



An
Bord
Pleanála

Inspector's Report

ABP-316274-23

Development

Construction of a 158-bedroom hotel with public bar and café/restaurant at ground floor level.

Location

Site bounded to the north by the Monasterevin Road (R445) and to the west by the Nurney Road (R415), Kildare Townland, Kildare Town, Co. Kildare.

Planning Authority

Kildare County Council

Planning Authority Reg. Ref.

23/36

Applicant(s)

Murlyn Capital Investments Limited.

Type of Application

Permission.

Planning Authority Decision

Refuse Permission

Type of Appeal

First Party V. Refusal.

Appellant(s)

First Party

Observer(s)

1. Paul A Allen
2. Rory de Bruir
3. Daly Real Estate Ltd.

4. Tim Flood Flooring & Furniture Ltd.
5. Ian Heffernan & Associates
6. Maurice Kelly
7. Monasterevin Road Residents Association
8. Value Retail Dublin Ltd.

Date of Site Inspection

15th and 19th May 2024.

Inspector

Susan McHugh

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1.0 Site Location and Description

- 1.1. The site is located on the western edge of Kildare town at the junction of the Monasterevin Road (R445) and the Nurney Road (R415) approx. 500m west of the Market Square, Kildare Town, County Kildare.
- 1.2. Kildare Town is served by Irish Rail, Bus Eireann and other private coach companies.
- 1.3. The site adjoins the Kildare Tourist Village Retail Outlet with access from the M7 Motorway Junction 13 interchange to the south. There are several residential properties to the north of Monasterevin Road which are home to the observers to the appeal.
- 1.4. The site bounded to the north by the Monasterevin Road, to the east by a Tesco store and associated surface car park to the rear, to the south by a surface car park associated with Kildare Tourist Village Retail Outlet (KTVO), and to the west by the Nurney Road.
- 1.5. The appeal site has an established line of mature trees and screen hedgerows along the northern and western boundary. The eastern and southern boundaries are defined by dividing walls with the adjoining commercial developments.
- 1.6. There is currently no vehicular entrance to the site, although there is an agricultural entrance to the site on the northeastern corner.
- 1.7. The site is rectangular in shape with a fall in gradient across the site from north to south in direction. The site has a stated area of 3,010sqm.

2.0 Proposed Development

- 2.1. Permission is sought for the construction of a 158-bedroom Hotel, in a 6-storey block, over a partial basement, totalling 6,812 sqm with parapet heights between ca. 17.23m to 23.63m depending on the elevation and ground level, by Murlyn Capital Investments Limited, Agent O'Connor Whelan Limited.
- 2.2. The proposed development comprises the following;
 1. A 158-bedroom hotel including a ground floor public bar (ca. 100 sqm) and independent café / restaurant (ca. 106sqm) and other ancillary facilities such

as a scullery, spa area, storage areas, bin stores, plant rooms, reception area, administration offices including an ESB substation and switch room (ca. 20 sqm);

2. A ground floor set down area including one car parking space;
3. A partial basement comprising 59 car parking spaces;
4. A rooftop plant area of ca. 285 sqm;
5. A rooftop solar array with an overall area of ca. 312 sqm;
6. 20 No. bicycle spaces;
7. 2 No. vehicular entrances, one service entrance off the Monasterevin Road (R445), and a car parking entrance / set down area off the Nurney Road (R415) and
8. Associated plant, infrastructural connections, boundary works and site development works.

2.3. The proposed development was accompanied by the following;

- Planning Report
- Images Report
- Traffic and Mobility Statement
- Archaeological Impact Assessment
- Arboriculture Assessment and Impact Report
- Ecological Impact Assessment
- Appropriate Assessment Screening Report

2.4. The application was also accompanied by a letter of consent from the owner of the site.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to **refuse** permission for the above-described development 13/03/2023 for five no. reasons.

1. Policy R3 of the Kildare Town Local Area Plan 2012-2018 (as extended) seeks to ensure that ‘...an overall policy design and layout (of development) that provides vitality and generates viability and strong linkages to the historic town centre...’ for lands within the Southwestern Expansion Area of Kildare Town. Furthermore, Objective UD 01 of the Kildare County Development Plan 2023-2029 seeks to ‘require a high standard of urban design to be integrated into the design and layout of all new development...’. Having regard to the prominent location of the proposed development in Kildare Town at the junction of the R445 and R415, and due to the excessive scale, height, mass and poor quality architectural detailing and elevational design of the proposed building, the excessive set back from the streetscape, along with the level of hard landscaping and inadequate boundary treatments, it is considered the proposed development fails to deliver an appropriate sense of enclosure, streetscape and public realm for the subject site within the South Western Expansion Area of Kildare Town. The proposed development is therefore considered contrary to policy R3 of Kildare Town Local Area Plan 2012-2018 and objective UD 01 of the Kildare County Development Plan 2023-2029 and with the proper planning and sustainable development of the area.
2. Having regard to the location of the site, at a highly visible and prominent location at the junction between the R445 and R415 on the approach into Kildare Town, and the proximity to existing dwelling houses to the north, the proposed development, by reason of its design, height, scale and mass constitutes a considerable negative visual impact at this location and would detract from the visual amenities of the area. The proposed development would seriously injure the residential amenities and depreciate the value of property in the vicinity and would, therefore, be contrary to the proper planning and sustainable development of the area.
3. Section 2.7 of the Department of the Environment, Community and Local Government’s Spatial Planning and National Roads Guidelines for Planning Authorities (2012) seek to ensure that development involving access to national roads and development in close proximity to national road interchanges or junctions would not be adversely impacted by development.

Based on the information submitted with the planning application, the Applicant has not adequately demonstrated to the Planning Authority that the proposal, if approved, would not create an adverse impact on the functioning of the national roads and associated M7 interchange (Junction 13) to the south. The proposed development could lead to conditions which would endanger public safety by reason of traffic hazard and is therefore contrary to the proper planning and sustainable development of the area.

4. In the absence of significant detailing in relation to surface water drainage, the Applicant has not demonstrated to the satisfaction of the Planning Authority that surface water can be adequately dealt with within the curtilage of the site. The proposed development, therefore, would be prejudicial to the orderly development of the site and to public health and be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Basis for planning authority decision. Include;

- *Principle of Development* – Commercial development is considered to comply with the framework for the area as detailed in Section 7.6 South Western Expansion Area of the Local Area Plan. Policies and objectives of the Kildare CDP 2023-2029 in relation to economic development and tourism are noted and considered applicable.
- *Siting, Layout and Design* – Proposed development is a prominent corner site and landmark site. The proposed L shaped flat roof structure is 7 storeys in height including partial podium basement for car parking. The maximum height is noted as 23.6m. The fifth and sixth floors have been set back by approx. 4m accordingly on the southern side of the development block which addresses Kildare Outlet Village.
- *Scale and Bulk* - Proposed building occupies the majority of the site, running approx. 65m along the length of the site addressing the Nurney Road. All elevations would be highly visible due to the scale and bulk. A contiguous

elevation has been submitted which indicates the maximum height of the Tesco building at 15.6m with the highest portion of the proposed structure noted at 23.6m and 25.3m.

- *Design* - Is relatively modern. A design statement or details in relation to materials have not been submitted. A design statement is a requirement of the Kildare CDP 2023-2029 Section 15.3 for commercial development in excess of 1,000sqm.

Concerns regarding the overall quality of design and layout of the proposed development at this landmark site on a significant approach to Kildare Town for the following reasons;

Layout and Design

- Proposed development with undercroft parking and podium over does not achieve this where the set back is noted as approx. 22m from the streetscape of Nurney Road.
- *Podium level* access is detrimental to creating active frontages along the important streetscape of Nurney Road.
- Overall design and articulation of the proposed structure is poor, has an excessively horizontal profile, excessive scale and bulk.
- *Overbearing* context of 7 storey building (including podium basement) on a prominent site on the entrance to Kildare Town.
- *Eastern elevation* - has a monolithic architectural expression which would be highly visible on the Monasterevin Rd when viewed from the eastern approach.
- *Northern elevation* - presents a horizontal profile along the streetscape. The ground floor of this elevation lacks an appropriate active frontage at street level and high-quality public realm features such as greening and landscaping which would create activity and animation along the streetscape.
- *Southern elevation* - would be highly visible on the approach from the M7 and Kildare Outlet Village, presents a blank façade and lacks character and architectural detailing. The interface of the entrance/exit of the under-croft car

parking with the adjacent site is lacking and would be a highly visible feature from the Nurney Road approach.

- *Western elevation* - most prominent elevation, appears overbearing and does not provide adequate enclosure along Nurney Road.
- A shadow impact assessment has not been submitted and is required given the proposed height of the structure.
- *Overlooking* of adjacent residential properties to the north has not been adequately demonstrated.

Public Realm

- Poor quality and does not integrate or enhance the streetscape on Nurney Road or Monasterevin Road.
- Tree-lined approach to Kildare Town along the Nurney Road is a significant feature and adds to the character of the area. Significant greening along this streetscape should be incorporated to the landscaping plan for the site.
- *Boundary treatment* - to the east and south have not been indicated.
- *Hard Landscaping* - Overdominance in the form of paving, significant level of greening and nature-based surface water management has not been included.
- *Environmental* – Notes limitations of the arboriculture assessment as descriptive analysis only and did not provide an assessment on the health of the trees on the site which should be included. Notes ecological impact assessment does not indicate any negative impact on the ecology of the area.

Submissions/Observations

- Comments in relation to landownership and validity of the application would be addressed by further information should the recommendation of this report reflect same.

Conclusion

- Proposed development is contrary to the provisions of the Kildare CDP 2023-2029 in terms of compliance with Chapter 14 'Urban Design, Placemaking

and Regeneration’ and Chapter 15 ‘Development Management Standards’ and the Design Manual for Urban Roads and Streets.

Recommends permission is refused.

3.2.2. Other Technical Reports

- **Transportation & Public Safety Department:** Report dated 07/03/2023 recommends further information;

Proposed new access onto the R415 Nurney Road

- If cycle lanes are incorporated into the proposals, it may be possible for the development to have no net negative impact in terms of highway capacity.
- A Cycling link, identified in the Kildare Transport Strategy C17&C23, takes in the route from Kildare village, along Nurney Road to Monasterevin Road and the proposed Northern Link Street.
- This modal shift is required to preserve the capacity on the R415 Nurney Road for future housing development, as planned under the Kildare LAP.
- Concerns about the proposed new vehicular access for both cars and delivery vehicles and the traffic impact on the adjacent existing Nurney Road/Monasterevin Road signalised junction.
- Notes that the M7 Junction 13 interchange may be difficult to upgrade in the future due to the presence of the tanking structure in the nearby cutting. Also, the next interchange at the Curragh is located within the NHA and is unlikely to be upgrade in the medium term.

Further information is requested in relation to the following;

1. Ensure that the proposals are compatible with the Kildare Town Transport Strategy. In particular, the Cycling Link (C17 & C23) from Kildare Village, along Nurney Road to Monasterevin Road and the proposed Northern Link Street. This will have the benefit of promoting active travel and reducing car dependency in and around Kildare Village. Applicant is requested to confirm a willingness to deliver these works along the frontage of the development.

2. Carry out a more detailed Traffic & Transport Assessment (TTA) Traffic Model to assess future development of the zoned lands in Kildare Town as it affects the 3 junctions along the Nurney Road R415, between the R445 Monasterevin Road and to the south, M7 Junction 13. Applicant is requested to carry out an analysis on how the development will increase the following: queueing times; queue lengths affecting the egress from the new car park and the motorway exit slip; the degree of saturation of the junctions (R numbers). Applicant is requested to note that the submitted Traffic and Mobility Statement does not, yet, address concerns of third parties. The revised TTA should address likely concerns of Transport Infrastructure Ireland (TII) and Value Retail's Kildare Village.
3. Identify 158 car parking spaces to comply with the Kildare County Development Plan 2023-2029. The need for adequate parking is seen as important to avoid unauthorised parking resulting in obstruction of the carriageway or hazardous parking near a busy motorway and regional road junction.
4. Demonstrate third party agreement for the following: (a) service vehicle access zones and (b) up to 158 car parking spaces.
5. Design improvements to the signalised junction between the Nurney Road/ Monasterevin. Specifically, the Applicant is requested to:
 - (a) include cycle and pedestrian facilities at the junction;
 - (b) a right turning lane for traffic approaching the junction from the Monasterevin direction.
6. Provide a 2-metre-wide cycle lane and a 2-metre wide footpath, along the entire frontage of the proposed development on both the Nurney Road (R415) and Monasterevin Road (R445).
7. Examine and design an alternative service vehicular access for deliveries to the site due to the concerns regarding conflict between commercial vehicles, visiting cars and vulnerable road users. The Applicant is requested prepare a swept path drawing for delivery lorries output from a suitable computer platform such as auto track, to demonstrate manoeuvrability within the site.

