

KILDARE COUNTY COUNCIL



PLANNING DEPARTMENT

Report prepared in accordance with Part XI of the Planning and Development Act 2000, as amended and Part 8 of the Planning and Development Regulations 2001 as amended

Development proposed by, on behalf of, or in partnership with Local Authority

Report for submission to the members, prepared in accordance with Part XI, Section 179, Sub-section (3)(a) and (3)(b) of the Planning and Development Act 2000 as amended.

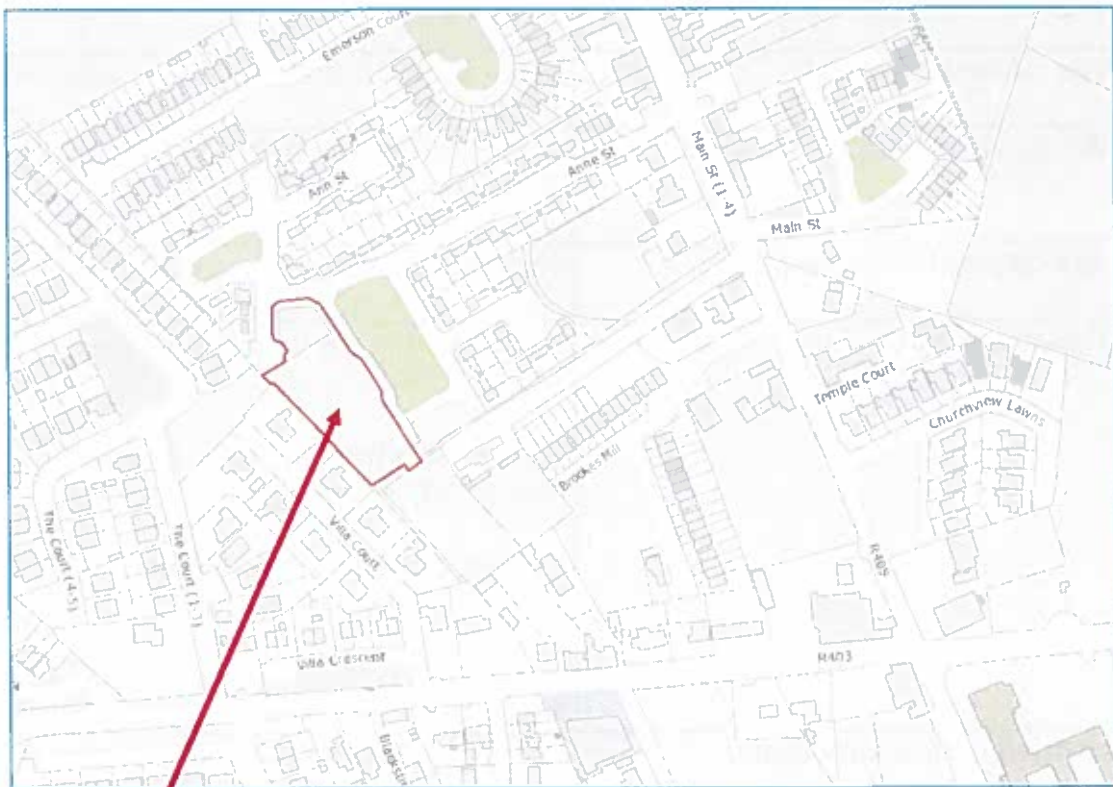
Type of Development:	12 no. residential units – detailed below
Site address	Anne Street, Curryhills, Kildare, Co Kildare
Development proposed by:	Housing Section
Display period:	Advertised in the Leinster Leader 14 th March 2017 Part 8 site notices were fixed at the site on 14 th March 2017 Display period from 14 th March - 02 nd May 2017 (inclusive) Submissions/observations due by 19 th May 2017
Submissions/observations	A number of submissions from internal Council Departments and prescribed bodies were received (details as set out below). Submissions were received from the Emerson Court Residents Association and a Mr. Joe Conway – detailed below

Site location & context

The subject site is located to the north west of Prosperous town centre to the rear of an existing housing development 'Anne Street'. The site is located within the existing County Council estate 'Anne Street' which received a Part 8 approval in November 2004 for a residential development comprising of 73 units (over 2 no. phases). The site subject of this part 8 proposal was identified as 10 serviced sites as part of this original development. This area has not been developed. The purpose of this Part 8 proposal is to construct 12 no. social houses to meet the current housing need in Prosperous.

