



An
Bord
Pleanála

Inspector's Report ABP-317327-23

Development	Demolition of existing structures and construction of 2 no. 2-storey apartment blocks.
Location	Dublin Road, Kildare Town, Co. Kildare.
Planning Authority	Kildare County Council
Planning Authority Reg. Ref.	23303
Applicant(s)	John McCormack & Seamus Lowry
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party v. Decision
Appellant(s)	John McCormack & Seamus Lowry
Observer(s)	Christopher and Patricia Dempsey
Date of Site Inspection	27 th June 2024
Inspector	Louise Treacy

1.0 Site Location and Description

- 1.1. The subject site has a stated area of 0.178 ha and is located on the north-eastern side of the Dublin Road, in the central area of Kildare Town, Co. Kildare. The site has an L-shaped configuration and accommodates a 19th century, 2-storey, end-of-terrace property fronting onto the Dublin Road at the southern end of the site. This property accommodates a florist business at ground floor level. Modern 2-storey and single-storey extensions adjoin this building to the rear facing into a central yard area. A variety of other commercial uses are accommodated in these buildings. A further industrial style unit is located at the rear/northern end of the site and accommodates a car repair business. The remainder of the rear of the site is characterised by surface car parking and a portacabin unit. A gated vehicular access into the site is in place along the Dublin Road boundary.
- 1.2. The 2-storey property at the front of the site forms part of a terrace with an adjoining public house (James Nolan) which is characterised by a carriageway arch at ground floor level adjoining the appeal site. Kildare Garda Station adjoins the site to the east. Two detached dwellings (Nos. 1 and 2 Ivy Dene, Beachgrove) directly adjoin the north-western boundary towards the rear of the site. Further 2-storey dwellings within the Beechgrove Estate are located to the rear of the site, beyond its northern boundary.

2.0 Proposed Development

- 2.1. The proposed development will consist of: (a) the demolition of the existing 2-storey commercial premises and the existing industrial-style unit, (b) the construction of 2 no. blocks of apartments – Block A consists of a 2-storey building of 10 no. 1-bedroom apartments, Block B consists of a 2-storey building with attic accommodation of 10 no. apartments (8 no. 1-bedroom and 2 no. 2-bedroom units), (c) internal access road, connection to public foul sewer and watermain, soak holes, landscaping, bin and bicycle store and all associated site works.
- 2.2. Block A is located on the southern portion of the site and fronts onto the Dublin Road. The footprint of this block is set back from the footpath by 1.7 m and as such, it does not maintain the existing building line with the adjoining public house. Each apartment has a private balcony space arranged along the eastern elevation of the

block. Tree planting is proposed along the eastern façade of the block, with smaller specimens proposed along the Dublin Road elevation.

- 2.3. Block B is located on the rear (northern) portion of the site and is 2-storeys in height, with accommodation provided at the attic level. Private balcony spaces are provided along the eastern elevation. Both blocks have a pitched roof treatment, with the façade materials including a combination of plaster and brick.
- 2.4. An area of communal open space with a playground is proposed at the rear of the site adjacent to the northern boundary. A total of 6 no. car parking spaces, a bicycle store, and a bin store are proposed adjacent to the open space.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority issued Notification of the Decision to Refuse Permission for the proposed development on 17th May 2023 for 3 no. reasons which can be summarised as follows:

- (1) The proposed development would have a profound negative impact on the character of Kildare Town Architectural Conservation Area including when viewed from the approach roads. The proposed development would therefore be contrary to Objectives AH O65, AH A24, AH O66, AH O34, AH O53 and AH O55 of the Kildare County Development Plan 2023-2029.
- (2) Having regard to the inadequate parking provision, poor quality public open space and internal layout and arrangement of accommodation, it is considered that the proposed development represents an excessive density of residential development on the site and would fail to offer an adequate level of residential amenity and resulting standard of living to future occupants of the proposed development. The proposed development has an inappropriate unit mix contrary to SPPR1 of the Design Standards for New Apartments Guidelines for Planning Authorities, 2020. It is also contrary to Chapter 3 Housing including policy HO16 and Chapter 15 Development Management Standards including sections 15.7.2 bicycle parking and 15.7.8 car parking of the Kildare County Development Plan 2023-2029.

- (3) Based on the information which has been submitted, it has not been demonstrated to the satisfaction of the Planning Authority that surface water can be dealt with adequately within the curtilage of the site and would not adversely impact surface water drainage in the area, or that the proposed development has adequately considered flood risk in the area. In the absence of further information, it is considered that the application would be prejudicial to the orderly development of the site and to public health.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- 3.2.2. Kildare County Council's Planning Officer accepted the principle of residential development on the subject site but considered that the demolition of the vernacular building on the street was unacceptable. It was noted that the Conservation Architect and Strategic Projects and Public Realm Dept. also objected to the demolition of this building.

- 3.2.3. The Planning Officer also noted discrepancies in the planning drawings and CGIs of the existing and proposed elevations of the building onto the Dublin Road. Concerns were also noted in relation to the layout of some units in Blocks A and B and the available daylight to the ground floor units and the proposed unit mix (SPPR1 of the 2020 Apartment Design Guidelines). It was also considered that inadequate information had been submitted regarding the proposed open space and landscaping, with the inclusion of a playground queried given the number of 1-bedroom units within the proposed development. It was also considered that the proposed under provision of car parking had not been justified.

3.2.4. Other Technical Reports

- 3.2.5. **Water Services (19th April 2022):** No objection subject to conditions.

- 3.2.6. **Water Services (16th May 2022): Further Information** requested in relation to: (1) the undertaking of a soil infiltration test and ground water monitoring, (2) the reduction of impermeable surface areas, (3) the surface water system shall be designed to cater for a 1/100 year storm event with an allowance of +30% for climate change with an additional 10% suggested for urban creep, (4) allowance in the

SuDS strategy for SuDS failure and design exceedance events, (5) the undertaking of a Site Specific Flood Risk Assessment.