8. Adequate secure Bicycle Lockers.
 9. Have a Stage 1 & 2 Road Safety Assessment carried out for the following:
the internal development, vulnerable road user facilities along frontage of development and signalised junction upgrade Nurney Rd./ Monasterevin Road to include a right-turning lane for traffic approaching from the Monasterevin direction.
 10. Building Services/ Electrical Engineer to clarify the Electric Vehicle Charging.
As an ideal minimum requirement, the Applicant is requested to provide 20kW DC chargers, which should allow vehicles charge in a reasonable time.
 11. Carry out a survey and submit details for the upgrading of the Public lighting along Regional Road Frontage of the R445 & R415.
- **National Roads Office:** Report dated 21/02/2023 notes proximity of the site (400m) to the M7, and the report of the TII.
 - **Environment:** Report dated 27/02/2023 recommends further information in relation to waste production, noise and dust mitigation measures, petrol/oil interceptors, and grease separators.
 - **Water Services:** Report recommends further information in relation to Surface Water Drainage and Attenuation and SuDS strategy. In relation to Flood Risk a flood risk assessment is requested.
 - **Strategic Projects and Public Realm (SPPR):** Report recommends significant design development / re-design is required.

Design and Layout

- Welcome the development of this site. Important that this proposal wholistically considers the design of building frontage, public realm, landscaping and boundary treatment.
- 4 to 5 storeys more appropriate in this location as a potential landmark building and gateway into the town.
- Undercroft arrangement is not considered appropriate as the podium effect and its interface with Nurney Road results in an inactive street frontage. Design should be revised to provide basement carparking.

- North, South and East elevations need more consideration in design terms to have a consistent design approach to that of the front/west elevation and the applicant should submit views (in context) on the various approaches to the building. Better quality 3D's and photomontages should be submitted.
- The West and North elevations and in part the Eastern elevation should be redesigned to provide an active frontage at street level.
- A landscaping and public realm plan should be requested from the applicant.
- There is an opportunity to create a strong sense of enclosure on Nurney Road. The proposed development with undercroft parking and podium over does not achieve this. It is stated in Section 2.2.1 of the Design Manual for Urban Roads and Streets that: *'A sense of enclosure spatially defines streets and creates a more intimate and supervised environment. A sense of enclosure is achieved by orientating buildings toward the street and placing them along its edge. The use of street trees can also enhance the feeling of enclosure. An active frontage enlivens the edge of the street creating a more interesting and engaging environment. An active frontage is achieved with frequent entrances and openings that ensure the street is overlooked and generate pedestrian activity as people come and go from buildings.'* Section 4.2 of DMURS details how stronger street enclosure can be achieved.

Boundary Treatment

- Proposed boundary treatment and associated landscaping is not appropriate and would be out of character with the area and the wider townscape. The use of street trees, landscaping and planting should be incorporated as a softer approach to form boundaries.

Nature Based Drainage Solutions

- The use of permeable paving for the hard stand parking areas is welcomed.
- **Environmental Health Officer (EHO):** Report recommends no objections subject to conditions.
- **Chief Fire Officer:** Report dated recommends further information.

3.3. Prescribed Bodies

- **Irish Water:** Report recommends further information.
- **Transport Infrastructure Ireland (TII):** Report received 08/02/2023 states that the proposed development is at variance with official policy in relation to control of development on/affecting national roads, as outlined in the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012), as it would adversely affect the operation and safety of the national road network.

3.4. Third Party Observations

- 3.4.1. 15 no. submissions were received by the Planning Authority.
- 3.4.2. 2 no. submissions **in support** of the development were from the following parties,
- Curragh Racecourse Ltd.
 - Into Kildare, Kildare Fáilte.
- 3.4.3. 13 no. submissions objecting to the development were from the following parties,

Local Residents

- Mark and Valerie Boland Monasterevin Road, Kildare Town.
- Breda Connolly Steephollow, Kildare Town.
- Rory de Bruir Ardynhoth House, Monasterevin Road, Kildare Town.
- John Doyle and Anne Kelleher Monasterevin Road, Kildare Town.
- Maurice and Jennifer Kelly Monasterevin Road, Kildare Town.
- Noel McLoughlin Fraoch Ban, Monasterevin Road, Kildare Town.
- Kevin O'Kelly Kelgrove, Monasterevin Road, Kildare.

Local Businesses

- De Bruir- De Bruir Design & Craftsmanship, Monasterevin Road, Kildare Town.
- Tesco Ireland Ltd – Agent RMLA

- Value Retail Dublin Ltd. Owner/operator of the Kildare Tourist Outlet Village (KTOV) 1B Kildare Village – Agent RMLA

Community Groups

- Kildare Town Tidy Towns
- Monasterevin Road Residents Association

Others

- Paul A Allen Tully West, Kildare.
- Vivienne Kelly-Keane 17 The Courtyard, Kildangan.

3.4.4. Objections to the proposed development received by the planning authority have been forwarded to the Board and are on file for its information. The issues raised as comparable to those raised in the third-party observations to the appeal summarised in section 6 below.

4.0 Planning History

Appeal Site

PA Reg.Ref.11/1104 ABP09.240183: Permission **refused** 18/04/2013 for development of a two-storey drive-thru Restaurant/Take Away for McDonald's Restaurants of Ireland Ltd.

There were two reasons for refusal stated as follows;

1. Having regard to the distance from the traditional town centre and its isolation from existing development to the east and south-east (Tesco and Kildare Village Outlet), it is considered that the proposed development would constitute an uncoordinated form of development which would not integrate effectively with the existing pattern of development, thus failing to provide appropriate pedestrian/vehicular linkages and would contravene Policy R23 as set out in the Kildare County Development Plan 2011-2017, which encourages such consolidation. The proposed development would, therefore, seriously injure the amenities of property in the vicinity and be contrary to the proper planning and sustainable development of the area.

2. Having regard to the proposals to remove trees along the road frontages, the absence of an integrated landscape approach including lack of clarity regarding roadside boundary treatment, together with an inadequate internal road layout and a serious proliferation of signage at a landmark site entering Kildare own from the M7 interchange (Junction Number 13), it is considered that the proposed development would seriously injure the amenities of the area and of property in the vicinity and would therefore, be contrary to the proper planning and sustainable development of the area.

Tesco Store to the East

PA Reg.Ref. 10/528 ABP Ref PL.09.237802: Permission **granted** 18/03/2011 for the demolition of existing structures, construction of 4 no. retail units, signage, car parking, access and all associated works to Northline Developments Limited.

Kildare Tourist Village Outlet to the South

PA Reg.Ref.17/539 ABP Ref. 300795: Permission **granted** 11/10/2018 for Extension to the existing Kildare Tourist Outlet Village consisting of 2 No. restaurant/café units, 29 No. retail outlet units, 3 No. existing outlet retail units (unit Nos. 61a, 61b and 62) and 1 No. restaurant/café unit will be demolished. Planning permission was also sought for the provision of 460 No. car parking spaces over two levels at a new car park. The planning application is accompanied by an Environmental Impact Statement (EIS).

Site to the West of Nurney Road

PA Reg.Ref.23/856: Concurrent application for development on lands to the west of the Nurney Road (R415) by Kildare Tourism Enterprise Centre. The site contains building formerly occupied by 'ModusLink'. The proposed development consists of the following:

- Relocating the existing vehicular entry/egress from the existing roundabout access on the R415 at the southeast corner of the site to a new vehicular entry/egress further north on the R415 along the eastern boundary of the site.
- New access arrangements proposed will require works to be carried out on lands in the ownership of Kildare County Council including a

proposal to widen the carriageway to accommodate a two-lane approach to signal controlled junction, provision of dedicated right turn lane, along with new alignment of public footpath and landscaping. Providing a new, two-way road (for public use) along the southern portion of the site with a roundabout junction at the west end.

- All associated site works including the removal of 61 no. space overflow car parking area to south-west of site and relocation of 61 no. car parking spaces to the east side of the building, reconfiguration of existing car parking area to east side of building, reconfiguration of internal circulation for car and HGV movement, relocation of security hut, demolition of storage shed, new landscaping, new public footpaths and a cycleway. For clarity, no works or change of use are proposed in respect of the existing main building on site.
- The PA sought further information on 10/10/2023. An extension of time for response to further information was granted on 09/04/2024 for a further 3 months until 18th July 2024. At the time of writing a response was not received by the PA. Decision pending.

5.0 Policy Context

5.1. National Policy

5.1.1. National Planning Framework - Project Ireland 2040

The National Planning Framework (NPF) together with the National Development Plan (2018-2027) was published in 2018 under Project Ireland 2040.

Project Ireland 2040 is the Governments overarching long term policy initiative to make Ireland a better country for all its citizens. The NPF places specific emphasis on the regeneration and rejuvenation of towns through the promotion of compact growth and the consolidation of future development within and close to the existing footprint of built-up areas. The NPF states that this will be achieved through infill and brownfield development rather than an over-reliance on greenfield, edge-of-town development. Section 5.2.2 deals with employment in tourism.

5.1.2. Urban Development and Building Heights Guidelines for Planning Authorities (2018) ('Building Height Guidelines')

Reflecting the National Planning Framework strategic outcomes in relation to compact urban growth, the Government considers that there is significant scope to accommodate anticipated population growth and development needs, whether for housing, employment or other purposes, by building up and consolidating the development of our existing urban areas. For example, if much of the future development in and around existing urban areas, where two- storey development is currently the norm, was of four-storey form as the default objective, it would be possible to provide substantially more population growth within existing built-up areas where there is more infrastructure already in place, rather than in greenfield locations which would need services. Therefore, these guidelines require that the scope to consider general building heights of at least three to four storeys, coupled with appropriate density, in locations outside what would be defined as city and town centre areas, and which would include suburban areas, must be supported in principle at development plan and development management levels.

5.1.3. Spatial Planning and National Roads Guidelines for Planning Authorities, 2012

These guidelines are designed to ensure that development is guided to the most appropriate locations by ensuring that transport and land-use planning considerations are taken into account at development plan stage. The Guidelines recognise that a modern economy requires a world-class road transport network that is sustainable from an economic, social and environmental perspective. Better national roads improve access to the regions, enhancing their attractiveness for inward investment and new employment opportunities and contribute to enhanced competitiveness by reducing transport costs. The guidelines recognise that “new retail and employment opportunities tend to be attracted to motorways and national road corridors, particularly junctions and can lead to dispersed and car dependent forms of development. Such patterns of development are uneconomic and also lead to increases in trip distance making it difficult to develop attractive public transport, cycling, and walking networks while also having serious implications for the viability and sustainability of town and city centres.”

5.1.4. **Design Manual for Urban Roads and Streets, DMURS 2019**

This document was prepared by the Department of Transport, Tourism and Sport and the Department of Environment, Community and Local Government. The manual complements previous advice issued, including inter alia, Smarter Travel 2009, Traffic Management Guidelines, 2003. The Manual presents a series of principles, approaches and standards that are necessary to achieve balanced, best practice design outcomes with regard to street networks and individual streets.

5.1.5. **Department of Transport ‘Smarter Travel: A Sustainable Transport Future: A New Transport Policy for Ireland 2009-2020**

Section 1.4 of this document deals with strategic traffic and sets out that “*the planning system must ensure that the strategic traffic function of national roads is maintained by limiting the extent of development that would give rise to the generation of short trip traffic on national roads or alternatively by ensuring that the trip demand from future development will primarily be catered for on the non-national network.*”

Section 2.7 of these Guidelines deals with development at national road interchanges or junctions. These set out that development in such locations must be consistent with planning policies avoiding compromising the capacity and efficiency of the national road/associated junctions and possibly leading to premature and unacceptable reduction in the level of service available to road users.

5.2. **Regional Policy**

5.2.1. **Regional Spatial and Economic Strategy for the Eastern and Midland Regional 2019-2031**

The Regional Spatial and Economic Strategy (RSES) for the Eastern and Midland Region 2019-2031 sets out a framework to direct future growth of the Eastern and Midland Region over the medium to long term and implement the strategic planning framework set out in the NPF. The RSES is underpinned by three cross-cutting principles; health placemaking, climate action and economic opportunity.

