



An
Coimisiún
Pleanála

Inspector's Report PL-500126-KE

Development	Retention of car parking area.
Location	Millers Square, Athgarvan, Newbridge, Co. Kildare
Planning Authority	Kildare County Council
Planning Authority Reg. Ref.	2560898
Applicant(s)	A & G Residential Limited
Type of Application	Retention
Planning Authority Decision	Refuse Retention
Type of Appeal	First Party Normal Planning Appeal
Appellant(s)	A & G Residential Limited
Observer(s)	
Date of Site Inspection	21 st January 2026
Inspector	Elaine Power

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1.0 Site Location and Description

- 1.1. The appeal site comprises an existing access road and car parking spaces within a mixed use development known as Millers Square in the centre of Athgarvan village. The site has a stated area of 0.126ha and consists of an access road, 19 no. car parking spaces previously permitted under Reg. Ref. 19/475, 13 no. car parking spaces to be retained, a footpath and associated circulation areas. There is a gated access to the 13 no. spaces to be retained.

2.0 Proposed Development

- 2.1. The proposed development comprises the retention of an extended car park (13 no. spaces) to provide a total of 32 no. car parking spaces serving the town centre development.

3.0 Planning Authority Decision

3.1. Decision

Permission was refused for the following reason:

Having regard to the location of the additional car parking on one of the two areas of public open space permitted under reg. ref. 16/1027, inadequate public open space is provided which is contrary to Section 15.6.6 of the Kildare County Development Plan 2023-2029. The development for retention also results in a diminution in the residential amenity of the permitted housing development and if permitted would be considered contrary to the provisions of the Kildare County Development Plan 2023-2029, most notably Objective HO O6 which seeks to ensure a balance between the protection of existing residential amenities, the established character of the area and the need to provide for sustainable residential development, as well as to Section 15.6.6 of the Development Plan which outlines the importance of public open spaces associated with residential developments. Permitting the development for retention would result in a substandard form of development, seriously injure

the residential amenities of the area and result in an undesirable present for similar development and would therefore be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planners report dated 30th September 2025 notes the following:

- A car park is permitted under the zoning objective. However, this site was previously approved for public open space to service a residential scheme (Reg. Ref. 16/1027).
- Permission was previously refused to retain the car parking spaces and modify a courtyard area (Reg. Ref. 24/60978).
- Lack of evidence submitted indicating that the site layout plan has been previously approved by way of condition.
- The previously permitted level of car parking to serve the town centre is considered acceptable.

The report recommends that permission be refused for the reason outlined above.

3.2.2. Other Technical Reports

Environment Section: Report dated 20th August 2025 raised no objection subject to conditions.

Roads, Transportation and Public Safety Department: Report dated 28th August 2025 recommended that further information be sought requiring the applicant to submit a revised layout plan indicating (a) the dimensions of the car parking spaces (2.5m x 6m), (b) the dimensions of the circulation aisle (6m), (c) surface water proposals and (d) EV charging arrangements.

Water Services Department: Report dated 29th August 2025 raised no objection subject to conditions.

Area Engineer: Report dated 11th September 2025 raised no objection subject to conditions.

Strategic Projects and Public Realm: No comments.

3.3. Prescribed Bodies

None

3.4. Third Party Observations

Two observations were received by the planning authority. The concerns raised related to the loss of previously approved public open space and the potential for a traffic hazard due to increased vehicular movements.

4.0 Planning History

Subject site

The appeal site partially overlaps with the following planning applications.

PL09.245165, Reg. Ref. 14/1060: Permission was granted in 2015 for the demolition of an existing house and the construction of a new house.

PL09.248507, Reg. Ref. 16/1027: Permission was granted in 2018 for the construction of 7 no. houses. This application included the access road that forms part of the appeal site.

Reg. Ref. 19/745: Permission was granted in 2020 for a mixed use development comprising a shop unit, community use unit and 2no. apartments at ground floor level and 1no. Medical Unit, 1no. Office unit and 4no. apartment units at first floor level. This application included the access road and 19 no. car parking spaces that form part of the appeal site.