- 3.2.7. **Fire Officer (26th April 2023):** The applicant is requested to submit **Further Information** in relation to turning facilities for fire appliances, including auto-track analysis.
- 3.2.8. **Heritage Officer (27th April 2023):** Recommends that **Further Information** be requested in relation to: (1) demolition of building within the Kildare ACA; (2) preparation of an Archaeological Impact Assessment.
- 3.2.9. **Environmental Health (4th May 2023):** No objection subject to conditions.
- 3.2.10. **Architectural Conservation Officer (5th May 2023):** Recommends that planning permission be **refused** for the proposed development based on its impact on the existing late 19th century building and the character of Kildare Town Architectural Conservation Area.
- 3.2.11. **Environment (5th May 2023): Further information** requested in relation to: (1) how waste production has been designed out of the proposal, (2) an operational waste management strategy/plan.
- 3.2.12. **Strategic Projects and Public Realm (8th May 2023):** Notes that the principle of town centre living and appropriate infill development within town centres is supported but: (1) the demolition of the structure fronting onto the Dublin Road is not supported; (2) the design, density, variety and layout of the proposed development does not represent good quality housing standards; (3) any development at this location should be set back from the original structure/streetscape to ensure the retention of the integrity and character of the ACA.
- 3.2.13. In the event further information is requested or a new application is submitted: (1) commercial use to be retained on the ground floor of the existing structure, (2) there is significant opportunity to declutter the front and side facades of the building and the existing fenestration and signage should be replaced with more appropriate materials and fenestration, (3) high quality materials and finishes should be used throughout the development, (4) the inclusion of a playground to the rear of the site is not considered appropriate having regard to the proposed unit mix.

- 3.2.14. **Roads and Transportation Planning (10th May 2023):** Recommends that **Further Information** be requested in relation to: (1) A Highway Engineering Junction Analysis of the new junction between the development and Main Street, (2) A Road Safety Assessment Stage 1 & 2 for the internal development and the junction with the main road, (3) footpath and carriageway widths, (4) sight visibility lines and radii at junctions in keeping with DMURS, (5) the provision of a turning bay at the end of the internal roads and the submission of a swept path drawing for a bin lorry, refuse truck and a fire engine, (6) the applicant to consider the use of car sharing proposals within the site to offset the reduction in car parking spaces, (7) the shortfall of car parking spaces with reference to the Kildare County Development Plan 2023-2029, (8) the provision of more secure dedicated bicycle lockers rather than open-air communal stands, (9) details of materials to be used in the road and footpath infrastructure, (10) CBR tests to determine the subgrade strength under the proposed site access roads, (11) materials of site access road and on road parking areas, (12) avoidance of permeable or porous paving and any attenuation under roads or parking areas, (13) provision of electric vehicle charging points, (14) a construction and demolition management plan.
- 3.2.15. Report notes that the Public Lighting Engineer has examined the applicant's lighting design, which appears to be in order.
- 3.2.16. **Housing:** No report available.

3.3. **Prescribed Bodies**

- 3.3.1. **Uisce Éireann (4th May 2023):** No objection subject to conditions.
- 3.3.2. **An Taisce:** None received.
- 3.3.3. **Dept. of Heritage:** None received.
- 3.3.4. **Heritage Council:** None received.

3.4. Third Party Observations

- 3.4.1. One third party observation was made on the application by Farry Town Planning Ltd. on behalf of Christopher and Patricia Dempsey, James Nolan Public House, Dublin Road, Kildare Town, Co. Kildare. The observers' property abuts the application site.
- 3.4.2. The issues which are raised can be summarised as follows: (1) the development is premature pending the preparation of a new LAP, (2) site should accommodate mixed-use development, (3) existing building makes a positive contribution to the streetscape, which is a designated Architectural Conservation Area, (4) inappropriate unit mix, (5) development design does not adequately acknowledge the historical character of the site environs.

4.0 Planning History

- 4.1. **Planning Authority Reg. Ref. 06/999:** Planning permission granted on 24th April 2007 for the demolition of the existing buildings on the site and the construction of a medical centre.

5.0 Policy Context

- 5.1.1. The Kildare Town Local Area Plan 2023-2029 has been adopted since this planning application was lodged. This LAP and the Kildare County Development Plan 2023-2029 are the relevant local planning policy documents for the purposes of adjudicating this case.

5.2. Kildare County Development Plan 2023-2029

- **Core Strategy and Settlement Strategy**

- 5.2.1. Kildare Town is designated as a Self-Sustaining Growth Town in the settlement hierarchy of the county and is described as having a moderate level of jobs and services.
- 5.2.2. **Objective CSO5:** Promote compact growth and the renewal of towns and villages through the development of underutilised town centres and brownfield sites, and

where appropriate, pursue through active land management measures a coordinated planned approach to developing appropriately zoned lands at key locations, including regeneration areas, vacant sites and under-utilised areas in cooperation with state agencies, while also maintaining a 'live' baseline dataset to monitor the delivery of population growth on existing zoned and serviced lands to achieve the sustainable compact growth targets of 30% of all new housing within the existing urban footprint of settlements.

- **Housing**

- 5.2.3. **Objective HO O5:** Encourage increased densities that contribute to the enhancement of a town or village by reinforcing street patterns or assisting in redevelopment of backlands and centrally located brownfield sites.
- 5.2.4. **Policy HO P6:** Promote and support residential consolidation and sustainable intensification and regeneration through the consideration of applications for infill development, backland development, re-use/adaptation of existing housing stock and the use of upper floors, subject to the provision of good quality accommodation.
- 5.2.5. **Policy HO P7:** Encourage the establishment of sustainable residential communities by ensuring a wide variety of housing typologies and tenures is provided throughout the county.
- 5.2.6. **Objective HO O8:** Support new housing provision over the Plan period to deliver compact and sustainable growth in the towns and villages in the County, and supporting urban renewal, infill and brownfield site development and regeneration, to strengthen the roles and viability of the towns and villages, including the requirement that at least 30% of all new homes in settlements be delivered within the existing built- up footprint.
- 5.2.7. **Objective HO O15:** (a) Require that new residential developments provide for a wide variety of housing types, sizes and tenures. (b) Specify target housing mixes, as appropriate, for certain sites and settlements as part of the Local Area Plan process. (c) Require the submission of a 'Statement of Housing Mix' with all applications for 10 or more residential units. (d) Require that all new residential developments in excess of 5 residential units provide for a minimum of 20% universally designed units in accordance with the requirements of 'Building for

Everyone: A Universal Design Approach' published by the National Disability Centre for Excellence in Universal Design.

- 5.2.8. **Objective HO O16:** Promote the provision of high-quality apartments within sustainable neighbourhoods by achieving suitable levels of amenity within individual apartments, and within each apartment development, and ensuring that suitable social infrastructure and other support facilities are available in the neighbourhood. Apartment development must be designed in accordance with the provisions of Sections 15.2, 15.3 and 15.4 (Chapter 15) where relevant, to ensure a high standard of amenity for future residents.