Kildare Town is located within the Core Region, as set out in the RSES Settlement Strategy and has been designated a Self-Sustaining Growth Town.

The RSES outlines the policy response to Self-Sustaining Growth Towns (such as Kildare Town) as requiring consolidation coupled with the targeted investment where required to improve local employment, services and sustainable transport options in order to become a more self-sustaining settlement.

5.3. Kildare County Development Plan 2023- 2029

The Kildare County Development Plan came into effect on 28th January 2023.

5.3.1. Chapter 2 Core Strategy and Settlement Strategy

Kildare Town is designated as a Self-Sustaining Growth Town.

The Core Strategy of the County Development Plan has allocated 4.7% of the total county housing and population growth to the town of Kildare.

5.3.2. Chapter 4 Economy and Job Creation

Section 4.7 Urban Growth, Regeneration and Placemaking

Section 4.15 Retail and Commercial

Section 4.21 Tourism (National Tourism Hub)

Section 4.27 Heritage Tourism

Section 4.28 Arts and Culture

5.3.3. Chapter 12 Biodiversity and Green Infrastructure

Section 12.14.9 Urban Green Infrastructure

Section 12.14.11 Green Infrastructure and Sustainable Urban Drainage Systems

5.3.4. Chapter 14 Urban Design, Placemaking and Regeneration

Section 14.3 Urban Design

Section 14.6 Urban Design Principles: A Best Practice Approach to Development

Section 14.7 The Design of Urban Streets and Blocks

Section 14.7.2 Street Widths and Building Height

5.3.5. Chapter 15 Development Management Standards

Section 15.3 Design Statements

Section 15.4.1 Development Capacity

Section 15.7.2 Cycle Parking

Section 15.7.8 Car Parking

Table 15.4 Cycle Parking

Table 15.8 Car Parking

Section 15.9.1 Employment Uses

Section 15.9.5 Loading and Unloading

5.4. Kildare Town Local Area Plan 2023-2029

- 5.4.1. The Kildare Town Local Area Plan was adopted on 26th October 2023 and came into effect from 6th December 2023. (see copy and maps attached).
- 5.4.2. The subject site is zoned 'K' Commercial. The zoning objective seeks '*To protect and improve existing commercial uses and provide for additional commercial developments.*' Guest House/Hotel/Hostel uses are '*Open for Consideration*' within this land use zoning objective.
- 5.4.3. **Chapter 2** Spatial Planning Context and Vision for Kildare Town.
- 5.4.4. Census 2022 recorded a population of 10,302 persons for the defined Built-Up Area of Kildare Town as indicated in Figure 3.2 of the Plan. Table 3.3 sets out a population growth of 11,682 for 2029 (an increase of 1,380 persons).
- 5.4.5. **Section 2.2** The Vision for Kildare Town over the lifetime of this Plan seeks:

'To promote the social, economic and physical development of Kildare Town as a self-sustaining growth town in a compact, permeable and sequential manner, to address deficiencies in social infrastructure so communities may thrive; to ensure the town centre develops as an inclusive, vibrant, attractive and connected place; to harness the town's existing strengths of equine, ecclesiastical and retail assets; and to create a high quality, low carbon, universally accessible environment for residents and visitors alike.'
- 5.4.6. **Section 2.2.1** sets out the Strategic Principles to Achieve the Vision are set out in See Figure 2.2. these include;

- Creating Compact and Connected Communities
- Achieving a High-Quality Low Carbon Environment
- Delivering Catch-Up Infrastructure
- Enhancing Kildare Town as a Tourist Destination and Employment Hub
- Enhancing a Vibrant Town Centre
- Supporting Intergenerational Community Living

5.4.7. The Kildare Town Development Strategy is set out in Figure 2-3.

5.4.8. **Chapter 4** refers to Consolidation and Renewal of the Town Centre

5.4.9. **Section 4.3** refers to the Kildare Town Renewal Masterplan. The Kildare Local Area Plan gives the projects identified within the Kildare Town Renewal Masterplan a statutory footing.

5.4.10. **Table 4-1** Town Renewal Projects Delivery Schedule includes Active Travel including Cycle and pedestrian network enhancements as a short-term delivery project.

5.4.11. **Chapter 5** Economic Development

5.4.12. **Section 5.6** Tourism

‘One of the Strategic Development Principles of the Plan is enhancing Kildare Town as a tourist destination in support of the Vision.’

5.4.13. **Table 5.2 Accommodation Supply 2022 (Fáilte Ireland)**

Indicates one existing hotel with 21 bedrooms and 40 bedspaces. (Kildare House Hotel is on the eastern side of Market Square.

‘The provision of additional accommodation capacity within Kildare Town has the potential to boost economic growth by enabling a larger number of visitors to stay and spend, moving away from Kildare being a day trip destination and increasing footfall across the town for longer periods.’ The zoning matrix as detailed in chapter 11 provides for hotel accommodation across a range of land use zonings to increase the number of bed nights.

5.4.14. **Section 5.6.1** Tourism Development Spatial Strategy

Tourism Objectives

EDO 2.1 *‘Encourage the development of new or the upgrading /extension of tourism activities/facilities including supporting infrastructure (such as cycle/bus/car parking and public toilets), in particular those related to religious tourism, equine tourism, retail tourism, food tourism and military tourism within Kildare Town, that respect, respond and enhance their physical location, environmental quality and community setting.’*

5.4.15. **Section 5.7.1** Edge-of-Centre

‘Edge of centre sites are those that are in easy walking distance from the Core Retail Area. The Retail Planning Guidelines (2012) states that the distance of such sites is generally not more than 300-400 metres from the core retail are. Kildare Town has a number of potential generation sites located at edge of centre locations, that could provide additional retail provision alongside other uses of cultural, residential and amenity improvements (Section 5.5.1, refers)’.

5.4.16. **Chapter 7** Movement and Transportation

5.4.17. **Section 7.2** Kildare Town Transport Strategy

5.4.18. **Section 7.3** Active Travel – Walking and Cycling

5.4.19. **Table 7.1** identifies Permeability Measures

Perm 26 - Creation of Pedestrian/cyclist link connecting Kildare Tourist Outlet Village car park to Kildare Village Bus Stop on the R415 - as a short-term-to improve access to Bus Stop,

5.4.20. **Table 7.2** identifies Cycling Measures

Cycle 17 R415 (Monasterevin Road to Kildare Tourist Outlet Village) to Newtown

Cycle 23 Monasterevin Road (section forming part of Northern Link Street scheme)

Walking and Cycling Objectives - MTO 1.1

5.4.21. **Section 7.4** Public Transport

5.4.22. **Table 7.3** identifies Public Transport Measures

Public Transport Objectives - MTO 2.1

5.4.23. **Section 7.6** Parking Strategy

5.5. Natural Heritage Designations

- 5.5.1. The subject site is not located within or boarding any designated Natura 2000 sites. The closest Natura 2000 site is the Pollardstown Fen cSAC (Site Code 000396), which is located approximately 5km to the northeast of the proposed development site. Two further sites are located within 15km of the subject site including Mouds Bog cSAC (Site Code 002331) located approximately 7.5km to the northeast and the River Barrow and River Nore cSAC (Site Code 002162) located approximately 10km to the southwest of the site.

5.6. EIA Screening

- 5.6.1. An EIAR preliminary screening was carried out by O'Connor Whelan Limited on behalf of the applicant.
- 5.6.2. Having regard to the nature and scale of the proposed development, the separation of the site from European and other designated sites, the proposed connection of the development to public water and foul drainage connections, it is considered that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can therefore be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. A first party appeal against the decision to refuse permission by the planning authority has been lodged by O'Connor Whelan Planning Consultants dated 8th April 2023 on behalf of the applicant. The appeal is accompanied by an alternative design proposal which includes the following;
- Design Statement
 - Preliminary Renders
 - Revised floor plans, elevations and section drawings

6.1.2. The grounds of appeal can be summarised as follows:

Reason for Refusal No 1

- *Policy R3* of the Kildare Town LAP 2012-2018 - Dispute that the proposed development conflicts with Policy R3, and suggest development complements it.
- *Objective UD 01 of the CDP* - Proposed development is an effective design response to the confines of the site and allows for a 'soft edge' in the approach to the town. By setting back within the site and preserving as many of the existing trees as possible the layout, siting and design of the proposed hotel projects an entry to the town benefiting of its overall rural location. Kildare Town is not a major urban settlement, and the design team believed it appropriate to treat it as such by providing a more subtle entrance to the town.
- *Revised Proposal* – A number of changes to the scheme are proposed which include the relocation of the building to align with the road frontage, a reduction in height of 1.5m to align with the adjoining Tesco store, the omission of a floor and part of the top floor with a reduction in the number of bedrooms from 158-118, and consistent height along Monasterevin Road of 15.5m These changes will be accepted by way of condition.
- *Finishes* - Submit materials and design proposed are entirely suitable for the site. The building will be finished with a wooden cladding and render finish, not dissimilar to the adjoining Tesco store. The fifth floor set back will break up the bulk of the building. The proposed development height is suitable for this commercially zoned site and in keeping with the height of the adjoining Tesco store.
- *Design Statement* - An Architectural Design statement produced by Portal Architects describes the evolution of the store's design.
- *Altered Design* - Takes account of the Planner comments and inverts the hotel's L shape to form a corner building. A floor has been removed, reducing the Nurney Road elevation to a 5-storey building, with the Monasterevin Road elevation reduced further to 4 storeys high. In addition, the overall structure has been lowered by 1.5meters. Three additional retail units have been placed along Nurney Road site boundary and 1 new retail unit has been added at Ground Floor level on

Monasterevin Road. The double-height reception area with canopy and signage, will be accessed from two entrances.

Reason for Refusal No.2

- *Approach* - The siting and preservation of trees will provide a soft impact to the approach to Kildare. Do not believe that the considerable difference in levels will have any impact on the dwellings to the north. The distance between the three dwellings to the north and the northern boundary of the site is considerable (approx. 42m, 60m and 90m). The northern elevational windows are all at an angle so that they do not face north and therefore do not overlook any property to the north.
- *Height* - Willing to accept a condition which will reduce the hotel by a floor and set back the now proposed fifth floor. Note the proposed fifth floor will have a considerable setback from any dwellings to the north and will have no windows looking northwards. This will reduce any perceived impact on the dwellings to the north.
- Fifth floor set back will break up the bulk of the building. The proposed development height is suitable for this commercially zoned site and in keeping with the height of the adjoining Tesco store.
- *Finishes and Materials* - Complement adjoining buildings and have no impact on the visual amenities of the area.

Reason for Refusal No.3

- *Section 15.7.8* states: 'Car parking standards set out in Table 15.8 below to guide proposed development. Parking standards are maximum standards' in other words, car parking spaces falling below these standards, should not be penalised.
- *Section 14.5* - There is no reference to Table 14.5 in the County Development Plan and can only assume is a typo. Section 14.5 of the Development Plan contains some policies and objectives that are relevant to the proposed development - refers to *Town Renewal Masterplans supported by objectives of the CDP and relevant Local Area Plans*.
- The proposed development will contribute to the town centre by attracting visitors to the town enabling them to stay for more than a day trip and frequent bars, restaurants within the town centre.

- Notwithstanding, as outlined above, the applicant is willing to accept a condition requiring the reduction of the number of bedrooms from 158 to 118 and introducing a second basement level (B2) and additional parking on the podium level, providing 119 no. car parking spaces over the three levels, including 6 no-enabled car spaces and 24no. EV spaces.
- Submit that the second basement level is not necessary, as the concept of the hotel is to attract more coach trips than individual trips.

Reason for Refusal No.4

- *National Roads Infrastructure* - Submit the addition of 57 no. car parking spaces or the compromise of 119 no. car spaces will not have any impact on the National Roads Infrastructure.
- *Car Parking* - Asserts that reasons for refusal for 3 and 4 are contradictory. On the one hand 57 no. spaces are too few, and more spaces are needed. On the other hand, the Council states that car parking spaces on this site will cause congestion. The site is zoned for commercial development and therefore car parking spaces will be needed. Submit that neither 57 no. car parking spaces nor 119 car parking spaces will create any problems on the junction with the M7.
- *Vehicle Access* - Primary vehicle access is from Nurney Rod (R415) with a set down on Monasterevin Road (R445).

Reason for Refusal No.5

- *Surface Water* - Refers to existing surface water drain on the site. Manhole covers are labelled R and Q on the site photograph shown on page 10 of the Architectural design Statement.
- *Attenuation* - Will be provided for in the basement of the hotel. Full details can be agreed with the PA and IW by way of condition. The site is fully serviced and it is only a matter of detail as to how appropriate connections and attenuation can occur

6.2. Planning Authority Response

6.2.1. A response to the first party appeal was submitted by the PA dated 9th May 2023. It was accompanied by a copy of minutes from the Section 247 pre-planning consultation dated 14th April 2022.