Reg. Ref. 23/630: Permission was refused in 2024 for the change of use of 2 no. medical suites and 1 no. office to 3 no. apartments at Millers Square. The reason for refusal considered that the proposed development would fail to deliver an appropriate mix of village centre uses and would undermine Objective STA4 in delivering a

landmark mixed use/ retail development and Objective STA1 to encourage the provision of shops and services.

Reg. Ref. 24/60978: Permission was refused in 2024 for an extended car parking area approved under Reg. Ref 19/745 and Reg. Ref. 16/1027 and modifications to a permitted courtyard. The reason for refusal related to the loss of public open space to serve a residential development approved under Reg. Ref. 16/1027 and a diminution of residential amenity due to the removal of all soft landscaping within the communal courtyard area approved under Reg. Ref. 19/475.

UD7798: Enforcement Notice: A warning letter was issued in relation to green space changed a to car park.

Surrounding sites

ABP.300835-18, Reg. Ref. 17/393: Permission was granted in 2019 for the construction of a mixed use development 5 no. ground floor commercial units including a bookmakers, doctors surgery, chemist, restaurant and office unit and 3 no. apartments above, 6 no. houses and 6 no. age friendly houses on the opposite side of the cross roads to the appeal site.

5.0 Policy Context

5.1. Athgarvan Village Renewal Masterplan, 2024

The masterplan is a non-statutory document published in January 2024 which set out conceptual plan for a settlement. While this document is non-statutory Policy AD A3 of the Development Plan is to prepare and implement on a phased basis Village Renewal Masterplans for a number of settlements including Athgarvan. This is also supported by Policy UD O6 to prepare and implement Town / Village Renewal Masterplans for settlements of all sizes across the county.

The plan states that Athgarvan has a population of 1,193 people (Census 2022).

The Local Opportunities Map (page 21) identifies the site an opportunity site (2) Village centre vacant site: opportunity to consolidate existing urban fabric, strengthen the core of the village, active frontages, village centre uses, landmark building.

5.2. Kildare County Development Plan 2023 - 2029

Volume 2 Part 2 Small Towns, Environs, Villages and Rural Settlements of the Development Plan identifies Athgarvan as a village. Map V2-3.2a sets out the land use zoning objectives for Athgarvan.

The appeal site is zoned A: Town Centre with the associated land use objective to *provide for the development and improvement of appropriate village centre uses including residential, commercial, office and civic use.*

Map V2-3.2b sets out the Objectives for the village. There is a potential / improved walking route / links objective within the site.

The following objectives are considered relevant:

- **ST A2** Ensure new development complements and enhances the village scape and uses quality building materials
- **ST A5** Support the objectives and priority projects of the forthcoming Athgarvan Village Renewal Plan

The following provisions of the development plan are also considered relevant:

- **HO O6:** Ensure a balance between the protection of existing residential amenities, the established character of the area and the need to provide for sustainable residential development is achieved in all new developments
- Section 15.4: Residential Development
- Section 15.6.6: Public Open Space for Residential Development
- Section 15.7.8: Car Parking

5.3. Natural Heritage Designations

There are no designated sites within the vicinity of the appeal site.

5.4. EIA Screening

The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations

2001, as amended (or Part V of the 1994 Roads Regulations). No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of report.

6.0 The Appeal

6.1. Grounds of Appeal

The main ground of the first party appeal related to the reason for refusal and are summarised below:

- The existing car park serves the overall development known as Millers Square which consists of houses, apartments, retail and medical uses. The development was provided by way of 2 no. separate planning applications and are accessed via a shared road including car parking spaces and turning area.
- The site is zoned 'Town Centre'.
- The area to be used as car parking was never public open space, it was a left over piece of land to the end of house no. 7.
- As per Reg. Ref. 16/1027 car parking spaces were provided at the end of House 7 which were common in nature. An area of open space was shown in a central courtyard type space and was delivered.
- A large courtyard has been delivered as part of the mixed use development which is open to all residents of Millers Square.
- A turning area within the appeal site was agreed by way of compliance with the Area Engineer.
- This application ensures adequate car parking to ensure the operation and viability of a mixed use development in the town centre of Athgarvan, which is not well served by public transport.
- The extended car parking spaces will have a lower level of use and will be monitored by the management company.
- The car parking spaces are required as there are no on-street parking spaces available to serve this development and the village of Athgarvan.

