



An
Bord
Pleanála

Inspector's Report

ABP-318713-23

Development	Extension and renovation of existing retail premises.		
Location	No. 16-18 Main Street, Leixlip, Co. Kildare		
Planning Authority Ref.	23953		
Applicant(s)	Granite and Marble Crafts Ltd.		
Type of Application	Permission	PA Decision	Grant
Type of Appeal	Third Party	Appellant	Catriona Gorman
Observer(s)	None		
Date of Site Inspection	02/03/2024	Inspector	Lorraine Dockery

1. Site Location/ and Description. The subject site, which has a stated area of 0.0165 hectares, is located on Main St, Leixlip, Co. Kildare. The previous use of the site was retail and currently appears vacant.

2. Proposed development. Extension and renovation of existing premises to include height increase, external elevational alterations and associated site development works. The stated area of proposed works is c.117 m².

3. PA's Decision Grant permission, subject to 11 conditions. Condition No.2 omits the proposed green corrugated metal roof from the development, in the interests of proper planning and residential amenity

4. Planning History. None

5.1. National/Regional/Local Planning Policy

- Kildare County Development Plan 2023-2029 applies, which has regard to national and regional policies in respect of retail development.
- Leixlip Local Area Plan 2020-2023 applies
- Zoning: Town Centre
- Site located within Leixlip Architectural Conservation Area (ACA)
- There is a Protected Structure within 15m of the site (NIAH 11804026)
- There is a National Monument within 40m of the site (KD03367)

5.2 Natural Heritage Designations

- Rye Water Valley/Carlton SAC is located c.300m from the subject site

6. The Appeal

6.1 Third Party Appeal. Grounds:

- Overbearance impacts of proposed first floor and impacts on access to natural light on side facing windows of her home; these are the only source of natural light in her home
- Proposed first floor element would impact on enjoyment of her home; impacts on views; overshadowing concerns on home/yard
- Seeks setting back of upper floor to allow light into her property and reduce overbearing impacts
- Overall supportive of proposed development and investment into town
- Photographs submitted in support of appeal

6.2 P.A. Response

- No further comments/observations to make

7. EIA Screening:

See completed Form 2 on file. Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

8. AA Screening - Use standard wording with site specific focus

Having regard to the modest nature and scale of development, its location in an urban area, connection to existing services and absence of connectivity to European sites, it is concluded that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

9.0 Assessment

- 9.1 I have read all the documentation attached to this file including the appeal, the report of the Planning Authority and responses received, in addition to having visited the site. The proposed extension and renovation of existing retail premises involves an increase in height from 5.623m currently to 6.68 metres proposed. The ground floor footprint remains largely unchanged.
- 9.2 The primary issues, as I consider them, are the impact of the proposed works on visual and residential amenity of the area.
- 9.3 In terms of impacts on visual amenity, given the design solution put forward, together with setback inside the boundary with the appellant's property, I consider that the proposal would not be excessively overbearing, incongruous or dominant in this context. I consider that the proposal is in accordance with Development Plan policy for such works. Bringing this vacant property back into use on the Main Street of Leixlip with an appropriate form of development is welcomed in principle. The proposed development would not detract from the character or setting of any Protected Structure or National Monument in the vicinity of the site. I am satisfied in this regard. I concur with the opinion of the planning authority with regards the omission of the green corrugated metal cladding and its replacement with a more

sympathetic roof finish. This matter could be adequately dealt with by means of condition.

- 6.1 In terms of impacts on residential amenity, I note the contents of the appeal submission. I am cognisant of the relationship of the proposed development to neighbouring properties. I note the setback from the boundary line with the appellants property. Having examined the information before me, and noting the orientation of the site, I am satisfied that the proposed works would not unduly overbear, overlook or overshadow adjoining properties. I consider any potential impacts to be reasonable, having regard to the need to provide additional development within an urban area identified for town centre uses; to the existing pattern and scale of development within the area and to the overall scale of the development proposed. I consider that the potential impact on neighbouring residents is not significantly adverse and is mitigated insofar as is reasonable and practical. I am satisfied in this regard.
- 9.4 I am also satisfied that any impacts are in line with what might be expected in an area such as this. Separation distances are considered appropriate. The proposed works are of a scale, height and design appropriate to its urban location and context and are considered to be in accordance with the zoning objective for the area.
- 9.5 Having regard to the above, I am satisfied that the proposed development is in accordance with the provisions of the operative County Development Plan and the Leixlip LAP, is in keeping with the pattern of development in the area and is in accordance with the proper planning and sustainable development of the area.

10. Recommendation

I recommend that permission for the development be GRANTED.

11. Reasons & Considerations

Having regard to the Town Centre zoning objective of the site; the design, layout and scale of the proposed development and the pattern of development in the area, it is considered that, subject to compliance with conditions below, the proposed development would not seriously injure the visual amenities or residential amenity of

property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

12. Conditions

1.	<p>The development shall be carried out in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity</p>
2.	<p>Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The proposed green corrugated metal roof shall be omitted from the proposal and an alternative roof finish agreed with the planning authority, prior to the commencement of any works on site.</p> <p>Reason: In the interest of visual amenity.</p>
3.	<p>Prior to the commencement of any works on site, the applicant shall ascertain and comply with all requirements of the planning authority in relation to proposed signage and lighting.</p> <p>Reason: In the interests of visual amenity</p>
4.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays.</p> <p>Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the amenities of property in the vicinity.</p>

5.	<p>That all necessary measures be taken by the contractor to prevent the spillage or deposit of clay, rubble, or other debris on adjoining roads during the course of the works.</p> <p>Reason: To protect the amenities of the area</p>
6.	<p>A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.</p> <p>Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.</p>
7.	<p>No advertisement or advertisement structure (other than those to be agreed with the planning authority) shall be erected or displayed on the building (or within the curtilage of the site) in such a manner as to be visible from outside the building, unless authorised by a further grant of planning permission.</p> <p>Reason: In the interest of visual amenity.</p>
8.	<p>Water supply and drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health and surface water management.</p>
9.	<p>Prior to the commencement of development, the developer shall enter into a water and wastewater connection agreement with Uisce Eireann.</p> <p>Reason: In the interests of public health</p>
10.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with the planning authority prior to commencement of</p>

	<p>development. This plan shall provide details of intended construction practice for the development, including management of construction traffic, hours of working, noise management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
11.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission</p>

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.

Lorraine Dockery

Senior Planning Inspector

04th March 2024

Form 1
EIA Pre-Screening
[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-318713-23		
Proposed Development Summary	Extension and renovation of existing retail premises.		
Development Address	No. 16-18 Main Street, Leixlip, Co. Kildare		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	x
		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) or does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes		Class.....	EIA Mandatory EIAR required
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)
No	x	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: Lorraine Dockery

Date: 04th March 2024