- *Advice given at pre-planning* - Raised concerns in relation to the proposed plot ratio which may represent over development, to avoid abrupt transitions in relation to scale, concerns regarding height and shadow impact of same. Removal of trees was also of significant concern.
- *Revised Proposal* – Proposed revisions are welcomed and considered a more appropriate design, scale and mass. The following concerns are highlighted;
- Proposed revisions are a significant departure from the application as lodged to allow the PA to carry out an appropriate level of assessment and which require technical drawings.
- The significant revisions would also be considered prejudicial to allow an appropriate level of public consultation and potential third party submissions / observations.
- Revisions to the design, scale and mass of the proposed development is welcomed, however there are still concerns regarding the integration and interface of development along the western and northern edges. In particular, the design of the podium parking and interface with an appropriately design public realm is of concern and level of inactivity which may result.
- It is not stated how many rooms are now proposed (assuming based on redesign, that number may have changed). Car parking requirement must be assessed in relation to same and an appropriate response to any deficit.
- Comments in relation to surface water management has not considered nature-based surface water design solutions and are considered an integral part of design measures in addressing climate mitigation. Connecting to existing services is not an appropriate response.
- The integration of additional soft landscaping would be a welcome addition to the revised proposal.

- Respectfully request that the Board uphold the decision of the PA in order to secure the appropriate development of this key site in Kildare Town through a revised planning application and would welcome the opportunity to further engage with the applicant.

6.3. Observations

6.3.1. 8 no. observations to the appeal were submitted to the Board.

6.3.2. 3 no. submissions **in support** of the development were from the following parties;

- Daly Real Estate Ltd.: 1a Larch Grove, Ranelagh, Dublin 6
- Ian Heffernan & Associates: Cnoc Dubh, Ballymanus Lower, Blackhill, Glenealy, Co. Wicklow
- Tim Flood Flooring & Furniture Ltd.: 58 Leinster Street, Athy, Co. Kildare

6.3.3. Issues raised in observations **in support** of the appeal can be summarised as follows;

- Lack of good quality purpose-built hotel accommodation in the immediate area. There is a demand for such accommodation from people shopping in the adjacent Kildare Village or perhaps attending races at The Curragh.
- Building is well designed and sympathetic to its surroundings. Meets and exceeds the expectations and requirements of the CDP.
- Ample car parking provided, hotel will be of a high standard to contribute to the needs and requirements of the local community, with conferencing for business and banqueting facilities for local weddings and events.
- Hotel and lodging businesses are mainstays of their communities, and an important source of quality jobs.
- Hotels create jobs and benefits the local economy.
- Sustainable design helps surrounding communities.
- Notes recent high volumes of weekend traffic on the M7 motorway leading to the Kildare Village Outlets store. Raises concern in relation to traffic management, and pedestrians crossing major roads to access same, which is

a traffic safety issue for motorists and pedestrians. Also notes submission made by RMLA Limited on behalf of the Village which explains that higher volumes of traffic at peak times is associated with attracting more visitors for sales.

- Submits that the developer is taking measures to ensure safe and secure parking for pedestrians, noting the reduction in the number of bedrooms and increase in car parking capacity. Contends that the additional traffic generated by the hotel would have a negligible impact.
- References the design adjustments in the revised design proposals.

6.3.4. 5 no. submissions **objecting** to the development were received from the following parties:

- Paul A Allen Tully West, Kildare
- Rory de Bruir Ardynhoth House, Kildare, Co. Kildare
- Maurice Kelly Monasterevin Road, Kildare Town, Co. Kildare
- Monasterevin Road Residents Association Ardynhoth House,
Monasterevin Road, Co. Kildare
- Value Retail Dublin Ltd.- (Owner/operator of the Kildare Tourist Outlet Village (KTOV)) 1B Kildare Village, Nurney Road, Kildare Town, Co. Kildare.
- A detailed submission was lodged by RMLA Planning Consultants on behalf of Value Retail Dublin Ltd. which was accompanied by a technical report prepared by SYSTRA Traffic Consultants.

6.3.5. Issues raised in **objections** can be summarised as follows;

- Note errors in the appeal documents i.e. to the decision of Fingal Co. Council is incorrect PA.
- Material changes proposed amount to a new and different development and require a new planning application, to afford all interested parties the opportunity to submit their objections.
- *New commercial units* – Addition of four commercial units to the boundary of the building is a material change from the original application, and

fundamental expansion of the scope and purpose of the proposed development.

- Seeking an overturn of KCC refusal by acceding to conditions suggested by the Appellants may amount to an Abuse of Process on the part of the Appellants' and bring the Appeal procedure into disrepute.
- Submit that the grounds of appeal are not specified clearly, unambiguously or at all. A response to a reason for refusal is not a grounds of appeal per se.

Grounds of appeal fails to address reason for refusal no.1

- Appellants lack of grounds for appeal as no clear rationale presented to outline compliance with the Kildare Town development plan, or to address concerns raised by the PA and reasons for refusal.
- *Building height and scale* – Proposal in appeal to reduce the development from 6 storey to 5 storey does not address concerns in relation to height and is not in keeping with the surrounding commercial developments.

Grounds of appeal fails to address reason for refusal no.2

- Strongly refute appellants' assertion that the considerable difference in levels will not have any impact on the dwellings to the north. Appellants fail to specify the difference in levels or detailed comparisons between prior levels and proposed levels.
- Note no details of setback from proposed development to dwellings to the north.
- Dispute that proposal to have all northern elevational windows, set at an angle, will not overlook any property to the north.
- Dispute that the fifth floor without windows will reduce any perceived impact on the dwellings to the north. The proposed 5th floor will be unsightly, blocking views, sunlight, light and shade observers house and garden.
- Dispute that the 5th floor set back will break up the bulk of the building.
- Dispute that the proposed height is in keeping with the height of the adjoining Tesco Store.

- Contend that the reduction in height does not address the overall design height sale and mass which constitutes a significant visual impact and will seriously injure the residential amenities and depreciate the value of properties in the vicinity.
- Proposal in appeal to reduce the development from 6 storey to 5 storey does not address concerns in relation to height and is not in keeping with the surrounding commercial developments.
- *Planning precedent* – Past experiences with the Northline/Tesco development with the scale, screening, signage and lighting pollution anxious, that planning zoning local area guidelines should be complied with.

Grounds of appeal fails to address reason for refusal no.3

- Refer to planning history on the site from 2011 which was refused permission on the grounds of traffic hazard. Since 2011 the volume of traffic has increased considerably, and the traffic hazard has not been reduced.
- Addition of new commercial units to the front and north of the proposed development present enhanced concerns about traffic hazards and congestion.
- Location of the proposed entrance/exit onto the R415 appeal documents fail to address issue of increased traffic hazard.

Grounds of appeal fails to address reason for refusal no.4

- *Parking* – Appeal documents fail to address the issue.
- Submits that the site is landlocked and notes precedent where permission was refused to Kildare Village for an entrance onto the road
- Queries how the appellants can now suggest a second basement level for car parking where other developers are having to deal with a high water table with pile driving and raising ground levels.
- *Pedestrian Safety* - Proposed entrance/exit cutting footpath increases the traffic hazard to pedestrians. Appeal fail to address the issue of significant increased traffic hazard to pedestrians.

Grounds of appeal fails to address reason for refusal no.5

- Issues not addressed to a satisfactory level in the appeal submission.

Value Retail Dublin Ltd.

Issues raised in this submission can be summarised as follows;

- *Parking Access and Servicing* - No consultation or agreement in relation to any access links, servicing, or parking arrangements between the KTOV and the subject site have been discussed or agreed with the applicant.
- *Second Basement* - Applicant has not provided any information regarding what a second basement would look like as part of the redesigned scheme or how it would be accessed safely.
- *Coach Parking* - Notes applicant states that a second basement is not required due to greater coach trips envisioned than individual trips, there is no evidence to support this claim nor are there any coach facilities provided as part of the development to safely serve the intended visitors to the hotel.
- *Car Parking* - Redesign of the scheme only includes 54 no. car parking spaces (see Drawing No's 2117-03-21 and 2117-03-20). This is still significantly an under provision of car parking to serve a 118-no. hotel, alongside 4 no. retail units and 1 no. café (proposed under the revised scheme submitted to the Board).
- *Traffic and Road Safety* - No Traffic and Transport Assessment or Road Safety Audit have been submitted as part of the first party appeal. The applicant fails to adequately justify the lack of parking provided and the safe access/egress from the proposed site entrance.
- *Site Entrance* - Proposed site entrance remains adjacent to the existing traffic signal controlled Monasterevin Road/Nurney Road junction. No assessment has been undertaken to determine whether the existing queue from the Monasterevin Road junction would extend back regularly and disrupt the operation of the proposed access. Any delay caused by the proposed hotel could lead to driver frustration and cause drivers to make potentially dangerous manoeuvres to exit the proposed site in a timely manner.
- *Use of Adjoining Car Parks* - Design Statement submitted with the First Party Appeal refers to '*large car parks servicing Tesco and the Kildare Retail Village*

adjacent to the site'. Confirm that the KTOV car park is private and will not be open to use by staff or visitors to the hotel.

- *Link with adjoining Kildare Village Car Park* - Design Statement illustrates a link between the proposed development site and the KTOV. Value Retail Dublin Ltd. can confirm that no such linkages have been discussed or agreed and will not be facilitated as part of this planning application.
- *Access to Kildare Village Car Park* – Confirm that no access into the Kildare Village Car Park from the hotel site will be facilitated.
- *Kildare Town LAP 2012-2018* – Proposal does not address or provide a justification for compliance with Section 7.6.1.4 of the Kildare Town LAP regarding the Southwestern Expansion Area lands and the subject site in particular or the introduction of a new access point onto a national road onto the site.
- *Servicing Arrangements* – No updated servicing arrangement has been provided to clarify concerns and the available space for them to manoeuvre and access the proposed parking area safely. Concern that servicing arrangement would create a potentially dangerous conflict with pedestrians and other road users.
- *Traffic Safety* - Concerns regarding traffic safety, general access, parking and servicing have not been adequately addressed by the applicant in this first party appeal. Submit that proposed development would have an adverse impact on traffic and pedestrian safety, whilst also likely to cause issues with unauthorised and illegal parking.
- *Design* – Contend that the applicant has not adequately addressed concerns regarding design and visual impact, that its scale and mass is not in context with the adjacent land uses and would represent a negative visual impact. Proposed development represents an overbearing and incongruent urban form when compared to the adjacent land uses and would represent a significant overdevelopment of this site.
- *Design Statement* – Submit that Design Statement submitted with the appeal fails to appropriately assess the proposed development in relation to Local

and County Planning Policy, fails to adequately address concerns regarding height and mass, fails to include any landscape assessment and cannot therefore be considered to be in accordance with Section 17.3 of the CDP or Section 7.6 of the LAP.

- *Conclusions of PA* – Regarding failure of the design to create a sense of enclosure, failure to create an active frontage and failure to contribute towards the provision of good public realm remain relevant concerns and have not been adequately addressed through the first party documentation.

6.4. Applicant Response to Planning Authority Response

6.4.1. The PA's response to the Third-Party appeal was circulated to the applicant by the Board.

6.4.2. A response was submitted by O'Connor Whelan Planning Consultants dated 7th June 2023 on behalf of the applicant which includes;

- Drawings prepared by Portal Architects
- Design Statement April 2023, Section 5 (Supplemental) May 2023
- Summary Report on Sustainability Measures.

6.4.3. The response can be summarised as follows;

- *Traffic* - Submit that PA has accepted the appellants appeal regarding traffic and that this is no longer an issue.
- *Design* - Notes the height, scale, massing and visual impact of the proposed development are not referred to by the PA and states that the proposed revisions are welcomed and that the proposed development is more appropriate on terms of design, scale and mass.
- *Pre-planning consultations* – Notes delay in circulating meeting notes post decision which has disadvantaged the applicant and design team. Disputes weight given to issues raised at the meeting and content of same.
- *Proposed Revisions* – Notes that PA did not request additional information and had they done so the revised proposals submitted on appeal could have been submitted to the PA.