6.2. **Planning Authority Response**

The planning authority's response dated 25th November 2025 confirms its decision and asks that the Commission refer to the Planners Report and various technical department reports in relation to the assessment of this planning application.

6.3. **Observations**

None

6.4. **Further Responses**

None

7.0 **Assessment**

7.1. Having examined the appeal details and all other documentation on file, including all of the submissions received in relation to the appeal, the report of the local authority and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of Development
- Open Space
- Residential Amenity
- Car Parking

7.2. **Principle of Development**

7.2.1. The appeal site is zoned A: Town Centre with the associated land use objective to provide for the development and improvement of appropriate village centre uses, including residential, commercial, office and civic use. A car park is permitted in principle on lands zoned A. Therefore, I am satisfied that the development to be permitted is acceptable in principle and should be assessed on its merits. The Planning Authority also note that the proposed use is permissible under the sites zoning objective.

7.3. Open Space

- 7.3.1. The reason for refusal considered that the retention of a car park on a site that was previously approved as public open space to served a residential development would result in adequate public open space for that residential development and would be contrary to Section 15.6.6 of the Development Plan, which requires a minimum of 10% of the site be provided as public open space in new residential developments with less than 10 no. units.
- 7.3.2. As noted above in Section 4, permission was granted in 2018 (PL09.248507, Reg. Ref. 16/1027) for the construction of 7 no. houses on lands that are partially contained within the appeal site. The drawings relating to this application are publicly available on the planning authority's website (www.kildarecoco.ie), which I accessed on numerous dates in January 2026. The drawings submitted by way of further information, for which planning permission was granted, show a central area (290sqm) of public open space and secondary area (121sqm) public open space to the east of House no. 7. This secondary area of public open space, with an area of 121sqm, is the site of the car parking area to be retained. The total area of public open space (411sqm) provided to serve the development under PL09.248507, Reg. Ref. 16/1027 equated to c. 12.4% of the site area (0.33ha). This is in excess of the 10% required under the Development Plan. The proposed development results in the omission of the 121sqm of public open space. The remaining 290sqm equates to 8.7% of the site area and is, therefore, below the public open space standard of 10% set out in Section 15.6.6 of the Development Plan.
- 7.3.3. The appeal states that the area (121sqm) to be retained as car parking was never intended as public open space, that it was a left over piece of land to the end of house no. 7, and that a central area of open space, was delivered. Having regard to the drawings submitted by way of further information for Ref. Ref. 16/1027, I do not agree with the applicant that the area to be retained as car parking was never intended as public open space.
- 7.3.4. The appeal also notes that the adjoining mixed use development, known as Millers Square, provides sufficient public open space to serve both developments. Permission was granted in 2020 (Reg. Ref. 19/745) for a mixed use development containing a

shop, community, medical and office use and 6no. apartment units with a 350sqm of communal courtyard at ground floor level. The information submitted with the application and appeal indicates that both the mixed use development and the site of the 7 no. houses were within the ownership of the applicant. It is noted that the developments are immediately adjacent and share an access road. The 350sqm courtyard area and the 290sqm area of green space are easily accessible from both developments. Given the high accessibility between the developments and the shared ownership of the sites, I have no objection in principle to the public open space provision being shared.

