report dated the 13th February 2023 refers to the planning history, outlines national and county policy context. The principle of the proposed development was considered acceptable and reference is made to development management standards of the Kildare County Development Plan and National guidance. The density is calculated as 51 per hectare but is considered acceptable given the site is within walking distance of a high capacity public transport corridor

and a train station. The increased height is considered acceptable and the parking provision is acceptable. Permission was recommended.

- 3.2.2. The transportation report dated the 16th January 2023 recommends refusal on the basis of insufficient parking provision.

Other departments indicated no objections.

4.0 Planning History

P.A. Ref. No. 21/655. Planning permission granted for a residential development of 57 residential units and associated works.

5.0 Policy and Context

5.1. Development Plan

- 5.1.1. The statutory development plans are the Kildare County Development Plan 2023-2029 and Leixlip Local Area Plan (LAP) 2020-2023 extended to March 2026.
- 5.1.2. Kildare County Development Plan 2023-2029.

The statutory development plan is the Kildare County Development Plan 2023-2029. Volume 1 sets out broad policy and strategy in relation to the overall county including a settlement strategy and hierarchy in chapter 2 where Leixlip is identified as a self-sustaining growth town in the settlement hierarchy.

Chapter 3 of the plan relates to housing and section 3.7 to residential densities where table 3.1 outlines the density levels for different settlement types as per Sustainable Residential Development in Urban Areas - Guidelines for Planning Authorities, DEHLG (2009). In relation to Larger Towns (Population > 5,000) to which Leixlip applies in public transport corridors the indicative density in table 3.1 is 50 units per hectare and in outer Suburban /'greenfield' 30-50 units per hectare.

Chapter 15 relates to Development Management Standards which sets out standards in relation to a range of matters including in 15.4.3 which in relation to residential density indicative density levels for residential development are set out in Table 3.1 of Chapter 3. The standards also refer to building height indicating *as per*

the Section 28 Guidelines on Urban Development and Building Heights (2018) this Plan supports a drive for increased building heights in appropriate locations in order to maximise the efficient use of development land in urban areas.

Section 15.7.8 refers to parking standards and that these are maximum standards. Residential development in areas within walking distances of town centres (800 metres i.e. a 10-minute walk) and high-capacity public transport services (including but not limited to Dart+ services, Bus Connects routes and any designated bus only or bus priority route) should be designed to provide for fewer parking spaces, having regard to the need to balance demand for parking against the need to promote more sustainable forms of transport, to limit traffic congestion and to protect the quality of the public realm from the physical impact of parking. Therefore, the number of spaces provided should not exceed the maximum provision as set out which for apartments are 1.5 spaces per unit + 1 visitor space per 4 apartments.

5.1.3. Leixlip Local Area Plan

The site is located within zoning objective B Existing Residential and Infill as indicated in map 4 of the LAP.

Section 7.3 refers to Residential Density, Mix and Design indicating that 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 LAP also includes Policy HC2 - Residential Density, Mix and Design HC2 It is the policy of the Council to ensure that all new residential development provides for a sustainable mix of housing types, sizes and tenures and that new development complements the existing residential mix.

5.2. National Guidance

5.2.1. Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities 2020.

The guidelines outline apartment design parameters in the context of locational consideration; apartment mix within apartment schemes; internal space standards for different types of apartments; dual aspect ratios; floor to ceiling height; storage spaces; amenity spaces including balconies/patios; car parking; and room dimensions for certain rooms. The guidelines set out Specific Planning Policy Requirements (SPPRs) and SPPR3 outlines minimum apartment floor areas; SPPR4 the minimum number of dual aspect apartments specifying a range of 33% to 50% depending on location; and recommendations on open space, communal areas and facilities and parking (sections 4.18 to 4.27 inclusive).