- **Built and Cultural Heritage**

- 5.2.9. **Objective AH O34:** Encourage high-quality design in relation to planning applications that are made for the construction of extensions or new buildings affecting protected structures or older buildings of architectural merit not included in the RPS. The Council will have regard for the visual impacts on the setting and character of protected structures and/or buildings of architectural merit not included on the RPS, when considering applications on neighbouring sites.
- 5.2.10. **Objective AH O39:** Promote the maintenance and appropriate re-use of buildings of architectural, cultural, historic and aesthetic merit which make a positive contribution to the character, appearance and quality of the streetscape or landscape and the sustainable development of the county. Any works associated with the re-use of such buildings should be carried out in accordance with best conservation practice.
- 5.2.11. **Policy AH P9:** Promote the protection, retention, appreciation and appropriate revitalisation of the built vernacular heritage of the county.
- 5.2.12. **Objective AH O53:** Ensure that an assessment of the existing buildings on site is undertaken through an analysis of historic maps and an appraisal of the historic fabric and features. Development proposals should retain and incorporate existing buildings of merit and any elements that contribute to their distinctive character.
- 5.2.13. **Objective AH O55:** Resist the demolition of built vernacular heritage, in particular thatched cottages and farmhouses, and to encourage their sensitive reuse having regard to the intrinsic character of the structure and the potential to prolong the life cycle of the embodied carbon contained within the structure.

- 5.2.14. **Objective AH O59:** Respect the setting, form, scale and materials of existing vernacular structures and to only permit changes to these structures where they are sympathetic to their special features and character.
- 5.2.15. **Objective AH O64:** Seek the repair and retention of traditional timber and/or rendered shop fronts and pub fronts, including those that may not be protected structures.
- 5.2.16. **Objective AH O65:** Ensure that any development, modifications, alterations, or extensions within an ACA are sited and designed appropriately and are not detrimental to the character of the structure or to its setting or the general character of the ACA and are in keeping with any Architectural Conservation Area Statement of Character Guidance Documents prepared for the relevant ACA.
- 5.2.17. **Objective AHO 66:** Ensure that all planning applications for new developments within or immediately contiguous to an ACA include an Architectural Heritage Impact Assessment and Design Rationale addressing design considerations such as urban structure and grain, density and mix, scale, height, materials, landscape, views and landmarks and historic development.

5.3. **Development Management**

- 5.3.1. Development management standards for various types of development are set out in Chapter 15 of the plan. The key standards in this instance relate to residential development (Section 15.4), open space (Section 15.6), cycle and car parking (Section 15.7).

5.4. **Kildare Local Area Plan 2023-2029**

- **Land Use Zoning**

- 5.4.1. The site is subject to land use zoning “A – Town Centre” which has the objective “to protect, improve and provide for the future development of the town centre”. Dwellings are permitted in principle under this zoning objective.

- **Built Heritage and Archaeology**

- 5.4.2. The appeal site is located within the Kildare Town Architectural Conservation Area (ACA). Protected view no. 5 within the ACA relates to Views from within Market Square at the junction of Bride Street and Claregate Street towards Dublin Road.

5.4.3. The site is also located within a Zone of Archaeological Potential.

- **Core Strategy Objectives**

5.4.4. Kildare Town is identified as a “Self-Sustaining Growth Town” in the county settlement hierarchy. The town has an allocation of 4.7% of the county housing and population targets (502 units to end of 2029 and population growth of 1,380 persons). A target residential density of 35-40 units per hectare is identified.

5.4.5. **CSO 1.3:** Support and facilitate the compact growth of Kildare Town through the sustainable and sequential land use development objectives which consolidate the town centre, commercial uses and established residential areas.

- **Town Centre Objectives**

5.4.6. **TCO 1.1:** Reinforce the town centre as a primary location for commercial, civic, social and cultural development through the promotion of new high-quality infill and backland development that consolidates the existing urban core.

5.4.7. **TCO 1.2:** Protect the character of the town centre and ensure that new development responds positively to its established built form, scale and character and to continue implementing environmental improvements, to sustain and improve its attraction for living, working, visiting and investment.

5.4.8. **TCO 1.4:** Encourage and facilitate the full use of buildings and in particular the use of upper floors and backlands, with particular regard to high quality urban design and materials used as well as integration, and linkages.

5.4.9. **TCO 1.5:** Encourage and facilitate the appropriate intensification of town centre sites where high standards of architectural design are achieved and impacts on the character of the area are positive.

- **Residential Development Objectives**

5.4.10. **HCO 1.3:** Encourage the appropriate redevelopment of brownfield and infill sites for a mix of uses including residential within the footprint of the existing built-up area.

5.4.11. **HCO 2.1:** Require that a good mix of housing types and sizes is provided in all new residential areas and in appropriate brownfield/infill areas, to meet the needs of the population of Kildare Town, including the provision of appropriate supported housing

and longer-term residential care solutions designed for older people and/or people with disabilities.

- **ACA Objectives**

5.4.12. **BHO 2.1:** Preserve the character of the designated Kildare Architectural Conservation Area (ACA) by ensuring that new development, extensions, renovation works and infill developments within or adjacent to the ACA is sympathetic to the distinctive character of the area and enhances the special character and visual setting of the ACA including inter alia vistas, streetscapes, building lines, fenestration patterns and architectural features. Proposals for development shall include an analysis of how the new development complements the setting, character and appearance of the Kildare Town ACA referring to the findings of the ACA Statement of Character for the town.

5.4.13. **BHO 2.6:** Ensure careful consideration of urban development within or adjoining Architectural Conservation Area ensuring the design rationale and overall site context act as the main driver for the overall scale, mass, height and design in order to achieve the most appropriate development in sensitive areas.

- **Archaeological Heritage Objectives**

5.4.14. **BHO 4.1:** Protect and promote the archaeological heritage of Kildare Town in particular those sites illustrated on Map 8.1 and Map 8.2 and referred to under Table 8-5 and avoid negative impacts on sites, monuments, features or objects of significant historical or archaeological interest by ensuring archaeological assessments are undertaken to inform proposed development in accordance with the National Monuments Acts 1930-2004.

5.5. **Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (July, 2023)**

5.5.1. **SPPR1:** Housing developments may include up to 50% one-bedroom or studio type units (with no more than 20-25% of the total proposed development as studios) and there shall be no minimum requirement for apartments with three or more bedrooms. Statutory development plans may specify a mix for apartment and other housing developments, but only further to an evidence-based Housing Need and Demand

Assessment (HNDA), that has been agreed on an area, county, city or metropolitan area basis and incorporated into the relevant development plan(s).