- 7.3.5. Section 15.6.6 of the Development Plan requires a minimum of 10% of a site be provided as public open space in new residential developments with less than 10 no. units. Therefore, the existing 7 no. houses on a site of 0.33ha has a requirement for 330sqm of public open space. The Apartment Guidelines, 2025, do not require public open space, however there is a requirement for a minimum provision of 7sqm of communal open space per 2-bed apartment. The mixed use development contains 6 no. 2-bed apartments. Therefore, there is a requirement for 42sqm of communal open space to serve the 6 no. approved apartments within Millers Square. As standalone developments there is a requirement for 372sqm of open space to serve both developments. The quantum of public open space (290sqm) within the housing development and the quantum (350sqm) of communal open space provided within the courtyard area significantly exceeds this requirement. I am satisfied that adequate open space is provided to ensure a high standard of residential amenity for existing and future occupants of both developments.
- 7.3.6. In addition, Policy and Objective 5.1 of the Compact Settlement Guidelines require a minimum of 10% and a maximum of 15% of public open space for new residential developments and in mixed-use developments that include a residential element. The total area of open space provided within the two developments (640sqm) equates to 10% of the overall site area. Therefore, I am satisfied that the combined quantum of open space, which equates to 10%, is in accordance with the provisions of the Compact Settlement Guidelines and, therefore, acceptable in this instance.
- 7.3.7. Notwithstanding the quantum of open space that is available to both developments I have some concerns regarding the quality of the space provided within the mixed use

development. The drawings submitted with Reg. Ref. 19/745, and publicly available on the Planning Authority's website, indicate soft landscaping with planting within the courtyard area. During my site visit it was noted that the courtyard has been finished in hard landscaping with very limited planting and no natural features. It is also noted that permission was refused in 2024 (Reg. Ref. 24/60978) for modifications to the approved courtyard area. Any unauthorised development is an issue for the Enforcement Section of Kildare County Council, and my assessment is based on the development that was approved under Reg. Ref. 24/60978.

7.4. **Residential Amenity**

- 7.4.1. The Planning Authority's reason for refusal also considered that the development to be retained does not comply with Objective HO O6 of the Development Plan, which seeks to *ensure a balance between the protection of existing residential amenities, the established character of the area and the need to provide for sustainable residential development is achieved in all new developments.*
- 7.4.2. The appeal site is located with the village centre of Athgarvan and is immediately adjacent to existing car parking spaces and a mixed use development. I am satisfied that the development to be retained is consistent with the character of the area.
- 7.4.3. The previously approved car parking layout indicated that House no. 7 was located a minimum of c. 20m from the car parking spaces. The proposed layout results in 3 no. car parking spaces being located immediately adjacent to the gable end of House no. 7. It is noted that a c. 2m high boundary wall and planting are provided the boundary between the House and the car parking area. As the planting matures it will provide additional screening between the house and the car park. While the proximity of the car park to House no. 7 is noted given the previously approved layout, the boundary treatment and the relatively limited number of car parking spaces I am satisfied that the development to be retained would not unduly impact on the residential amenity of the existing dwelling and is, therefore, acceptable.
- 7.4.4. Overall, I am satisfied that the proposed development is in accordance with the provisions of Objective HO O6.

7.5. Car Parking

- 7.5.1. During my site visit it was noted that there is a lay-by along the R416 (Kilcullen Road) and 19 no. car parking spaces along the access road which were approved under Reg. Ref. 19/745. The 13 no. car parking spaces to be retained is located off the access road, in a rectangular area, at the rear (south) of the site. While not in operation during my site visit there is a gated access to these spaces. No justification has been provided as to the requirement for the gate and if permission is being contemplated it is recommended that a condition be attached that the gate be omitted.
- 7.5.2. There are 8 no. spaces along the sites western boundary, which are assigned the apartments (6 no.). Each of these spaces contain an EV charging point. The 7 no. houses approved under PL09.248507, Reg. Ref. 16/1027 contain 2 no. off street car parking spaces each. The development to be retained does not impact on any existing residential spaces.
- 7.5.3. With regard to the non-residential uses Section 15.7.8 of the Development Plan sets out car parking standards. These are summarised below.

<i>Use</i>	<i>Maximum Standard</i>	<i>Permissible</i>
Medical (275sqm)	2 per consulting room	6 no.
Convenience Retail (328sqm),	1 per 20sqm GFA	16 no.
Office (80sqm)	1 per 30sqm	3 no.
Community (154sqm)	1 per 10sqm	15 no.
Total		43 no.