- *Further Drawings* – Further drawings prepared by Portal Architects accompany the submission reflecting the reasons for refusal, the third-party observations and the recent observations made by the PA to An Bord Pleanála. A full schedule of documents is listed in Design Statement April 2023, Section 5 (Supplemental) May 2023, of the planning appeal prepared by Portal Architects.
- *Proposed Revisions* – Dispute the assertion that the proposed revisions would be prejudicial to public consultation and potential third-party input.
- *Public Interface* – Notes PA concerns regarding the interface along the northern and western boundaries and the design of the podium car park and refers to section 5 of the Planning Appeal Statement (Supplemental) which sets out the background to the design approach and rationale for the form of the building and the orientation.
- *No. of Rooms and Car Parking Spaces* – Now 118 no. rooms and 118 car parking spaces and also includes 4 retail/commercial units and a café at the hotel entrance level.
- *Surface Water* – Section 5 of Portal Architects' Planning Appeal Design Statement (Supplemental) the design principles for surface water management and grey-water recycling are set out. Proposals were prepared in conjunction with Barrett Mahony Consultant Engineers and T5 Partnership.
- *Landscaping* - Section 5 of Portal Architects' Planning Appeal Design Statement highlights the concept that Portal Architects and landscape designer Murphy + Sheanon will develop with the PA if permission is granted.

6.5. Observers Response to Planning Authority Response

- 6.5.1. The PA's response to the Third-Party appeal was circulated to the Observers for response.
- 6.5.2. A response was received from the following parties;
- Paul A Allen Tully West, Kildare
 - Rory de Bruir Ardynhoth House, Kildare, Co. Kildare

- Value Retail Dublin Ltd. 1B Kildare Village, Nurney Road, Kildare Town, Co. Kildare - Agent RMLA Ltd. Unit 3B, Santry Avenue Industrial, Santry Avenue, Santry, Dublin 9 (8th May 2023)

6.5.3. Issues raised in the observations can be summarised as follows;

- Concur with the PA that ABP uphold the decision of the PA to refuse permission and the development of this key site is achieved through a revised planning application.
- Agree that the significant revisions would be prejudicial to allow an appropriate level of public consultation and potential third-party submissions/observations.
- Disagree that proposed revisions submitted on appeal are welcome or acceptable, as fundamental issues of disproportional height and traffic hazard remain unresolved.
- Submit revised proposal constitutes an attempt by the developer to avoid having to submit a fresh/new application for planning permission.
- Disputes description of the site by PA as a 'key' site

6.6. Prescribed Bodies

None.

7.0 Assessment

The main issues in this appeal are those raised in the grounds of appeal, and I am satisfied that no other substantive issues arise. Appropriate Assessment also needs to be considered. The issues are addressed under the following headings;

- Principle of Development
- Scale and Public Realm (amalgamate these)
- Height and Visual Impact
- Impact on Adjoining Amenities
- Car Parking

- Traffic Hazard
- Surface Water Drainage
- Other Matters

7.1. Introduction

- 7.1.1. To address the reasons for refusal issued by the planning authority the applicant submitted a revised scheme with the appeal.
- 7.1.2. The revised scheme comprises the omission of a floor with consequent reduction in the number of hotel bedrooms, revised layout, access and car parking arrangements, and mix of uses at ground floor and basement level. A further revised scheme was submitted in response to the PA response and third-party observers to the appeal with further amendments to the design. The proposed amendments are noted.
- 7.1.3. I agree with the submission from the planning authority and observers in response to the appeal that the proposed amendments are significant. In my view if the Board wish to consider the revised proposals submitted with the appeal, the scheme would need to be re-advertised. The Board may wish to determine that the information submitted on appeal contains significant additional data and therefore instruct the applicant in accordance with sub-section 2(b) of 37F of the Act to publish in one or more newspapers circulating in the area which the proposed development would take place, a notice stating that significant further information has been furnished to the Board.
- 7.1.4. In my own opinion the proposed development would benefit from a fresh application, which address a number of deficiencies in the current application and allow a comprehensive assessment of the impact of the proposed development on the site and adjoining area.
- 7.1.5. My assessment is based on the scheme submitted to and assessed by the planning authority.

7.2. Principle of Development

- 7.2.1. The Kildare County Development Plan 2023-2029 came into effect on 28th January 2023. A decision to refuse planning permission was issued by Kildare County Council 13th March 2023. The PA decision was based on the Kildare County Development Plan 2023-2029 and Kildare Town Local Area Plan 2012-2018 (as extended).
- 7.2.2. The Kildare Town Local Area Plan 2023-2029 was adopted on 26th October 2023 and came into effect from 6th December 2023. The first party appeal and observations to the appeal were lodged prior to the adoption to the Kildare Town Local Area Plan 2023-2029.
- 7.2.3. In the interest of clarity, I will base my assessment on the current Kildare County Development Plan 2023-2029 and Kildare Town Local Area Plan 2023-2029 the latter of which came into effect after the notification of decision to refuse permission.
- 7.2.4. Under the Kildare Town Local Area Plan 2023-2029 the vision for Kildare over the lifetime of the plan is to *'promote the social, economic and physical development of Kildare Town as a self-sustaining growth town in a compact, permeable and sequential manner, to address deficiencies in social infrastructure so communities may thrive; to ensure the town centre develops as an inclusive, vibrant, attractive and connected place; to harness the town's existing strengths of equine, ecclesiastical and retail assets; and to create a high quality, low carbon, universally accessible environment for residents and visitors alike'*.
- 7.2.5. The strategic principles to achieve this vision are set out in Figure 2.2.1 and include enhancing Kildare Town as a Tourist Destination and Employment Hub and Enhancing a Vibrant Town Centre.
- 7.2.6. Under the Kildare Town Local Area Plan 2023-2029 the appeal site is zoned 'K' Commercial. The zoning objective seeks *'To protect and improve existing commercial uses and provide for additional commercial developments.'* Guest House/Hotel/Hostel uses are 'Open for Consideration' within this land use zoning objective.
- 7.2.7. The first party appellant submits that the proposed development will ensure the viability and vitality of the town, provide much needed tourism accommodation,

which compliments the historic town centre and entice visitors to stay in the town as opposed to day visitors who visit attractions and leave thereafter.

- 7.2.8. The applicant also refers to the revised design submitted on appeal which includes three no. additional retail units placed along Nurney Road site boundary and one new retail unit at Ground Floor level on Monasterevin Road.
- 7.2.9. The appeal site is currently a green field site surrounded by mature trees, and in my underutilised given its proximity to Kildare Town. Future development of the site certainly has the potential to deliver an appropriate urban design which can make a positive contribution to the streetscape and public realm.
- 7.2.10. The proposed hotel use is acceptable in principle on this commercially zoned land adjacent to retail/commercial zoned land (Tesco store) to the east and retail outlet centre zoned land (KVO) to the south. I also note lands to the west off Nurney Road are zoned for enterprise and employment.
- 7.2.11. I further note the two no. third party observations to the PA in support of the proposed hotel development use namely the Curragh Racecourse Ltd and Into Kildare, Kildare Fáilte. The submissions highlight the lack of tourist accommodation in Kildare Town and environs.
- 7.2.12. There appears to be only one other hotel in Kildare Town (located on the eastern side of Market Square) with limited capacity and for a town with a population of 10,302 and I suggest the proposed hotel use is an appropriate use within the town. There are a number of policies and objectives in the National and Regional Policy, the Kildare County Development Plan and Kildare Town Local Area Plan that support the development of tourism and tourist attractions. I concur with the case presented by the applicant that the proposed development will contribute to the town centre by attracting visitors to the town enabling them to stay for more than a day trip and frequent bars, restaurants within the town centre.
- 7.2.13. I am satisfied, therefore, that the proposed development is acceptable in principle, and aligns with the strategic principles to achieve the vision for Kildare Town subject to design requirements as set out in the Kildare Town Local Area Plan 2023-2029 and Kildare County Development Plan 2023-2029.

7.3. Scale and Public Realm

- 7.3.1. Reason for refusal no.1 refers to the proposed development as being contrary to Policy R3 of Kildare Town Local Area Plan 2012-2018 and Objective UD 01 of the Kildare County Development Plan 2023-2029.
- 7.3.2. 'Policy R3 of the Kildare Town Local Area Plan 2012-2018 (as extended) seeks to ensure that *'...an overall policy design and layout (of development) that provides vitality and generates viability and strong linkages to the historic town centre...'* for lands within the Southwestern Expansion Area of Kildare Town.
- 7.3.3. Objective UD 01 of the Kildare County Development Plan 2023-2029 seeks to *'require a high standard of urban design to be integrated into the design and layout of all new development...'*.
- 7.3.4. Reason for refusal no.1 refers specifically to the prominent location of the proposed development, the excessive scale, height, mass and poor-quality architectural detailing and elevational design of the proposed building, the excessive set back from the streetscape, along with the level of hard landscaping and inadequate boundary treatments. The PA considered that the proposed development fails to deliver an appropriate sense of enclosure, streetscape and public realm for the subject site.
- 7.3.5. The first party appeal was accompanied by a Design Statement and a revised design in response to the reasons for refusal. The first party also submitted further drawings in response to third-party observations and observations made by the PA to An Bord Pleanála.
- 7.3.6. For ease of reference, I have set out some details such as gross floor area, no. of floors and no. of bedrooms and commercial units in respect of the development as it has evolved over the course of/stated in the application and in the grounds of appeal in Table 1 below.

Table 1

	Proposed Development as Lodged	Revised on Appeal	Further Revised Design in response to PA & third-party Observations
Gross Floor Area	6,812sqm	Not stated	5,972.9sqm
No. of Floors/Building Height	6*	5**	5**
Podium Level / basement	1	2	2
Basement Level	B1	B1 & B2	B1 & B2
Building Height	23.6m & 25.3m	Reduction of 1.5m	Reduction of 1.5m
No. of Bedrooms	158	118	118
Café Retail/Commercial units	1 (Café/restaurant) 106sqm	4	4

*Set back at two upper floors

**Set back at fifth floor

- 7.3.7. In quantitative terms a reduction in floor area from 6,812sqm to 5,972.9sqm, (approx.12%) and no of bedrooms from 158 to 118 (approx. 25%) is clearly a significant reduction in scale from that originally proposed. The revised scheme also includes a number of retail units at ground floor.

Application as lodged

- 7.3.8. The proposed hotel forms an L shape, on a corner site of approx. 0.3Ha. The 6-storey high structure will include the provision of entrances from both along Nurney Road and Monasterevin Road, a reception area with canopy and signage and separate café. A new vehicular and pedestrian ramp from Nurney Road provides access to an under-croft area with carpark.
- 7.3.9. The site coverage is stated as 0.36 with a stated plot ratio of 2.26. A plot ratio of this scale is considered high in the context of the site.
- 7.3.10. The PA raised concern that the proposed development with under croft parking and podium over, with a setback of approx. 22m from the streetscape of Nurney Road does not contribute to the creation of a strong sense of enclosure. It is also noted

that the proposed L shaped building runs approx. 65m along the length of the site addressing Nurney Road.

- 7.3.11. The PA also raise concern in relation to the poor quality of the proposed public realm and is of the view that significant greening along the streetscape should be incorporated into the landscaping. The lack of detail regarding boundary treatment particularly to the east and south is a concern as is the over dominance of hard landscaping.
- 7.3.12. The application was accompanied by an Arboriculture Assessment and Impact Report. It is acknowledged by the PA that the existing tree lined approach to Kildare Town along the Nurney Road is a significant feature and adds to the character of the area.
- 7.3.13. The Strategic Projects and Public Realm Department of the PA welcomes the development of the site and recommends significant design development / redesign is required.
- 7.3.14. The application as lodged was not accompanied by a Design Statement, photomontages illustrating the impact of the proposed development on the Kildare skyline from the approaches to the site, details of materials and finishes, or cross section drawings indicating the relationship with adjoining developments.
- 7.3.15. Notwithstanding, I have had regard to the floor plan drawings, elevations and 3 D images submitted with the application and would share the concerns of the PA and the observers to the appeal in terms of scale, height, mass and poor-quality architectural detailing and elevational design of the proposed building. I also agree that the set back from the streetscape particularly along Nurney Road is excessive, along with the level of hard landscaping. In my opinion the proposed design results in a very abrupt transition in scale and presents a very urban development on the approach to the town which is out of character with the area.

Alternative Design Option (submitted at appeal stage)

- 7.3.16. The revised proposal proposes an alternative layout which inverts the hotel's L shape to form a corner building. A floor has been removed, reducing the Nurney Road elevation to a 5-storey building, with the Monasterevin Road elevation reduced further to 4 storeys in height.