5.5.2. **SPPR2:** For all building refurbishment schemes on sites of any size, or urban infill schemes on sites of up to 0.25 ha:

- Where up to 9 residential units are proposed, notwithstanding SPPR1, there shall be no restriction on dwelling mix, provided no more than 50% of the development (i.e. up to 4 units) comprises studio-type units;
- Where between 10 and 49 residential units are proposed, the flexible dwelling mix provision for the first 9 units may be carried forward and the parameters set out in SPPR1, shall apply from the 10th residential unit to the 49th;
- For schemes of 50 or more units, SPPR1 shall apply to the entire development.

All standards set out in this guidance shall generally apply to building refurbishment schemes on sites of any size, or urban infill schemes, but there shall also be scope for planning authorities to exercise discretion on a case-by-case basis, having regard to the overall quality of a proposed development.

5.5.3. **SPPR 4:** A minimum of 33% dual aspect units will be required in more central and accessible urban locations, where it is necessary to achieve a quality design in response to the subject site characteristics and ensure good street frontage where appropriate.

5.5.4. **SPPR 5:** Ground level apartment floor to ceiling heights shall be a minimum of 2.7 m and shall be increased in certain circumstances. For building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25 ha, planning authorities may exercise discretion on a case-by-case basis, subject to overall design quality.

5.5.5. The key development standards for apartment units in the context of this appeal case are summarised below.

- **Overall floor area:** 1-bedroom unit - 45 m²; 2-bedroom/4-person unit – 73 m². The majority of the units shall exceed the minimum floor area standards by 10% for any scheme of more than 10 apartments.

- **Storage space:** 1-bedroom unit - 3 m²; 2-bedroom/4-person unit – 6 m².
Storage for bulky items should also be provided outside individual apartments.
 - **Dual Aspect Ratio:** For building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25 ha, planning authorities may exercise discretion to consider dual aspect unit provision at a level lower than a minimum of 33% on a case-by-case basis, but subject to the achievement of overall high design quality in other aspects.
 - **Floor to Ceiling Height:** Ground level shall be a min. of 2.7 m (SPPR 5 refers).
 - **Lift and Stair Cores;** Max. of 12 apartments per floor per core.
 - **Private amenity space:** 1-bedroom unit – 5 m²; 2-bedroom/4-person unit – 7 m².
 - **Communal amenity space:** 1-bedroom unit - 5 m²; 2-bedroom/4-person unit – 7 m². The recreational needs of children must be considered as part of communal amenity space.
 - **Bicycle parking:** 1 cycle storage space per bedroom, with visitor parking required at a rate of 1 space per 2 residential units.
- Car parking:** In suburban/urban locations served by public transport or close to town centres or employment areas and particularly for housing schemes with more than 45 dwellings per hectare net (18 per acre), planning authorities must consider a reduced overall car parking standard and apply an appropriate maximum car parking standard.
- Provision shall be made for the **storage and collection of waste** materials in apartment schemes. Refuse facilities shall be accessible to each apartment stair/lift core and designed for the projected level of waste generation and types and quantities of receptacles required.

5.6. Natural Heritage Designations

5.6.1. None.

5.7. EIA Screening

- 5.7.1. The planning application documentation does not include an EIA Screening Assessment. Kildare County Council's Planning Officer concluded that the undertaking of an EIA was not required in this instance.
- 5.7.2. Class (10)(b)(i) and (iv) of Schedule 5, Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:
- Construction of more than 500 dwelling units,
 - Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere. (In this paragraph, "business district" means a district within a city or town in which the predominant land use is retail or commercial use.)
- 5.7.3. This planning application seeks permission to construct 20 no. residential units on a stated site area of 0.178 ha. As such, the total number of units proposed in this instance, is significantly below the 500-unit threshold noted above. The application site is located within an existing built-up area but not in a business district and therefore, is well below the applicable threshold of 10 ha.
- 5.7.4. The introduction of this residential scheme would have no adverse impact in environmental terms on surrounding land uses. The proposed development would not give rise to waste, pollution or nuisances that differ from that arising from other housing in the neighbourhood. It would not give rise to a risk of major accidents or risks to human health. The proposed development would use the public water and drainage services of Uisce Éireann and Kildare County Council, upon which its effects would be marginal.
- 5.7.5. I have concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment, and that on preliminary examination, an environmental impact assessment report for the proposed development was not necessary in this case.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A first-party appeal against the Planning Authority's Notification of the Decision to Refuse Permission has been lodged by Whyte Planning Consultants Ltd. on behalf of the applicants. The appeal includes revised design proposals to address the Planning Authority's decision which now propose to retain the existing 2-storey, end-of-terrace property fronting onto the Dublin Road.

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

- The Planning Authority has been inconsistent in its decision making and has permitted the demolition of the old schoolhouse building in the ACA on the opposite side of the road (Planning Authority Reg. Ref. 16/1091 refers).
- The long-term viability of the unit at the front of the site may lead to dereliction and a situation is foreseen where a change of use might be needed to keep the unit occupied. The commercial viability of this unit is low and the structure itself is not protected.
- The Planning Department made an entirely subjective view in relation to the architectural language of the proposed development.
- The architectural language of the proposed development has taken direct inspiration from the most recent development in the ACA (Planning Authority Reg. Ref. 16/1091), directly across the road.
- It is unclear how a newly constructed development with contemporary materials and a high-quality finish would detract from an existing area of Kildare Town which lacks any architectural quality or sense of place.
- The Planning Authority's lack of detailing in their reasoning that the proposed development would have a profound negative impact on this site is not accepted. The site is currently characterised by a poorly maintained collection of buildings.

- The proposed development will not be visually obtrusive due to the slope of the site, which slopes from west to east and allows the development to be screened from view on the approach roads.
- A revised proposal has been submitted that retains the existing shop unit addressing the Dublin Road, with the shopfront element of the existing end-of-terrace house being the only real architectural feature worthy of retention.
- The proposed parking provision is entirely consistent with national planning policy including the National Planning Framework, the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authority's (2020), the Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities (2009) and the Regional Spatial and Economic Strategy which encourage, inter alia, the efficient use of urban land, more compact forms of development, increased development densities and reduced parking requirements.
- The site is located within 1.5 km of a regional train station at Newbridge, 500m of the town centre, 50 m of a national bus stop and within 200 m of primary and secondary schools and other local services.
- The proposed car parking provision is entirely adequate for this town centre location. There is ample on-street parking in the town and 2 no. public car parks within 200 m of the site.
- The proposed open space is provided on a part of the site that enjoys the most daylight and sunlight and is not of poor quality. The proposed buildings have been worked around the open space and internal access roads and turning areas have been minimised.
- The recently permitted development on the opposite side of the road has similar open space for a significantly larger development.
- The Planning Authority's strict application of design standards cannot be accommodated on this infill site, without significantly reducing the number of units, which would be an uneconomical use of town centre lands.
- The proposed apartment units represent the best design approach to achieve a larger floor area than the minimum requirements. The Planning Authority

has not recognised the unique orientation, topography and shape of the site, with the proposed development representing the optimum design response.