The site which has a stated site area of 0.74ha is currently an unused site adjoining the public open space area to units 27-30 and units 41-44 Anne Street. To the north of the subject lands further housing within the Anne Street development is located, while to the west a row of housing identified as Villa Court is located. The subject site is situated c. 250m west of the Old Main Street and 450m north west of the four road junction of the R403 and R408.

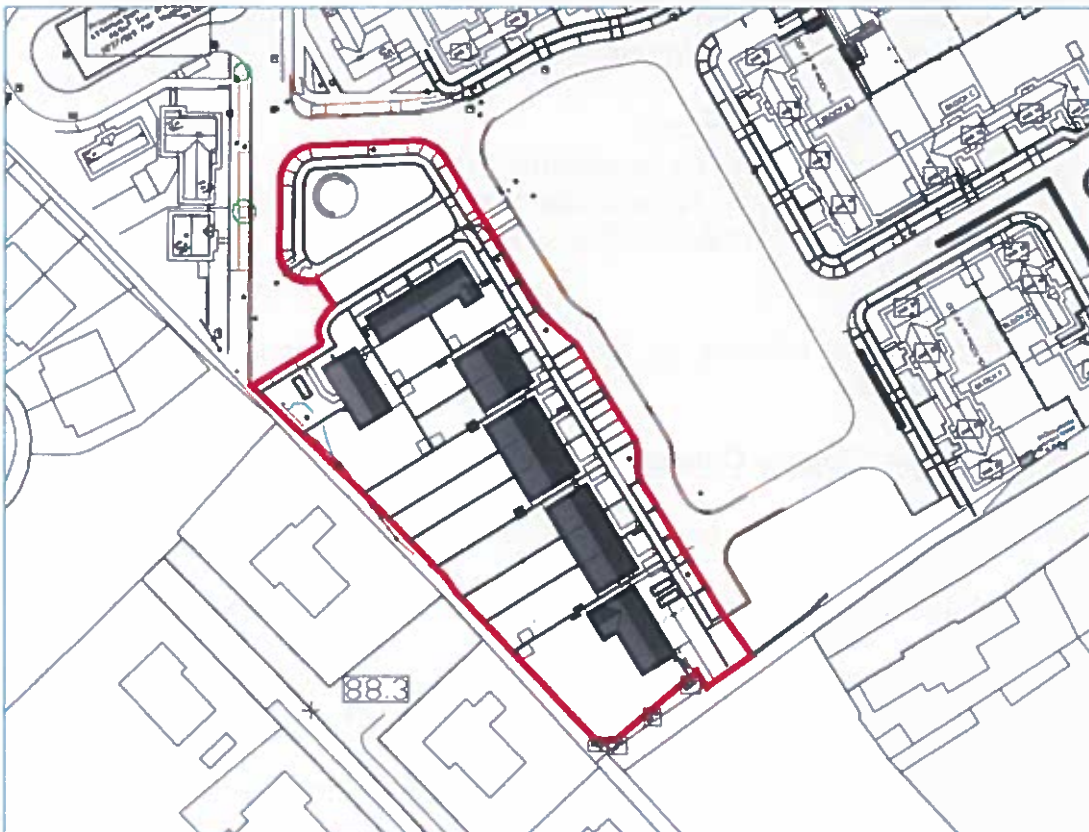
It is noted that the subject site borders the identified Architectural Conservation Area forming part of the Prosperous Town Plan in recognition of the listed building 'The Villa' RPS no. B13-24. The boundary treatment along this portion of the subject site provides for a low level stone wall and railing.