- 7.5.4. A maximum of 43 no. car parking spaces are permissible to serve the non-residential uses of the mixed use development, approved under Reg. Ref. 19/745. The development to be retained results in a total of 24 no. car parking spaces to serve the commercial development and a total of 32 no. space to serve the commercial uses and the 6 no. apartments. It is noted that while this is an increase in the number of spaces previously permitted it is still below the maximum standards set out in the Development Plan.

- 7.5.5. The appeal justifies the requirement for additional car parking stating that there are no on-street parking spaces available to serve this development within the village of Athgarvan and that the additional spaces ensures the operation and viability of the mixed use development. It is acknowledged that there is no delineated on-street car parking available within the village. During my site visit it was noted that there is a demand for these car parking spaces, in particular to access the convenience shop (MACE) provided within Millers Square. In the absence of public car parking in the village and the lack of public transport serving the village I have no objection to the proposed increase in car parking which would primarily serve the mixed use development (Millers Square) approved under Reg Ref. 19/745. It is also that the proposed car parking provision is still significantly below the maximum standards set out in the Development Plan.
- 7.5.6. It is noted that the observations to the Planning Authority raised concerns regarding a potential traffic hazard due to additional vehicular movements. Having regard to the relatively limited number of car parking spaces and associated vehicular movements and the provision of a footpath / designated pedestrian walkway between the 7 no. residential units and the Curragh Road I am satisfied that the development to be retained would not result in a traffic hazard.

8.0 Water Framework Directive (Screening)

- 8.1. The appeal site is located in the built up area of Athgarvan. The nearest watercourse is Liffey_070 (IE_EA_09L010850) located c. 350m east of the appeal site. The groundwater body underlying the site is Curragh Gravels East (IE_EA_G_017).
- 8.2. The proposed development comprises the retention of 13 no. surface level car parking spaces. No water deterioration concerns were raised in the planning appeal submissions.
- 8.3. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface and ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no

conceivable risk to any surface and / or groundwater water bodies either qualitatively or quantitatively.

8.4. The reason for this conclusion is as follows

- The small scale and nature of the development
- Location-distance from nearest water bodies
- Lack of hydrological connections

8.5. I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

9.0 Recommendation

9.1. It is recommended that retention permission be granted.

10.0 Reasons and Considerations

Having regard to the appeal sites Town Centre zoning objective, the provisions of the Kildare County Development Plan, 2023 -2029, in particular the maximum car parking standards set out in Section 15.7.8, the lack of available public car parking within Athgarvan village centre, the existing pattern of development in the area, and the nature and limited scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable and would not seriously injure the residential or visual amenities of the area and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be retained 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.

Reason: In the interest of clarity.

2. The car parking spaces to be retained shall be reserved solely to serve the mixed use development permitted under Reg. Ref. 19/745 and shall not be leased or sold for any other purpose, unless the subject of a separate grant of planning permission.

Reason: To ensure adequate car parking is available to serve the existing mixed use development.

3. Within 6 months from the date of this permission the existing gate to the car parking area to be retained shall be permanently removed.

Reason: In the interest of orderly development and convenience.

4. The dimensions of the car parking spaces and associated circulation areas to be retained shall comply with the standards set out in Section 15.7.8 of the Kildare County Development Plan 2023-2029, unless otherwise agreed with the Planning Authority.

Reason: In the interest of orderly development and public safety.

5. Surface water drainage arrangements for the development to be retained shall comply with the requirements of the planning authority.

Reason: In the interest of public health.

6. 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.

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.

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.

Elaine Power

Senior Planning Inspector

22nd January 2026

**Appendix 1:
EIA Pre-Screening**

Case Reference	PL-500126-KE
Proposed Development Summary	Retention of 13 no. car parking spaces
Development Address	Millers Square, Athgarvan, Newbridge, Co. Kildare.
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	

3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?

No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994.
No Screening required.

Yes, the proposed development is of a Class and meets/exceeds the threshold.
EIA is Mandatory. No Screening Required

Yes, the proposed development is of a Class but is sub-threshold.
Preliminary examination required. (Form 2)
OR
If Schedule 7A information submitted proceed to Q4. (Form 3 Required)

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?

Yes <input type="checkbox"/>	
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ Date: _____