- The development density is 46 units per acre. The qualitative analysis used by the Planning Authority would result in a total of 6 units on the site, which would be an uneconomical use of scarce urban land.
- An analysis of 2016 CSO population figures indicates an average of 3.01 persons per housing unit in Kildare Town.
- The proposed 20 no. units on the site will allow for 60.2 persons based on 3.01 persons per unit.
- It is argued that the density of the development based on population is well below what should be accommodated on a town centre site. It is clear that the density of persons would be a more appropriate approach to take considering the nature and location of the site.
- Based on a population demographic analysis, 1-bedroom units in town centre locations are required to meet the density of 3.01 persons per unit.
- There is dedicated cycle parking on site for up to 15 no. bicycles. Most residents will bring their bicycles into their unit for security reasons. Additional bicycle spaces can be provided as shown on the revised site plan.

6.1.3. A response to refusal reason no. 3 of the Planning Authority's decision has been prepared by Gordon White Consulting Engineers as submitted with the appeal and can be summarised as follows:

- The Water Services Section of Kildare County Council sought Further Information in relation to the proposed development rather than a recommendation to refuse permission. Had such a request been made, the required information could have been provided at that stage or prior to the construction of the proposed development.
- The proposal to drain the surface water discharging from the proposed development to a soak pit within the development would represent an improvement over the current situation.

- The location of the proposed soakaway is below the open space of the proposed development which lies below an existing building. As such, it is impractical to carry out a BRE356 test at, or close to, this location in advance of planning permission being granted.
- The soak pit calculations were provided based on an assumed infiltration rate. The test will be carried out should permission be granted to demolish the existing building.
- Surface water drainage of the adjacent Garda station and car park is to soakaways, providing a precedent for such drainage.
- There is no indication whatsoever or any history or risk of flooding in the area based on available records. The proposal will help alleviate pressure on the combined drainage in the area through transferring surface water runoff from the existing roofs from the combined system to an on-site soakaway.

6.1.4. The appeal includes an Architectural Heritage Impact Assessment. This report does not include an assessment of the development as proposed at application stage, which sought permission to demolish the existing end-of-terrace, 2-storey building fronting onto the Dublin Road. The assessment concludes that considers the revised proposals to retain this building address refusal reason no. 1 of the Planning Authority's decision.

6.1.5. The appeal submission also includes a copy of the Traffic Report which accompanied the planning application, an Autotrack drawing, 3-D photomontages of the proposed development and revised drawings to reflect the design changes proposed under the appeal submission.

6.2. Planning Authority Response

6.2.1. A response to the appeal was received from Kildare County Council on 5th July 2023. The Planning Authority notes that additional information has been provided in the appeal regarding the retention of the 19th century building fronting onto Dublin Road. While the Planning Authority welcomes the retention of this building, it is considered that the refusal reasons have not been adequately addressed and remain valid.

6.3. Observations

6.3.1. One observation has been submitted on the appeal by Farry Town Planning Ltd. on behalf of Christopher and Patricia Dempsey, James Nolan Public House, Dublin Road, Kildare Town, Co. Kildare. The new issues which are raised can be summarised as follows:

- The description of the development has not been revised to reflect the retention of the existing 2-storey building fronting Dublin Road and no plans showing this building remaining in situ have been lodged as part of this appeal.
- The retention of the existing 2-storey building is supported.
- The inclusion of only 1-bedroom apartments in the development runs counter to societal needs for various types of accommodation.
- The types of dwellings proposed would not be able to accommodate average households living in this area (average of 3.01 persons as identified by the applicant).
- It is requested that the Board uphold the Planning Authority's decision to refuse permission.

7.0 Assessment

7.1. The applicant has amended the proposed development under the appeal submission to allow for the retention of the 19th century building at the front of the site (its 2-storey return will be demolished). This amendment reduces the number of apartments in Block A from 10 no. to 8 no. 1-bedroom units. Additional cycle parking is also proposed along the northern site boundary adjacent to Block B. Revised drawings to illustrate the amendments are included with the appeal.

7.2. My assessment considers the development as originally proposed and as amended for the convenience of the Board. In the event the Board considers granting permission for the proposed development, I consider that the changes which are proposed under the appeal are material, which may warrant the readvertisement of the proposed development.

7.3. Having examined the application details and all other documentation on file, including the submission received in relation to the appeal, the observation made on the appeal, the reports of the local authority, and having inspected the site, and having regard to the relevant national and local planning policies and guidance, I consider that the substantive issues to be considered in this appeal are as follows:

- Impact on Kildare Town Architectural Conservation Area
- Overall Standard of Development
- Surface Water Drainage Arrangements
- Appropriate Assessment (AA)

7.4. Each of these issues is addressed in turn below.

7.5. Impact on Kildare Town Architectural Conservation Area (ACA)

7.5.1. Refusal reason no. 1 of the Planning Authority's decision states that the proposed development would have a profound negative impact on the character of the ACA, including when viewed from the approach roads. As such, it was considered that the proposed development would be contrary to Objectives AH O65, AH A24, AH O66, AH O34, AH O53 and AH O55 of the Kildare County Development Plan 2023-2029. I note that Kildare County Council's Planning Officer, Conservation Officer and Strategic Projects and Public Realm Department objected to the demolition of the existing 19th century building adjacent to the Dublin Road.

7.5.2. The applicants do not accept the Planning Authority's assessment and submit that an entirely subjective view has been reached in relation to the architectural language of the proposed development. It is considered unclear how a newly constructed development with contemporary materials and a high-quality finish would detract from an area of the town which lacks any architectural quality or sense of place. The applicants submit that the site is characterised by a poorly maintained collection of buildings and that the proposed development will not be visually obtrusive due to the slope of the site, which will screen the development in views from the approach roads. The architectural language of the proposed development has taken direct inspiration from the most recent development in the ACA (Planning Authority Reg. Ref. 16/1091), directly across the road. It is noted that the demolition of the old schoolhouse building was permitted on the aforementioned site.