Site Location:



Aerial imagery of the subject lands



Proposed Site Layout

Description of the proposed development

As per the description of the proposed development on the public notices the proposed development will comprise of the following:

- a) 12 no. residential units comprising of:
- i) 1 no. four bedroom detached single storey house
 - ii) 3 no. two bed, terraced two storey houses
 - iii) 3 no. three bed terraced two storey houses
 - iv) 3 no. three bed, semi-detached two storey houses,
 - v) 1 no. three bed, detached, single storey house
 - vi) 1 no. 4 bed semi detached 2 storey house

b) all associated site-works including the construction of site boundaries, tree surgery, landscaping, footpath, roads, car parking spaces, street lighting, ducting for utilities, formation of new connections to existing public foul and surface water drainage, and existing utilities.

Supporting Documents

The proposal is accompanied by the required plans and particulars, in addition a number of documents have been included, namely:

- Planning Summary Report
- Preliminary Engineering Assessment Report
- Screening Report for Appropriate Assessment
- Report on the Submissions Received

Referrals

The proposal was referred to the following parties, reports received as detailed hereunder:

Internal Kildare County Council

Fire Service – report received with 7 no. recommendations

Transportation Section – report received with 20 no. recommendations

Municipal District Engineer – report received with a number of comments and expressing no objection to the proposed development.

Environment Section – report received with 7 recommendations

Community and Culture – 6 no. recommendations made

Prescribed Bodies

The following prescribed bodies were consulted with respect to the proposed development. Reports were received from Transport Infrastructure Ireland and Inland Fisheries Ireland.

- Transport Infrastructure Ireland – report received advising they have no specific observation to make.
- Inland Fisheries Ireland – report received with 5 no. recommendations
- An Comhairle Ealaíon (The Arts Council), 70 Merrion Sq., Dublin 2
- An Taisce, Tailors Hall, Back Lane, Dublin 8 D08XZA3
- Bord Fáilte Éireann, 88-95 Amiens Street, Dublin 1.
- Department of Art, Heritage, Regional, Rural Gaeltacht Affairs, 23 Kildare Street, Dublin 2.
- Department of Housing, Planning, Community and Local Government, Custom House, Dublin 1.
- Environmental Protection Agency, PO Box 3000, Johnstown Castle Estate, Wexford.
- ESB, Mr. G. Crowley, Planning Manager, Shared Services, ESB Head Office, Lower Fitzwilliam Street, Dublin 2.
- Department of Jobs, Enterprise & Innovation, 23 Kildare Street, Dublin 2, DO2 TD30
- Heritage Council, The Bishops Palace, Church Lane, Kilkenny
- Iarnród Éireann, Connolly Station, Amiens Street, Dublin 1
- Irish Water, Colville House, 24-26 Talbot Street, Dublin 1
- Minister for Art, Heritage, Regional, Rural Gaeltacht Affairs, 23 Kildare Street, Dublin 2.
- Minister of Housing, Planning, Community and Local Government, Custom House, Dublin 1.
- National Transport Authority, Dun Sceine, Harcourt Lane, Dublin 2 D02 WT20
- Office of Public Works, 51 St. Stephens Green, Dublin 2.

Response of the Housing Section to the reports received from internal Kildare County Council Departments and Prescribed Bodies

The Housing Section is of the view that the proposed 12 housing units at Anne Street, Prosperous, is acceptable, appropriate and in keeping with the proper planning and sustainable development for the area, and complies with

the policies and objectives set out in the Kildare County Development Plan (2017-2023) and the Prosperous Small Town Plan (2017-2023).

3rd Party Submission/Observation

Two no. 3rd party submission were received as summarised below. The contents of the submissions have been taken into consideration in the preparation of this report:

Submission by the Emerson Court Residents Association

The following sets out the content of the residents association observations

- Object to the proposed development of 12 new houses for Anne Street based on the fact that Prosperous already has its "fair share" of social housing compared to other towns and villages in the county. Along with Anne Street, there are also other houses within private estates in Prosperous that the Council have started buying and filling with tenants.
- It is stated that Anne Street is already a "hot-bed" for anti social behaviour, drug dealing and intimidation to name a few. The Gardai are almost daily visitors to the estate and the Council is already in breach of several Council by-laws/regulations regarding types of families/numbers of family groups being in the same location. Adding more houses to this estate will only add to these issues.