7.3.17. Three additional retail units have been placed along Nurney Road site boundary and one new retail unit has been added at ground floor level on Monasterevin Road. The proposed development submitted as part of the first party appeal, comprises the following adjustments which the applicant has indicated they are willing to accept by way of condition.

- The building has been relocated to align with the road frontage on R445 and R415.
- The entire building has been lowered by 1.5m to align with the adjoining Tesco 15.6m high.
- By removing one entire floor and part of the top floor, the total number of bedrooms has been reduced from 158 to 118.
- The height along Monasterevin Road (445) is 15.5 metres.

7.3.18. With regard to the design the appellant submits that the proposed development is an effective design response to the confines of the site and allows for a 'soft edge' in the approach to the town. By setting back within the site and preserving as many of the existing trees as possible the layout, siting and design of the proposed hotel projects an entry to the town benefiting of its overall rural location and providing a more subtle entrance to the town.

7.3.19. I have had regard to the submitted Design Statement, and alternative design option drawings, contiguous elevations (with the Tesco store only) and images submitted with the appeal and am of the opinion that they present an improved design in terms of overall scale, height, mass, architectural detailing and elevational design. I note also the revised elevations to the streetscape, along with the redesigned landscaping. In my opinion the alternative design submitted on appeal results in a more appropriate transition in scale on the approach to the town.

7.3.20. While many of the amendments proposed are welcomed, I would as already stated above share the concerns of the PA and the observers to the appeal that the revisions proposed represent a material change to the proposed development as originally lodged.

Further Revised Design

- 7.3.21. A further set of design drawings were submitted by the applicant in response to the PA and third-party observations. These were accompanied by a revised Design Statement including a supplemental section 5 and 3D model images. This report also includes details in relation to site coverage and plot ratio. The site coverage for design option 2 is stated as 48.8% while the plot ratio is calculated as 1:1.6.
- 7.3.22. The further set of design provides for the alteration to vehicle access arrangements and introduction of a second basement level with provision for additional car parking spaces. The revised design option is considered in more detail below under the relevant sections.
- 7.3.23. I am satisfied that the revised proposal submitted on appeal which inverts the proposed building on site, with the addition of retail units along the street frontage to Nurney Road, along with the revised landscaping and planting proposals provides an opportunity to enhance the public realm and addresses the concerns of the PA and observers to the appeal.
- 7.3.24. I have carried out my own assessment of the application, having regard to issues raised in the application and appeal. I am satisfied that the proposed 6 storey hotel development in the context of the site location and adjoining land uses, at the entrance to the town from the south and west represents an inappropriate scale of development for the appeal site.
- 7.3.25. I am satisfied, therefore, that the proposed development as lodged is contrary to the objective UD 01 of the Kildare County Development Plan 2023-2029 and the objectives of the Kildare Town Local Area Plan 2023-2029.

Height and Visual Impact

- 7.3.26. The first part of reason for refusal No. 2 refers to the location of the site, at a highly visible and prominent location on the approach into Kildare Town and that the proposed development, constitutes a negative visual impact at this location and would detract from the visual amenities of the area.
- 7.3.27. There is a certain overlap between the first and second reason for refusal however, I propose to deal with the issue of height and visual impact in this section of my report. I propose to deal with the issue of adjoining residential amenities under section 7.6 below.

Application as Lodged

- 7.3.28. The development as lodged provides for 6 no. storeys with an overall height of 23.6m and provides for a set back at upper floors. The subject site primarily addresses the R445 to the east and R415 to the north.
- 7.3.29. The original scheme, lodged at application stage is articulated in the drawings, plans and particulars submitted to the PA. As already noted above the application was not accompanied by a Design Statement. The application does include 3D Images of the proposed development in its context which I have had regard to. I have carried out a physical inspection of the site, and its surrounding vicinity, and viewed the technical drawings on file for both the original scheme and its amended version.
- 7.3.30. The appeal site is located at the junction between the R445 and R415 and is on the approach into Kildare town, it has frontage onto two roads. It is adjoined by neighbouring commercial, retail and residential uses. It is bounded by established developments along the Monasterevin road to the east, surface car park associated with KTVO to the south, and residential development to the north.
- 7.3.31. The need to secure more compact forms of development in urban and serviced areas is referenced at both national, regional and local policy level, and increased building height is recognised as a measure in which to achieve this. Policy SPPR1 of the Building Height Guidelines states that it is government policy to support increased building height and density in locations with good public transport and accessibility, particularly in town/city cores. The site is centrally located within a short walking distance of the town centre and is adjacent to the Kildare Village Outlet (the main commercial shopping district) and has good access to several public transport services, including Dublin Bus routes and Kildare train station. The site is also in an area which has a changing and emerging urban character and has the capacity to absorb a building taller than those directly adjoining it.
- 7.3.32. Given the underutilised nature of the existing appeal site, it is clear to me that activating these lands through the delivery of a mixed-use scheme would result in significant planning gain and allow for the consolidation and regeneration of a site in an important self-sustaining growth town.

- 7.3.33. During my physical inspection of the site, I observed that the context of the surrounding area comprised buildings predominantly 2 storeys (the highest building in the area being the existing Tesco Store at a height of 3 storeys).
- 7.3.34. I accept that the subject site is at a prominent location on the approach to the town centre and is largely screened by existing mature trees along its northern and western boundaries and note its location to the west of the Tesco store and north of the surface car park associated with KTVO. The current use as a greenfield site does not currently have a strong visual presence apart from the mature trees along its roadside boundaries. There are clear views of the appeal site from within the surface carparks to the south and southwest, and on approaches from the south and the west at the junction between the R445 and R415. Having regard to this, a key consideration is whether the proposed development of the site employs a high-quality, sensitive design that is cognisant of the town centre skyline and established character of the surrounding vicinity. The decision, in essence, comes down to the appropriateness of the building height, including its massing, appearance and design quality, whilst also acknowledging the highly visible location of the site.
- 7.3.35. The height of a proposed structure should not, in of itself, render a development proposal unacceptable, particularly if the new building is of a high-quality design. However, I note that the receiving environment is characterised by an existing urban grain and appropriate building heights for the area can make an important contribution to the character of the town centre, and its surrounds, and this should be given careful consideration.
- 7.3.36. The application drawings as lodged do not detail the finishes proposed either to the elevations or to the hard landscaping proposals. The elevational drawings however appear to indicate a relatively dark and limited palette of materials. I am not satisfied that the materials as illustrated are appropriate or help create a light and visually attractive modern finish that complement the nature of the area.
- 7.3.37. As noted above, the proposed development is for five floors of hotel rooms over ground floor comprising café uses. Therefore, it comprises six storeys overall. I consider that a building of this scale would be a significant intervention in the skyline of Kildare Town, notwithstanding the setback at sixth floor proposed in plans submitted.

- 7.3.38. It is likely, in my opinion, notwithstanding the separation distance from Kildare Town centre that the building would be very visually apparent from several further afield settings, some potentially well outside the main town centre core, and not just from the approach to the town along the R445 and R415, and other immediate locations within Kildare Town.
- 7.3.39. I consider that the original version of the scheme (i.e., the version submitted at application stage) would jar and present as an incongruous form of development with its receiving context. The scale of development proposed is excessive, in my opinion, and would be overly dominant from a visual impact perspective. The proposed development would also likely have a negative domineering presence over adjoining development, and I am not satisfied that it would integrate well with its setting, or the character of its surrounding environment, which is characterised by lower two and three storey buildings.
- 7.3.40. I also concur with the PA in terms of concerns raised in respect of the quality of the public realm proposed. I am confident that there is ample scope to enhance the public realm with appropriate street frontage uses, complemented by well designed hard and soft landscaping which will create an attractive street frontage. Any future planning application should in my opinion give careful consideration to the detailing site level changes and access arrangements to ground floor and lower floor uses that integrates with the street level in a meaningful way and is easily legible in the urban context.

Alternative Design Option (submitted at appeal stage)

- 7.3.41. Revised design proposals submitted on appeal include revisions to the overall layout of the development on site, the removal of the sixth floor and part of the top floor which results in an overall reduction in height of 1.5m.
- 7.3.42. The revised drawings indicate the proposed finishes which include wooden cladding and render finish, which I accept are not dissimilar to the adjoining Tesco store.
- 7.3.43. I have examined the preliminary renders submitted on appeal which illustrate the alternative design option. I have examined these and consider the omission of the top floor and setbacks at upper floors to be a significant design alteration. I note external view no. 1 from Monasterevin Road, view no. 2 from Nurney Road and the aerial view no.4 from the southwest corner which in my opinion, illustrates the

proposed alternative design option as having a much-improved visual impact on the streetscape. I accept that in the absence of photomontages it is more difficult to determine the visual impact on the skyline.

- 7.3.44. In terms of views from the vicinity of the site I would also accept the case made by the applicant that the set back at upper floors along Monasterevin road now reads more in line with the flat roof height of the Tesco store.
- 7.3.45. In terms of making a comparison between the design options (i.e., application as lodged, as amended on appeal) I consider the elevation drawing submitted as part of the appeal dated 11th April 2023, including contiguous elevations, particularly useful. The information clearly illustrates the level of change between the application as lodged and how the scheme would be reduced in height and stepped back at its upper fifth floor levels which integrates more successfully with adjoining buildings.
- 7.3.46. I acknowledge that the applicant has demonstrated a genuine attempt to reduce the scale and massing of the proposed development by submitting these design changes. In my opinion, the proposal would still have a significant visual impact, particularly as viewed from the north south and east with the transition in scale, however given the prevailing commercial zoning I consider the reduction in scale as presented on appeal as the alternative design option to be a more acceptable and appropriate scale of development in its context.
- 7.3.47. The further changes proposed at ground floor level with the introduction of retail / commercial units is also noted. However, the detailing of these units in terms of how they present to the streetscape and public realm is very unclear in the application. As noted above any future planning application should illustrate how an active street frontage that contributes to the public realm can be achieved.

Conclusion

- 7.3.48. I am satisfied therefore, that the application as lodged is excessive in height and would detract from the visual amenity of the area thereby, contrary to the Kildare Town Local Area Plan 2023-2029 and Kildare County Development Plan 2023-2029.

7.4. Impact on Adjoining Amenities

- 7.4.1. The second part of reason for refusal No. 2 refers to the proximity of the proposed development to existing dwelling houses to the north, which would seriously injure the residential amenities and depreciate the value of property in the vicinity.
- 7.4.2. As outlined above the proposed development has a particular relationship with a number of existing buildings and uses in the immediate vicinity of the appeal site. I would note from the outset that existing buildings and uses in the immediate vicinity of the site are all within retail/commercial and retail outlet centre zoned lands and are in commercial use. There are also a no. of existing detached residential properties located to the north of the R445 on residential zoned land.

Overlooking

- 7.4.3. Concern was raised by the PA in respect of overlooking of adjoining residential properties to the north from the proposed hotel bedroom windows at upper floors.
- 7.4.4. Concern is also raised by the observers to the appeal including the owner of the residential property 'Ardynhoth House' on the northern side of the R445 Monasterevin Road, north of the appeal site. This property is a detached house and addresses the road side boundary. I would note also that the private amenity space associated with the residential property includes a south facing garden to the front of the house. I have also had regard to the impact of the proposed development on the residential property further to the northwest and northeast along the R445.
- 7.4.5. The appellant refers to the considerable difference in levels which it is asserted will not have any impact on the dwellings to the north. The distance between the three dwellings to the north and the northern boundary of the site is considerable (approx. 42m, 60m and 90m).

Application as Lodged

- 7.4.6. I have examined the site layout plan, floor plans, and elevation and cross section drawings as submitted with the application and note that cross section drawings illustrating the relationship with adjoining residential properties to the north were not provided.
- 7.4.7. I have considered the relationship between the residential properties to the north and the proposed hotel bedrooms within the development at its northern elevation. From

my site visit and examination of the drawings submitted, I accept that the development of this greenfield site will represent a significant change however, the appeal site is separated from the residential properties by the R445 and is on zoned commercial land.

- 7.4.8. I note the hotel bedrooms on this northern elevation do not include balconies and that windows are angled so as to not directly overlook properties to the north.
- 7.4.9. The residential properties to the north benefit from a generous front, side and rear gardens, high boundary hedges and mature planting. In my opinion the separation distance, existing boundary screening along with the angled windows to hotel bedrooms proposed will help protect the amenities of the property.
- 7.4.10. Notwithstanding, in the absence of scaled cross section drawings which provide details on existing and proposed site levels, boundary treatments and separation distances, it is unclear how the proposed development as lodged would address perceived overlooking of adjoining residential properties to the north.