- 7.5.3. In justifying the proposed demolition of the 19th century building, the applicants submit that the commercial viability of this unit is low, which may result in future dereliction. However, on visiting the site I noted that this building is occupied by a florist business which is well-maintained and appears to have been recently painted.
- 7.5.4. I agree that the existing buildings on the site to the rear of the 19th century building, including the modern 2-storey and single-storey extensions and the industrial style unit at the rear of the site are of no particular architectural merit. I have no objection to the demolition of these structures.
- 7.5.5. While the 19th century building at the front of the site is not a protected structure or included on the NIAH, it is an attractive building which, together with the adjoining building within the terrace (James Nolan public house), makes a positive contribution to the streetscape and ACA at this location. I note that it is a policy of Kildare County Council to promote the protection, retention, appreciation and appropriate revitalisation of the built vernacular heritage of the county (Policy AH P9 of the county development plan refers) and, inter alia, to support new development that is sympathetic to the character of the ACA (Objective BHO 2.1 of the Kildare Town LAP refers).
- 7.5.6. While I acknowledge the precedent case which has been identified by the applicants, I consider that the relationship of the proposed development to the adjoining buildings within the terrace and its impact on the streetscape on the northern side of the Dublin Road is the key consideration in this instance. I also note that each application must be adjudicated on its merits in accordance with the policy context pertaining at the time of assessment.
- 7.5.7. It is proposed to demolish all the existing buildings on the site and replace them with 2 no. residential blocks. Block A is 2-storeys in height and is located at the front of the site adjacent to the Dublin Road. The Dublin Road elevation of the block generally reflects the style of the existing 19th century building. The primary façade of the block faces into the site and is characterised by projecting balcony features. Block B is located to the rear of the site adjoining the north-western boundary and is also characterised by projecting balcony features. Both blocks have pitched roofs. I would note that the Proposed Contiguous Elevation of Block A (Drawing No. JMC/PLN-005) appears to include an error in the roof treatment as it relates to the

corner of the block adjacent to the Dublin Road, which appears to be pitched on the elevation drawing but is shown as gable-ended in the photomontages.

- 7.5.8. The Site Layout Plan which accompanies the application (Drawing No. JMC/PLN-002A) confirms that Block A is proposed to be set back from the public footpath by 1.7 m, with an enclosed area of planting proposed between the front façade and the footpath edge. While the planning application documentation includes 3D images of the proposed development when viewed from the Dublin Road, it fails to adequately illustrate the revised relationship with the adjoining building within the terrace (James Nolan public house).
- 7.5.9. In my opinion, the applicants have failed to provide sufficient justification for the demolition of this vernacular building which forms part of Kildare Town ACA. The rationale that the commercial viability of the unit is low, fails to acknowledge that there is an existing business operating from the property. I further consider that the setting back of the building from the existing building line, would have a negative impact on the streetscape, resulting in a fragmented building line compared with the existing built context.
- 7.5.10. In my opinion, the proposed development fronting onto the Dublin Road would constitute a reduced urban design outcome on this part of the site compared with the existing end-of-terrace building. Given the location of the site within an ACA and the policies of the Local Authority concerning new development in such areas and in relation to the retention of vernacular buildings, I consider that the demolition of this building should not be permitted.

- **Amended Development**

- 7.5.11. In seeking to address this issue, the appeal submission proposes the retention of the 19th century building at the front of the site through the omission of 2 no. apartment units within Block A. The 2-storey return of the building will be demolished. The proposed amendment would result in a small retail unit at the ground floor level and an office above in the retained building. Revised drawings are provided with the appeal. I note that this proposal is supported by the owners of the adjoining public house.
- 7.5.12. The appeal submission includes an Architectural Heritage Impact Assessment. This report does not include an assessment of the demolition of the 19th century building

as originally proposed but notes that the building is not a Protected Structure and is not included on the NIAH. The assessment states that the retention of this building means that the proposal is no longer contrary to Objectives AH 065, AH A24, AH 066, AH034, AH053 and AH 055 of the Kildare Development Plan 2023-2029 and therefore should not affect the character of the Kildare Town ACA.

- 7.5.13. While I have some concerns regarding the commercial viability of the retained 19th century building given the size of the remaining units, I consider that the retention of this building would be appropriate in the event the Board considers granting permission for the proposed development.

7.6. Overall Standard of Development

- 7.6.1. Refusal reason no. 2 of the Planning Authority's decision had regard to the inadequate parking provision, poor quality open space and internal layout and arrangement of accommodation, on the basis of which, it was considered that the proposed development represents an excessive density of development which would fail to offer an adequate level of residential amenity and resulting standard of living to future occupants. It was also considered that the proposed development has an inappropriate unit mix contrary to SPPR1 of the Apartment Design Guidelines, would be contrary to housing policy HO15 and the development management standards concerning bicycle and car parking of the 2023-2029 county development plan.
- 7.6.2. In response, the applicants submit that the Planning Authority's strict application of design standards cannot be accommodated on this infill site, without significantly reducing the number of units which is considered an uneconomical use of town centre lands. It is submitted that the proposed car parking is sufficient for a town centre site and that the open space is not of poor quality, being provided on a part of the site that enjoys the most daylight and sunlight.

- **Car Parking Provision**

- 7.6.3. The proposed development includes 6 no. surface car parking spaces located towards the rear of the site. The Apartment Design Guidelines 2023 require that planning authorities must consider a reduced overall car parking standard in urban areas close to town centres and apply a maximum car parking standard. Table 15.8 of the Kildare County Development Plan 2023 sets out a maximum car parking

standard of 1.5 spaces per apartment unit plus 1 no. visitor space per 4 apartments. This would result in a maximum parking provision of 35 no. parking spaces.

7.6.4. The Roads and Transportation Planning Department of Kildare County Council requested that Further Information be provided in relation to 14 no. items including, inter alia, the shortfall of car parking spaces. The applicants state that there is ample on-street parking in the town and 2 no. public car parks nearby. I note however that the Roads Department has stated that on-street car parking in the town centre will continue to be primarily for commercial and retail purposes and it is unlikely that any future residential parking permits will be issued for on-street use. I also consider that the use of public car parks is not a reasonable solution to long-stay residential parking requirements.

7.6.5. Thus, while I acknowledge the proximity of the site to Kildare train station and that national planning policy seeks to minimise residential car parking in urban areas, I also note that the site is located in a Self-Sustaining Growth Town in a commuter county rather than in a city centre. In this context, I consider that the significant car parking deficit arising, which amounts to less than 1 parking space per 3 residential units, would be unacceptable. In my opinion, a more robust case would need to be presented to justify the level of provision in this instance, including viable alternative arrangements for residents of the proposed development.