5.2.2. Urban Development and Building Heights 2018 Guidelines for Planning Authorities

The guidance outlines criteria for the consideration and assessment of buildings recognising that increased building is necessary in appropriate locations and in the interest of sustainable development. That proposals responds to its overall natural and built environment and makes a positive contribution to the urban neighbourhood and streetscape are not monolithic and avoids long, uninterrupted walls of building in the form of slab blocks with materials / building fabric well considered; enhances the urban design context for public spaces and key thoroughfares; makes a positive contribution to the improvement of legibility through the site or wider urban area within which the development is situated and integrates in a cohesive manner and positively contributes to the mix of uses and/ or building/ dwelling typologies available in the neighbourhood.

5.2.3. Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas 2009.

The guidelines outline guidance on a range of matters emphasising efficient use of serviced lands and qualitative design, the importance of housing mix and good layout. Specifically in relation to density in outer suburban / 'greenfield' sites that the greatest efficiency in land usage on such lands will be achieved by providing net residential densities in the general range of 35-50 dwellings per hectare and such densities (involving a variety of housing types where possible) should be encouraged generally. Development at net densities less than 30 dwellings per hectare should

generally be discouraged in the interests of land efficiency, particularly on sites in excess of 0.5 hectares.

5.3. Natural Heritage Designations

None relevant

5.4. EIA Screening

5.5. The proposed development is not one to which Schedule 5 of the Planning and Development Regulations, 2001, as amended, applies and therefore, the requirement for submission of an EIAR and carrying out of an EIA may be set aside at a preliminary stage.

6.0 The Appeal

6.1. Grounds of Appeal

The main grounds of appeal can be summarised as follows:

- The main objection is to the increase in height of Block 1 indicating that that the appellant did not object to the height of the initial development.
- The scale and height will have a negative impact on surrounding low rise housing adjacent to and across the road.
- It will dominate the skyline of Station Road.
- Poor design should not be accepted as a response to the need to provide additional housing.
- Reference is made to relevant government guidelines Urban Development and Building Heights 2018.
- Reference is made to the initial submission to the planning authority a copy of which is attached to the grounds.

6.2. Planning Authority Response

The planning authority in a response indicate they have no further comments.

7.0 Assessment

7.1. The main issues in this appeal are principle of the development, siting and design and visual impact. Appropriate Assessment also needs to be considered. I am satisfied that no other substantive issues arise.

The issues are addressed under the following headings:

- The principle of the development
- Siting and design
- Visual and residential impact
- Appropriate Assessment

7.2. The principle of the development.

7.2.1. The site is located within the zoning objective B Existing Residential and Infill in the LAP and the use is acceptable in principle. The site has planning permission for residential development and the permitted development and proposed development provides for a mix of residential development houses, apartments and maisonettes which complies with local and national guidance in relation to housing provision.

7.2.2. The development if permitted will result in a level of density which is at the upper level of recommended indicative density or slightly exceeds it as I estimate if permitted the density will be approximately 51 units per hectare. The site is not town centre but has frontage onto a road which provides for relative ease of walking to the town centre and adjoins or is readily accessible to high-capacity public transport services including the rail network. A density at the upper range of density is therefore reasonable and acceptable.

7.3. Siting and design

7.3.1. In relation to siting and design, the proposal is for a revision to an already permitted layout increasing the two permitted apartment blocks by an additional floor.

7.3.2. In relation to Block 1 this aspect of the proposal is referred to more specifically in the grounds of appeal and that the scale and height will have a negative impact on surrounding low rise housing adjacent to and across the road and that this block will dominate the skyline of Station Road. The block will be visible from Station Road a

heavily trafficked regional route which has a wide carriageway and rises in level from the town centre to the northeast. The prevailing heights of buildings along this road with the exception of the Garda station is single and two storied of traditional and more modern residential development.

The proposed block is modern in construction and unlike block 2 it is not a single monolithic block offering a degree of variation in building lines and insets in the elevations which breaks up the massing. I note reference to the issue of increased building height but local and national guidance generally support increased building height and are not overly prescriptive in relation to where this should occur requiring individual site assessment but does indicate that the streetscape should not be monolithic and avoids long, uninterrupted walls of building in the form of slab blocks and enhances the urban design context for public spaces and key thoroughfares.