Revised Proposal submitted on appeal

- 7.4.11. Revised proposals were submitted by the applicant which includes the omission of a floor and a set back at upper levels. The Monasterevin Road elevation is reduced to 4 storeys high. In addition, the overall structure has been lowered by 1.5meters.
- 7.4.12. I note the removal of one entire floor would further address overlooking from upper floors of adjoining residential developments to the north.
- 7.4.13. On balance therefore, I am not satisfied that where the predominant use of existing development to the north is residential that the proposed development would not give rise to overlooking.

Overshadowing

- 7.4.14. I note the context of the site which in its current form is underutilised and any form of new mixed-use development above three floors will result in a degree of overshadowing to the north.
- 7.4.15. The PA note that a shadow impact assessment has not been submitted and is required given the proposed height of the structure. The observers to the appeal have also raised concern in relation to overshadowing of the south facing elevation

of the observers' house and adjoining house located to the north of the proposed development.

- 7.4.16. I accept that a Day Light and Sunlight report did not accompany the application nor was one submitted with the appeal to reflect the design changes, layout and reduction in height. In the absence of a Day Light and Sunlight report I am not satisfied that the proposed development would not give rise to an adverse impact on the dwellings to the north and transient overshadowing to the surrounding buildings. I have also had regard to the orientation of the detached residential dwellings to the north which are south facing, and which benefit from day light and sun light throughout the day.
- 7.4.17. I noted on the day of my site inspection mid-morning in mid-May the existing mature trees along the northern boundary of the appeal site, and the existing mature trees and vegetation along the southern boundary of the observer's residential property which are evergreen and essentially shield the dwelling from the public road.
- 7.4.18. In the absence of A Day Light and Sunlight report it is not possible to determine whether the proposed development would cause significantly more overshadowing than already exists from shadows cast by existing planting on both the appeal site and observers' residential properties. Therefore, I am not satisfied that the proposed development as lodged would not result in overshadowing of the residential properties to the north at certain times of the day.

Overbearing

- 7.4.19. The PA raised concern that the proposed development a 7-storey building (including podium basement) on a prominent corner site would be overbearing. Concern is also raised in submissions to the PA and by observers to the appeal that the proposed development would tower over/dominate the skyline and detract from the skyline of surrounding historic buildings in the town of Kildare.
- 7.4.20. In terms of overbearance, I accept that the existing streetscape in the vicinity of the appeal site and established developments to the east and south of the appeal site are predominantly 2/3 storeys. I also note this is the remaining infill site to the east of the Nurney Road in this part of Kildare town, and the prevailing scale and 2 storey height of adjoining residential properties to the north.

7.4.21. I am satisfied in this instance that the appeal site has the capacity to absorb development, however the scale height and design of the proposed development as lodged is not of an appropriate scale which can be easily assimilated into its surrounding environment.

Conclusion

7.4.22. In the absence of sufficient details, I am not satisfied that the proposed development is acceptable in terms of overlooking, overshadowing and overbearance and would not seriously injure the residential amenities and depreciate the value of property in the vicinity.

7.4.23. In summary, I am satisfied that second reason for refusal should be upheld.

7.5. Car Parking

7.5.1. Reason for refusal No. 3 refers to the inadequate provision of car parking to serve the proposed development, which would conflict with the provisions of the Kildare County Development Plan 2023-2029.

Proposal as lodged

7.5.2. It is proposed to provide a partial basement comprising 59 no. car parking spaces, a ground floor set down area including one car parking space and provision for 20 no. bicycle spaces. Parking details are set out in the Traffic and Mobility Statement submitted with the application prepared by Barrett Mahony Civil and Structural Engineers. Car parking layout and details are also indicated on floor level drawings prepared by Portal Architects.

7.5.3. The Traffic and Mobility Statement refers to approx. 45 no. existing spaces within the Kildare village being utilised by visitors to the retail facility and staying overnight at the hotel, with the balance of customers arriving by coach/public transport.

Alternative proposal

7.5.4. Revised drawings submitted with the appeal provide for a new vehicular and pedestrian ramp from Nurney Road which provides access to an under-croft area with 54 no. carparking spaces, including 3 accessible car parking spaces, 12 electric charging car parking spaces, a number of motorbike spaces and a sheltered parking area for 22 bikes.

- 7.5.5. The first party appellant has indicated a willingness to accept a condition requiring the reduction of the number of bedrooms from 158 to 118 and introduction of a second basement level (B2) and additional parking on the podium level. This would allow for the provision of 119 no. car parking spaces over the three levels, including 6 no-enabled car spaces and 24no. EV spaces. The appellant submits that the second basement level is not necessary, as the concept of the hotel is to attract more coach trips than individual trips.
- 7.5.6. An observation to the appeal was lodged by RMLA Ltd. Planning Consultants on behalf of Value Retail Dublin Ltd. the owner / operator of the Kildare Tourist Outlet Village (KTOV)). This detailed submission is summarised in section 6 above includes a technical report prepared by SYSTRA Traffic Consultants.

Further Revised in response to PA & third-party Observations

- 7.5.7. Further revised drawings were submitted which detail an increased provision of parking over two levels with the option of creating a second basement to accommodate a total of 119 no. car parking spaces.
- 7.5.8. Please see Table No.2 below which sets out the car parking provisions for both the application as lodged and as amended on appeal and further revised in response to PA and third-party Observations.

Table No.2

	Proposed Development as Lodged	Revised on Appeal	Further Revised in response to PA & third-party Observations
No. of car parking spaces	59	54	119
No. of bedrooms	158	118	118

Car Parking Standards

- 7.5.9. Car Parking standards are set out in section 15.7.8 under Table 15.8 of the Kildare County Development Plan 2023- 2029. The standards require one car parking space per hotel bedroom.

- 7.5.10. Section 15.7.8 Car Parking states that parking standards are maximum standards. It further states that *'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.'*
- 7.5.11. In this regard I note that the appeal site is located approx. 500m from the Kildare town train station which is served by trains to and from Dublin. It is also served by Bus Eireann. Notwithstanding I am satisfied that the proposed car parking provision falls significantly short of the car parking requirement, which has the potential to lead to an overspill of car parking in adjoining surface car parks.
- 7.5.12. I also note specific objective MTO 1.1 of the Kildare Town Local Area Plan which refers to walking and cycling and seeks to support and promote the use of sustainable active transport modes in Kildare Town and seeks to implement a connected network of walking and cycling infrastructure in the town. The proposed development does not detail any connectivity with adjoining land uses or indicate the provision of cycle ways as part of the proposed development.
- 7.5.13. I have considered the revised proposals in terms of the reduction in hotel bedrooms from 158 to 118 with consequent reduction in car parking requirement. I have also examined Drawings No's 2117-03-21 and 2117-03-20 and am satisfied that the redesign of the scheme which includes 54 no. car parking spaces to serve the 118 no. bedrooms does not meet the requirements. I am of the opinion that this is a significant under provision of car parking to serve a 118-no. bedroom hotel alongside the proposed 4 no. retail units and 1 no. café.

Use of Adjoining Car Parks

- 7.5.14. I note that the appeal site is located to the west of the Tesco store and associated surface car park. It is also adjoined to the south by the extensive surface car park

serving the KTVO. The area in the vicinity of the appeal site is well served by existing private and public car parking.

7.5.15. I can confirm that on the day of my site visit mid-morning mid-week and early afternoon at the weekend that both adjoining surface car parks were being supervised by car parking attendants and neither were at capacity. I do also note that on the dates of my site visits mid-May there were no seasonal sales promotions taking place at the KTVO.

7.5.16. I note also the principal concerns raised by the observer to the appeal on behalf of KTVO in respect of lack of consultation or agreement in relation to any access links, servicing, parking arrangements etc. while also stating that the KTOV car park is private and will not be open to use by staff or visitors to the hotel.

7.5.17. While I note issues raised in observations to the appeal in respect of capacity of existing car parks at peak times in my opinion this is a parking management issue for the adjoining private and public car parks. In relation to the Tesco surface car park, I also note that access to this car park is not restricted at night after the store closes. I note the pedestrian link between the Tesco surface car park and the KTVO, and that no such pedestrian link exists or is proposed between the appeal site and adjoining developments to the east and south. I also consider that the proposed development and use will complement and benefit the adjoining commercial uses.

Coach Parking

7.5.18. The proposed parking arrangements do not provide for coach parking, and this issue has not been addressed in the appeal.

7.5.19. I have examined the Mobility Management Statement contained within the Traffic and Mobility Statement prepared by Barrett Mahony Civil and Structural Consulting Engineers. The mobility strategy set out in the report states that one third of visitors arriving;

- directly to the hotel and utilising the available 59 no. car parking spaces,
- primarily to shop at the Kildare Village and utilising the car parking spaces available within that facility
- by coach or by public transport (Bus Eireann or Irish Rail).

7.5.20. The existing public transport network is detailed as a basis for assuming 35% of customers will arrive by modes other than private car. It states that by coach;

- Guests at the proposed hotel can be dropped at the bus stop right outside The Village every 30 minutes.
- Dublin Coach operates a daily service from Dublin City Centre to Kildare Village which runs every half hour from Burgh Quay.
- JJ Kavanagh coach provides 8 no. services a day to the Village from Dublin, Portlaoise, Limerick, and other locations.
- McComs Luxury Coach includes pick-up points from 4 no. locations in Northern Ireland.

7.5.21. It also states that the 126 route links Dublin to Rathangan via Kildare town and that a train service runs every 30 mins between Heuston Station in Dublin and Kildare Village.

7.5.22. I note the rationale and justification for the number of car parking spaces proposed as presented by the applicant and outlined in the accompanying Mobility Management Statement. I note that the applicant has not satisfied the planning authority that the provision of car parking is necessary and appropriate, particularly when there are no coach parking facilities proposed as part of the overall development.

7.5.23. I also note the objectives and policies of the Kildare Town Local Area Plan in relation to promoting Active Travel, identifying permeability measures in the vicinity of the appeal site to improve access to the Kildare Village Bus Stop on the R415 and overall parking strategy. I do not accept the case made by the applicant that in providing a reduced no. of car parking there will be more of a reliance on public transport with less traffic generated by the proposed development.

7.5.24. On balance, I am not satisfied that the proposal as lodged is in accordance with the requirements of the Kildare Town Local Area Plan, and Kildare County Development Plan.

Conclusion

7.5.25. I am satisfied therefore, that the proposed development is not acceptable in terms of parking provision, would endanger public safety by reason of a traffic hazard and is not in accordance with the requirements of the Kildare Town Local Area Plan, Kildare County Development Plan.

7.6. Traffic Hazard

7.6.1. Reason for refusal no. 4 refers to 'Section 2.7 of the Department of the Environment, Community and Local Government's Spatial Planning and National Roads Guidelines for Planning Authorities (2012)' which 'seek to ensure that development involving access to national roads and development in close proximity to national road interchanges or junctions would not be adversely impacted by development.'

7.6.2. The PA considered that the 'applicant has not adequately demonstrated that the proposal, would not create an adverse impact on the functioning of the national roads and associated M7 interchange (Junction 13) to the south', and that it 'could lead to conditions which would endanger public safety by reason of traffic hazard'.

Proposal as lodged

7.6.3. It is proposed to provide 2 No. vehicular entrances, to the subject site. These will include one service entrance off the Monasterevin Road (R445) to the north, and a car parking entrance / set down area off the Nurney Road (R415) to the west.

7.6.4. The report on file from Transport Infrastructure Ireland (TII) to the PA notes that the proposed development, if approved, would create an adverse impact on the national road and associated junction and would be at variance with official policy in relation to control of development on/affecting national roads, as outlined in the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012).

7.6.5. The Transportation and Public Safety Department of the PA raised concerns in relation to the new access onto and the R415 Nurney Road in relation to the impact of the proposed development on the highway capacity and Nurney Road/Monasterevin Road signalised junction. Noted also is the potential difficulty of upgrading the M7 Junction 13 interchange and interchange at the Curragh.

7.6.6. The Transportation and Public Safety Department of the PA recommended further information in order to address a number of issues raised in relation to proposed

cycle lanes, footpaths, enhanced Traffic and Transport Assessment and Traffic Modelling, an alternative service vehicular access for deliveries to the site to include a swept path drawing and Stage 1 and 2 Road Safety Assessment.