- **Bicycle Parking Provision**

7.6.6. The proposed development includes a covered bicycle shelter with 12 no. spaces. The Apartment Design Guidelines 2023 and the Kildare County Development Plan 2023-2029 (table 15.4) require the provision of 1 no. cycle space per apartment unit plus 1 visitor space per 2 apartments, resulting in a requirement for 30 no. spaces in this instance.

7.6.7. Having regard to the reduced number of car parking spaces which are proposed, and the likely reliance of any future occupants and visitors on sustainable transport modes, I consider that the shortfall of bicycle parking spaces is unacceptable. While the applicants submit that 15 no. spaces can be accommodated in the bicycle store, this is at odds with the Bin & Bicycle Storage Drawing (No. JMC/PLN-006) which shows only 12 no. spaces.

7.6.8. While the applicants also state that additional spaces can be provided along the northern boundary as shown on the revised Site Layout Plan which accompanies the appeal (Drawing No. JMC/PLN-002A), these appear to be Sheffield style spaces, and in my opinion, would not be sufficient to account for the shortfall arising. The applicants further state that most people bring their bicycles into their units for security reasons, and they suspect many residents will do this. I do not accept this argument and I consider that 1-bedroom apartment units do not offer sufficient space for internal bicycle storage, hence the requirement for secure, covered outdoor storage. In addition, I note that residents on the upper floors would be required to carry their bicycles up 1 – 2 flights of stairs, which is not an appropriate arrangement.

7.6.9. As such, I agree with the Planning Authority's assessment that insufficient car and bicycle parking is proposed to facilitate the development.

- **Open Space**

7.6.10. In assessing the proposed landscaping proposals, Kildare County Council's Planning Officer noted that open space of c. 170 m² was proposed, accounting for c. 10% of the overall site area, in accordance with the minimum requirements for brownfield sites (section 15.6.6 of the county development plan refers). The Planning Officer considered that inadequate information had been provided on the landscaping of this space and that no explanation had been provided for the inclusion of a children's playground given the high proportion of 1-bedroom apartments.

7.6.11. In response, the applicants submit that the open space is provided on the part of the site that enjoys the most daylight and sunlight and is not of poor quality. The proposed buildings have been worked around the open space and internal access roads and turning areas have been minimised.

7.6.12. I agree that the inclusion of a children's play space is not necessary given the unit mix and likely occupancy of the proposed development. However, I note that the quantum of open space meets development plan requirements. In my opinion, the final design/use of this space could be agreed in writing with the Planning Authority prior to the commencement of development in the event the Board considers granting permission for the proposed development. Thus, in my opinion, it would be unreasonable to include the quality of the proposed open space as a refusal reason in this case.

- **Internal Layout of Apartment Units**

7.6.13. The overall apartment areas and associated private open spaces meet or exceed the required floorspace standards. However, in considering the layout of the proposed apartments, I note that unit nos. 3 and 4 at ground floor level of Block A, unit nos. 8 and 9 at 1st floor level of Block A and all the ground floor and 1st floor units within Block B have narrow kitchen and dining areas. The stated width of the kitchen areas is 2.065 m and of the dining areas is 2.365 m. The minimum width required for living / dining rooms in 1-bedroom apartment units is 3.3 m. This standard is achieved in the living rooms of the combined kitchen/living/dining room areas only. In my opinion, this floorplan arrangement is substandard and would have a negative impact on the residential amenity of the relevant units.

7.6.14. In reaching this conclusion, I also note that the units have a depth of c. 10.5 m set behind projecting balcony features. On foot of the foregoing, I would query the availability of light within the affected units. Unit nos. 3 and 4 at ground floor level of Block A are dual aspect. However, the block is positioned between c. 0.3 m and 2.1 m from the rear boundary wall, and as such, the availability of light through the rear window may be reduced. Unit nos. 8 and 9 at 1st floor level of Block A are single-aspect and the same concerns arise regarding the internal light levels on foot of the depth of the units. These concerns also arise in relation to the ground floor (dual-aspect) units of Block B given the position of the block between 1 m and c. 1.2 m from the rear boundary wall, and in relation to all the 1st floor, single-aspect units.

- **Unit Mix**

7.6.15. The proposed development includes 18 no. 1-bedroom apartments (90%) and 2 no. 2-bedroom apartments (10%). SPPR1 of the Apartment Design Guidelines as referenced in the Planning Authority's decision requires that housing developments may include up to 50% one-bedroom or studio type units. However, SPPR2 is also relevant in this case which relates, inter alia, to urban infill schemes on sites of up to 0.25 ha (stated site area of 0.178 ha in this case). Where up to 9 residential units are proposed, notwithstanding SPPR1, there shall be no restriction on dwelling mix, provided no more than 50% of the development (i.e. up to 4 units) comprises studio-type units. Where between 10 and 49 residential units are proposed, the flexible

dwelling mix provision for the first 9 units may be carried forward and the parameters set out in SPPR1, shall apply from the 10th residential unit to the 49th.

- 7.6.16. In apply SPPR2 in this case, a maximum of 15 no. of the proposed apartments (75%) can comprise 1-bedroom units. The proposed development does not comply with this requirement.

- **Unix Mix - Amended Development**

- 7.6.17. The proposal to partially retain the 19th century building at the front of the site has reduced the number of units in Block A from 10 no. to 8. The overall unit mix now comprises 16 no. 1-bedroom units (89%) and 2 no. 2-bedroom units (11%). In applying SPPR2 in this case, a maximum of 14 no. of the apartments can comprise 1-bedroom units. The amended development does not comply with this requirement.

- 7.6.18. Thus, in conclusion, I consider that the proposed bicycle and car parking, the unit mix and internal layout of the apartments are substandard, and that planning permission should be refused on this basis.

7.7. Surface Water Drainage Arrangements

- 7.7.1. Refusal reason no. 3 of the Planning Authority's decision was based on the surface water drainage arrangements. It was considered that it had not been satisfactorily demonstrated that surface water can be dealt with adequately within the curtilage of the site and would not adversely impact surface water drainage in the area. It was also considered that the proposed development had not adequately considered flood risk.
- 7.7.2. In response, the applicants submit that it is proposed to drain surface water to a soak pit which represents an improvement over the current situation whereby the existing roof drainage and a portion of the car park drainage discharges to the public combined sewer. It is noted that the balance appears to discharge to the surface water drainage within the adjacent Garda station site. The location of the proposed soakaway is below the industrial building at the rear of the site, and as such, it is not possible to carry out a BRE356 test at this location in advance of a grant of permission. It is submitted that the soakaway in the adjacent Garda station sets a precedent for this solution on the appeal site. It is also submitted that there is no indication whatsoever of any history or risk of flooding in the area.