Having considered the proposal the site can be considered a standalone site on a key thoroughfare and the height although higher than what traditionally prevailed in the area can be readily accommodated and its orientation is internally into the site rather than forming a long block along the road frontage. The alignment of Station Road both vertically and horizontally in the vicinity of the site and its location on the inner curve of the alignment also facilitates and allows for integration into the surroundings and streetscape.

- 7.3.3. In relation to Block 2 this block is located at the furthest distance removed from public roads and forms one side of three sections of housing overlooking an area of public open space. In terms of scale and massing the increase in height of this block is acceptable visually and offers an increased sense of enclosure in the overall design in this section of the development.
- 7.3.4. In relation to the apartments themselves, the units comply with the standards as set out in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities 2020 in relation to internal space standards for different types of apartments; dual aspect ratios; floor to ceiling height; storage spaces; amenity spaces including balconies/patios and room dimensions. The overall proposal including the previously permitted development provides for a satisfactory mix of apartments and other residential units.

7.3.5. In relation to car parking the objection from the transportation section of the local authority is noted but as stated the parking requirements as stated in the County Development Plan are maximum standards and that residential development in areas within walking distances of town centres and high-capacity public transport services which applies in relation to the appeal site should be designed to provide for fewer parking spaces, having regard to the need to balance demand for parking against the need to promote more sustainable forms of transport, to limit traffic congestion and to protect the quality of the public realm from the physical impact of parking. Having regard to these provisions which I consider are reasonable the level of parking is adequate. I consider that condition no 3 which requires provision of car club spaces to support a reduced car dependent residential scheme as provided for in the County Development Plan is reasonable.

7.4. Visual and residential impact

7.4.1. I have addressed the issue of visual impact internally within the overall development and the wider area and do not consider that the proposal to increase the blocks gives rise to a significant visual impact over and above what has already been permitted.

7.4.2. In relation to issues of overlooking Block 1 generally overlooks areas of public realm, Station Road, open space areas and parking areas. There is no direct overlooking of existing dwellings and existing properties on the other side of Station Road are well removed from the development and would be front garden areas. In relation to Block 2 generally also overlooks areas of public realm, open space areas, parking areas and a school site. Significant overlooking issues in relation to residential development does not arise.

7.4.3. Similarly based on the shadow diagrams submitted and the relative orientation of the proposed development and existing development Significant overshadowing issues in relation to residential development does not arise.

7.5. Appropriate Assessment Screening

7.5.1. Having regard to the nature and scale of the proposed development, the nature of the foreseeable 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 EIA at an initial stage.

8.0 Recommendation

8.1. I recommend that permission be granted.

9.0 Reasons and Considerations

9.1. Having regard to the nature, scale and design of the proposed development, its location within the zoning objective B Existing Residential and Infill in the current Leixlip Local Area Plan, its relationship to existing and permitted development on the site and in the vicinity of the site and its location on and in proximity to high-capacity public transport infrastructure, it is considered that the proposed development would not seriously injure the visual or residential amenities of the area or the amenities of property in the vicinity of the site. 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>. Details of the external finishes of the proposed development shall be submitted to, and agreed in writing with, the planning authority within two months of the date of this order.</p> <p>Reason: In the interest of visual amenity.</p>

3.	<p>Within two months of the date of this order the applicant shall submit to and agree with the planning authority a revised parking scheme with accompanying drawings in relation to the provision of car club spaces to support a reduced car dependent residential scheme and that the car club spaces be fully equipped with EV infrastructure.</p> <p>Reason: In the interests of orderly development</p>
4.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 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>
5.	<p>Within two months of the date of this order, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.</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>
6.	<p>The applicant/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</p>

<p>the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</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>
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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.

Derek Daly
Planning Inspector

8th July 2023