Alternative Design Option (submitted at appeal stage)

- 7.6.7. The proposed development was amended on appeal such that the primary vehicle access is from Nurney Road (R415) with a set down area on Monasterevin Road (R445).
- 7.6.8. The first party appellant submits that the addition of 57 no. car parking spaces or the compromise of 119 no. car spaces will have any impact on the National Roads Infrastructure. It is submitted by the appellants that neither 57 no. car parking spaces nor 119 car parking spaces will create any problems on the junction with the M7.

Traffic

- 7.6.9. I have examined the Traffic Impact Statement contained within the Traffic and Mobility Statement prepared by Barrett Mahony Civil and Structural Consulting Engineers. The Traffic Impact Statement is informed by a Traffic Survey results and Traffic modelling using TRICS analysis.
- 7.6.10. The existing traffic environment was considered having regard to 3 no. critical junctions at the R415/R445 intersection, R415 / Kildare Village Shopping Mall intersection and the R415 / M7 on-ramp / M7 off-ramp intersection.
- 7.6.11. The traffic surveys were carried out on a Thursday and Friday in late May 2022, and not at a weekend or during a seasonal sales event. The distribution of generated trips onto the local road network is assumed with 50% of generated flows exiting to / entering from the R445 intersection and 50% exiting to entering from the R415 / Kildare Shopping Mall intersection and onwards to the R415 / M7 intersection. The report assumes an annual growth rate of 1.9% for the period 2022 to 2030 for Kildare County and a year of opening of 2025 for the proposed development.
- 7.6.12. The report concludes that the generated flows from the proposed hotel are significantly below the lower 5% threshold and the impact of traffic will be very low therefore further detailed analysis of the 3 no. critical intersections is necessary. I consider the surveys carried out to be reasonably robust.

- 7.6.13. I can confirm that on the day of my site visit mid-morning mid-week and early afternoon at the weekend a steady flow of traffic at the R415/R445 intersection and R415 / Kildare Village Shopping Mall junction. I can also confirm at the R415 / M7 on-ramp / M7 off-ramp intersection that both ramps were free flowing. I do also note that on the dates of my site visits mid-May there were no seasonal sales promotions taking place at the KTVO.
- 7.6.14. The Observers to the appeal makes the point that the current road layout which only provides for a single entry and exit point to KTVO will be impacted by the proposal to create a new right hand turn on the Nurney Road. It is submitted that this will lead to traffic build up and congestion along the Nurney Road and at the T junction between the Nurney Road and the Monasterevin Road.
- 7.6.15. I have had regard to the observation to the appeal lodged on behalf of the owner / operator of the Kildare Tourist Outlet Village (KTOV) and technical report prepared by SYSTRA Traffic Consultants Value Retail Dublin Ltd. I accept the findings of this report.

Deliveries

- 7.6.16. The Transport section of the PA raised concern in relation to access for service vehicles siting particular concerns in relation to the entrance/exit to undercroft parking and set down area in terms of interaction with pedestrians and cyclists. They recommended an alternative service vehicular access for deliveries to the site, which would include a swept path analysis drawing, and Stage 1 and 2 Road Safety Audit. Given that the appeal site is located on a corner site close to a signalised junction and proximate to the exit point for the KTVO I think it is reasonable that every care is taken to ensure the safety of pedestrians and cyclists.
- 7.6.17. I note the revised proposals submitted on appeal do provide for one entrance only however it is unclear how the proposed retail units will be serviced and, in an area, where there will be considerable pedestrian footfall the issue of potential conflict between deliveries, and site access with pedestrian and cyclists is a valid concern.

Pedestrians and Cyclists

- 7.6.18. There is an existing footpath along the northern and western perimeter of the site. There are no existing cycle lanes, and it is not proposed as part of the development to provide any. Cycle links and permeability measures are identified in the Kildare

Town Transport Strategy (Objective C17 and C23) within the Kildare Town Local Area Plan to enhance active travel particularly in the vicinity of the site. The revised proposals submitted on appeal do not address the provision of cycle lanes.

- 7.6.19. I share the concerns of the PA and observers to the appeal that the entrance /exit to undercroft car parking and set down area in terms of interaction with pedestrians and cyclists. I did note on the day of my site inspection existing pedestrian links between the KTVO and car park and the adjoining Tesco store and car park.
- 7.6.20. I note that a link with the adjoining Kildare Village Car Park has been indicated in the Design Statement submitted with the appeal but that this link has not been discussed or agreed with the owners of KTOV.
- 7.6.21. It would be desirable in any future planning application to make provision for pedestrian links between the adjoining land uses and the appeal site in the interests of permeability. Any future application will need to demonstrate the provision of safe active travel measures in compliance with the objectives of the Kildare Town Transport Strategy.

Conclusion

- 7.6.22. The proposed development as lodged provides for two vehicular entrances close to a signalised road junction. The applicant has not demonstrated that the proposed development would not give rise to a traffic hazard.
- 7.6.23. I am satisfied, therefore, that the proposed development is at variance with the National Roads Guidelines for Planning Authorities (2012) and is not acceptable in terms of traffic safety.

7.7. Surface Water Drainage

- 7.7.1. Reason for refusal no 5 refers to the absence of significant detailing in relation to surface water drainage, and that the applicant has not demonstrated to the satisfaction of the PA that surface water can be adequately dealt with within the curtilage of the site. The proposed development, therefore, would be prejudicial to the orderly development of the site and to public health.

- 7.7.2. The first party appellant notes that there is an existing surface water drain on the site and that attenuation will be provided for in the basement of the hotel and that full details can be agreed with the PA and IW by way of condition.
- 7.7.3. The applicant has submitted further details in response to the PA response to the appeal. These include a roads layout and drainage plan drawing and SuDS details prepared by Barret Mahony Consulting Engineers. I also note the revised floor and roof plans indicate the use of areas with green roofs.

Proposal as lodged

- 7.7.4. I note Roads Layout and Interaction Drawing C1000 submitted with the application indicates the route and connection points to the existing 2250 diameter surface water sewer including manhole locations of the existing surface water sewer to the east of the Nurney Road. The drawings indicate new 1500 surface water outfalls to SuDS. A Surface Water attenuation zone is indicated along the southern part of the site and includes an open bottom Stormtec Type Chamber. Within the podium over car parking undercroft drawings indicated permeable paving/soft landscaping over deck with drainage sheet offering retention and SuDS device, as first stage detention release to attenuation zone.
- 7.7.5. I concur with the Water Services Department of the PA in that there is very little detail in relation to surface water calculations and actual proposed surface water attenuation capacity and SuDS details. I also note the main roof is to be used for solar panels and there are no green roof proposals.
- 7.7.6. The Water Services Department of the PA recommend that a flood risk assessment is required which addresses Pluvial (from drainage systems and overland surface water flows) groundwater and residual flood risks.

Revised Proposal

- 7.7.7. I note section 5 of the supplemental report May 2023 prepared by Portal Architects. It refers to Water Management and notes that surface water attenuation measures have been allowed in the adjusted design to accommodate a water storage tank under the basement/grade-level car park ramp. The drawings submitted however do not detail this.

- 7.7.8. The Water Services Department of the PA have also noted that as part of a planning compliance agreed with the adjacent Tesco development under PA Reg. Ref. 10528 a 225mm surface water and foul drainage sewer pipes traverse the appeal site. It is recommended that the treatment and protection of these sewer pipes as a result of construction of the proposed development is to be addressed. I would have concerns that the proposed basements indicated in the appeal have not addressed potential conflict with approved drainage proposals. I suggest this will need to be addressed in any future application, along with Suds and potential flood risk.

Conclusion

- 7.7.9. I concur with the PA that insufficient detail has been submitted with the application in relation to surface water management, and in my opinion this issue has not been addressed in the appeal.
- 7.7.10. In summary, I am not satisfied that the details submitted at application stage are acceptable in terms of surface water management and, in my opinion, would be prejudicial to public health.

7.8. Other Matters

- 7.8.1. *Errors in appeal documents* - It is noted in one of the observations to the appeal that the appeal documents are 'suffused with errors' and that the Board 'should not afford credence to any assertions contained therein'.
- 7.8.2. In this regard it may be noted that the Board will consider and decide upon the application 'de novo'. I would note that each application is assessed on its own merits, having regard to the relevant planning considerations and site context.
- 7.8.3. *Archaeological Impact Assessment* – I note the submission of an Archaeological Impact Assessment Report with the application. I have had regard to the report and am satisfied that the proposed development does not raise any significant issues. If the Board are minded granting permission a suitably worded condition in relation to site investigations can be attached.

8.0 AA Screening

- 8.1.1. The subject site is not located within or boarding any designated Natura 2000 sites. The closest Natura 2000 site is the Pollardstown Fen cSAC (Site Code 000396), which is located approximately 5km to the northeast of the proposed development site. Two further sites are located within 15km of the subject site including Mouds Bog cSAC (Site Code 002331) located approximately 7.5km to the northeast and the River Barrow and River Nore cSAC (Site Code 002162) approximately 10km to the southwest of the site. The EU Habitats Directive 92/43/EEC provides legal protection for habitats and species of European importance through the establishment of a network of designated conservation areas collectively referred to as Natura 2000 (or 'European') sites.
- 8.1.2. Under Article 6(3) of the Habitats Directive, an Appropriate Assessment must be undertaken for any plan or programme not directly connected with or necessary to the management of a European site but likely to have a significant effect on the site in view of its conservation objectives. The proposed development is not directly connected with or necessary to the management of a European site.
- 8.1.3. A Stage 1 Appropriate Assessment Screening report was submitted in support of the proposed development to address the likely or possible significant effects, if any, arising from the proposed development on any European site.

Screening for Appropriate Assessment:

- 8.1.4. The purpose of AA screening, is to determine whether appropriate assessment is necessary by examining:
- a) whether a plan or project can be excluded from AA requirements because it is directly connected with or necessary to the management of the site, and
 - 8.2. b) the potential effects of a project or plan, either alone or in combination with other projects or plans, on a Natura 2000 site in view of its conservation objectives and considering whether these effects will be significant.
- 8.2.1. The AA Screening Report considered Natura 2000 sites within 15km of the subject site. Table 1 of the Report presents the analysis of the sites in tabular form and it is concluded, having regard to the lack of source-pathway-receptor links and the

separation distance between the site and the designated sites, that it is unlikely that significant effects will occur at designated sites.

Conclusion on Stage 1 Screening:

- 8.2.2. It is reasonable to conclude, on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, either individually or in combination with other plans or projects would not be likely to have a significant effect on any designated European sites, in view of the sites' conservation Objectives and that a Stage 2 Appropriate Assessment is not required.

9.0 Recommendation

- 9.1. I recommend that planning permission should be **refused** for the reasons and considerations as set out below.

10.0 Reasons and Considerations

1. Having regard to

- a) The existing use on site,
- b) The pattern of development in the vicinity,
- c) The planning history of the area,'
- d) The nature, scale, and design of the proposed hotel development
- e) The Building Height Guidelines and
- f) The policies and objectives set out in the Kildare County Development Plan 2023-2029 and Kildare Town Local Area Plan 2023-2029, which seeks 'to protect and improve existing commercial uses and provide for additional commercial developments,

it is considered that, by reason of the bulk, and height and, in particular, the overall elevational treatment, lacks articulation and liveliness and carries no reference to the historical urban grain of the area, the proposed development would militate against an attractive pedestrian environment, would be of insufficient architectural quality on a prominent site in this historic town and would seriously injure the visual and residential amenities of the area. The proposed development would, therefore, conflict with the objectives of the

Kildare County Development Plan 2023-2029 and the Kildare Town Local Area Plan 2023-2029 and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the nature and scale of the proposed development and the traffic to be generated by it, it is considered that the additional traffic associated with the proposed hotel development and proximity of both vehicular entrances to a signalised traffic junction and left only exit point from the adjoining commercial development and surface car park to the south would endanger public safety by reason of traffic hazard and would lead to conflict between road users, that is, vehicular traffic, pedestrians and cyclists.
3. Having regard to the absence of surface water drainage attenuation capacity details and on-site SuDS proposals it is considered that the proposed development would therefore pose an unacceptable risk of Pluvial flooding and be contrary to the proper planning and sustainable development of the area.

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

Susan McHugh
Senior Planning Inspector

6th June 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-316274-23		
Proposed Development Summary	Construction of a 158-bedroom hotel with public bar and café/restaurant at ground floor level.		
Development Address	Site bounded to the north by the Monasterevin Road (R445) and to the west by the Nurney Road (R415), Kildare Townland, Kildare Town, 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		Class.....	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)
Conclusion			
No	√	N/A	No EIAR or Preliminary Examination required
Yes		Class/Threshold.....	Proceed to Q.4

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

Inspector: _____ Date: _____