7.7.3. Section 6.5.3 of the Strategic Flood Risk Assessment of the Kildare Town Local Area Plan 2023-2029 states that the study area is largely situated on well drained soils amenable to infiltration. It notes that many existing housing estates have soak pits to cater for surface water runoff and that drainage via infiltration has been the predominant approach in granted applications in recent times. It further confirms that all the LAP lands are located within Flood Zone C. The risk of coastal, fluvial and groundwater flooding has been deemed to be low. A pluvial model was developed to inform the identification of areas within the LAP area that may be susceptible to surface water flooding. The model results confirm there is a potential risk of pluvial flooding in some areas of the LAP as identified in table 6.1. Applications in these areas will require the preparation of a Site-Specific Flood Risk Assessment. I note that the appeal site is not included in the identified areas.

7.7.4. Having regard to the foregoing, and the location of the site in a serviced urban area, I am satisfied that the surface water drainage arrangements could be agreed to the Planning Authority's standards in the event the Board considers granting permission for the proposed development. I am also satisfied that there is no undue flood risk associated with the redevelopment of the site. As such, I consider that it would be unreasonable to refuse permission for the proposed development based on the surface water drainage arrangements and flood risk.

7.8. Appropriate Assessment Screening

7.8.1. I have considered the proposed development in light of the requirements of S177U of the Planning and Development Act, 2000 (as amended). The subject site is located in an urban area within Kildare town and is located at minimum separation distances of between approx. 4.5 km and 7km respectively from the nearest European sites to the north-east at Pollardstown Fen SAC (site code: 000396) and Mouds Bog SAC (site code: 002331) and approx. 7.7km to the north of River Barrow and River Nore SAC (site code: 002162).

7.8.2. The proposed development will consist of the demolition of the existing 2-storey commercial premises and the existing industrial-style unit and the construction of 2 no. residential blocks comprising 20 no. apartments, internal access road, connection to public foul sewer and watermain, soak holes, landscaping, bin and

bicycle store and all associated site works (see section 2.0 of this report for full description of development).

7.8.3. There are no watercourses within the site, with the nearest EPA mapped watercourse being the Tully Stream which is located approx. 1.3 km to the south of the site beyond the M7 motorway. No faunal species or evidence of any faunal species associated with any European sites are recorded within the appeal site. No habitats listed under Annex 1 of the EU Habitats Directive were identified within the site boundary. None of the habitats on site provide supporting habitat for any QI/SCI species associated with any nearby European sites. No nature conservation concerns arose during the course of the planning application or in third party submissions.

7.8.4. Having regard to the nature, location and scale of the project, I am satisfied that it can be eliminated from further assessment as there is no conceivable risk to any European site. The reason for this conclusion is as follows:

- The existing commercial use of this urban site; and,
- The separation distances arising to the nearest European sites and the lack of any connections, hydrological or otherwise, to such sites.

7.8.5. I note that this reflects the screening determination of Kildare County Council.

7.8.6. I conclude on the basis of objective information, that the proposed development would not have a likely significant effect on any European site, either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) under section 177V of the Planning and Development Act, 2000 (as amended) is not required.

8.0 Recommendation

8.1. I recommend that planning permission be refused for the proposed development based on the reasons and considerations set out hereunder.

9.0 Reasons and Considerations

- 9.1. The proposed development, which is predominantly characterised by one-bedroom units, does not comply with the unit mix for apartment developments as required under SPPR1 and SPPR2 of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities issued by the Department of Housing, Local Government and Heritage in July, 2023. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
- 9.2. The proposed configuration of the combined living/kitchen/dining rooms of the majority of the 1-bedroom apartment units does not meet the minimum widths for main living/dining rooms as required under the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities issued by the Department of Housing, Local Government and Heritage in July, 2023, and as such, would offer a poor standard of living accommodation for future residents. Thus, the proposed development would be contrary to the proper planning and sustainable development of the area.
- 9.3. The proposed development provides an insufficient quantum of bicycle and car parking spaces to serve future occupants and visitors, and as such, does not comply with the development management standards set out in Sections 15.7.2 and 15.7.8 respectively of the Kildare County Development Plan 2023-2029 and Section 4.15 of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities issued by the Department of Housing, Local Government and Heritage in July, 2023. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
- 9.4. The proposed demolition of the 19th century building fronting onto the Dublin Road, and which is located in Kildare Town Architectural Conservation Area (ACA), would have a negative impact on the character of the ACA and the streetscape at this location and would be contrary to Policy AH P9 and Objective AH O55 of the Kildare County Development Plan 2023-2029 and Objective BHO 2.1 of the Kildare Town Local Area Plan 2023-2029 which seek, inter alia, to promote the protection and retention of the built vernacular heritage of the county, to resist the demolition of built vernacular heritage and to ensure that new development is sympathetic to the

character of the ACA. The proposed development would, therefore, 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.

Louise Treacy
Senior Planning Inspector

3rd July 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	317327-23		
Proposed Development Summary	Demolition of existing 2-storey commercial premises and the existing industrial-style unit and the construction of 2 no. blocks of apartments comprising 20 no. apartments and all associated development.		
Development Address	Dublin Road, 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	X
		No	
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			
No		X	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	
Yes		Class (10)(b), Schedule 5, Part 2	Proceed to Q.4

4. Has Schedule 7A information been submitted?

No		Preliminary Examination required
Yes		Screening Determination required

Inspector: _____ **Date:** _____

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	317327-23	
Proposed Development Summary	Demolition of existing 2-storey commercial premises and the existing industrial-style unit and the construction of 2 no. blocks of apartments comprising 20 no. apartments and all associated development.	
Development Address	Dublin Road, Kildare Town, Co. Kildare	
The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations.		
	Examination	Yes/No/ Uncertain
Nature of the Development Is the nature of the proposed development exceptional in the context of the existing environment? Will the development result in the production of any significant waste, emissions or pollutants?	The subject site is located within the existing built envelope of the settlement of Kildare Town and already accommodates commercial uses within a range of single and 2-storey properties. The site is adjoined by existing residential developments to the north and northwest. The demolition works, removal of hardcore and C&D waste can be managed through an agreed Construction and Environmental Management Plan. Localised construction impacts will be temporary.	No No
Size of the Development Is the size of the proposed development exceptional in the context of the existing environment? Are there significant cumulative considerations having	The proposed development would change the use of a town centre located site from commercial to residential. The size of the development would not be exceptional in the context of the existing urban environment. There are no significant permitted developments in the immediate vicinity of the site.	No No

[illegible]

Date: _____

(only where Schedule 7A information or EIAR required)