If it is further stated by the residents association that they are aware;

- of families having to move out of Anne Street due to intimidation and others refusing the offer of houses in the estate due to its reputation.
- of the wait that some families have to endure to get houses but cannot ignore the issues listed above.

On these grounds it is requested that the Council cease any further development in Anne Street until the current issues are dealt with adequately by the Council and the Gardai.

Response of the Housing Department to the 3rd party submissions:

The Housing Department notes this submission and advises that Kildare County Council has adopted an Anti Social Behaviour Policy whereby any anti social behaviour in that area is brought to the attention of the Tenant Liaison Officer and addressed through the procedures in the Anti Social Behaviour Policy.

The allocation of houses will be based on the Council's Allocation Policy. During the assessment process all applicants are vetted for anti social behaviour incidents and applicants with a history of serious anti social behaviour are not entitled to social housing supports.

Any anti social behaviour incidents within the existing Local Authority houses should be reported to An Garda Siochana and the Local Authority.

Submission by Mr. Joe Conway

- It is stated that Kildare County Council are very aware of Mr. Conway's many planning applications for a site in Prosperous Co. Kildare where the refusal reasons have always referred to the lack of capacity and infrastructure at Osberstown Waste Water Treatment Plant by Kildare County Council and An Bord Pleanála.

- Mr. Conway questions whether the Osberstown Waste Water Treatment Plant upgrade has been completed sufficiently with all Pipework/Infrastructure upgraded to cater for these additional units in Prosperous. It is stated that in regard to Mr. Conway's lands in Prosperous that Kildare County Council and An Bord Pleanála previously refused permission due to this said pipework/infrastructure as far back as 2006. (It is noted that planning reference no. 11/78 relates to the most recent planning application on Mr. Conway's Lands).

- Mr. Conway states that on one planning application he requested a phased development of approx 10 units but was refused permission because of the deficiencies in the Sewerage Network from Prosperous to Osberstown.

- Mr. Conway states that all Councillors of Kildare County Council are fully aware of his many correspondence letters with them. It is further considered by Mr. Conway that they could not possibly support this development.

Response from Housing Section to the 3rd party submission

The proposed site forms part of a previously approved Part 8 proposal where the subject lands provided for 10 no. serviced sites. The Water Services Section have advised that sufficient capacity still remains for the completion of the development.

Relevant Development Plan Provisions

Kildare County Development Plan 2017 – 2023

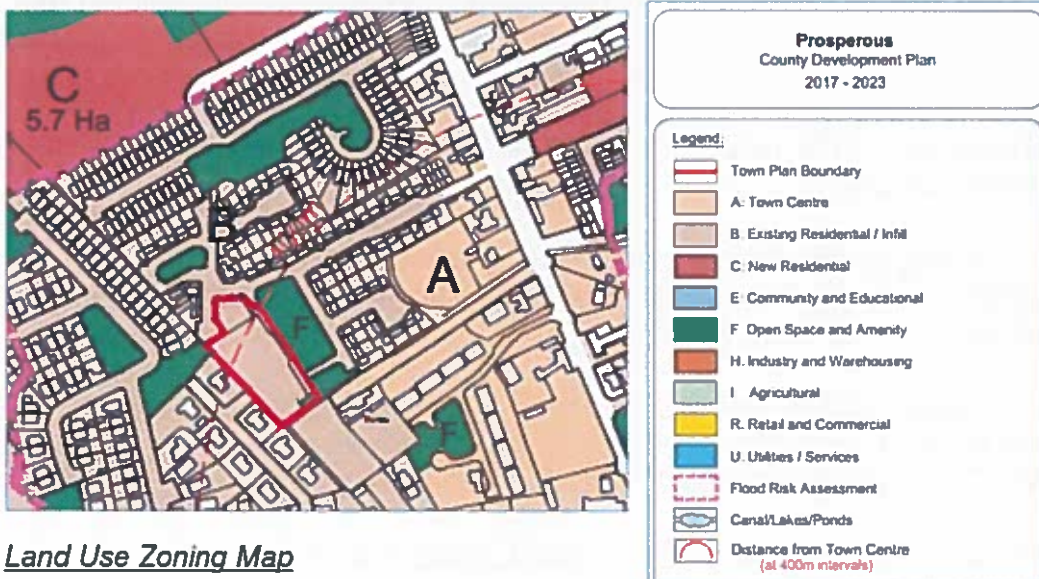
The Council's policies relating to housing development are detailed in Chapter 4 of the County Development Plan 2017 – 2023. The Housing Section has prepared a detailed report outlining how the proposed development complies with the provisions of the Chapter 4 of the County Development Plan 2017-2023, including:

- Securing the implementation of the Housing Strategy
- Increasing the stock of social housing within the County
- Promoting social integration
- To build and support the delivery of new housing appropriate to the needs of the County
- To ensure an appropriate mix of housing is achieved

- To support the development of sustainable communities
- Having regard to Quality Housing for Sustainable Communities – Design Guidelines
- Housing densities
- Quality design and layout
- Special needs housing
- Private and semi-private open space

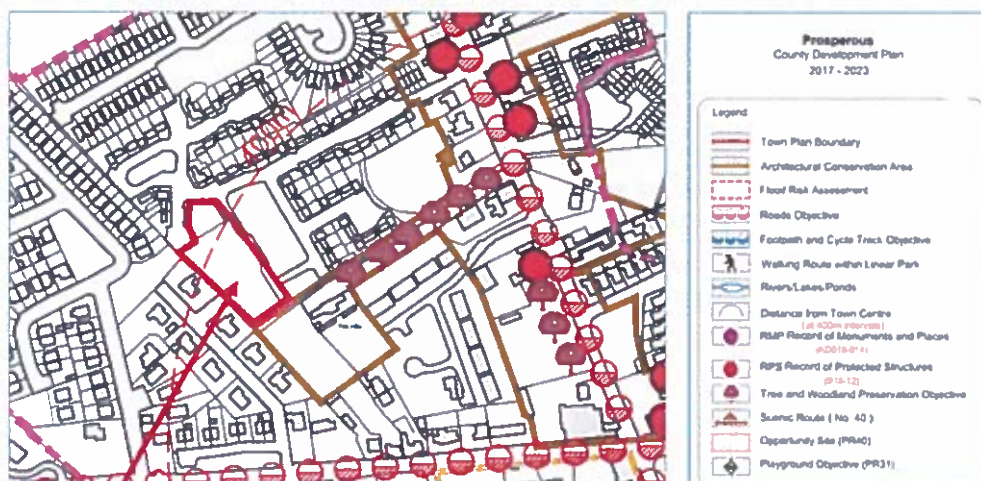
The Prosperous Small Town Plan 2017-2023

The subject lands fall within the Prosperous Small Town Plan and are zoned 'B' existing residential/infill development – refer to map extract below:



It is an objective of the Council under objective PR 1: To seek the development of lands for residential developments during the lifetime of this Plan largely within and around the town centre zone, areas designated as existing residential / infill and on lands zoned new residential, in accordance with the principles of proper planning and sustainable development.

Having examined the provisions of the County Development Plan 2017 – 2023 and the Prosperous Town Plan I am satisfied that compliance with the relevant provisions has been achieved in this instance.



Assessment

As detailed in the report prepared by the Housing Section the site area of the proposed development is indicated as 0.74 ha. It is stated that the original landholding amounts to 3.29ha, and the public open space provision for the entire development is 0.39ha which equates to 15%. The site layout plan indicates a total public open space provision for the overall development of 4990sqm which is in excess of the 15% requirement set out in the County Development Plan. It is noted that this percentage includes the proposed pocket park/community facility. This is considered to be acceptable.

It is stated that Phase 1 + 2 comprise of 73 units and when phase 3 is complete, the overall 'Anne Street' housing development will comprise of 85 units which equates to a density of 26 houses per hectare.

It is further stated that the Layout was predetermined due to the layout of the original 2004 Part 8 development and the existing road infrastructure. The unit mix is supported by the current local housing need for Prosperous.

The design of the proposed houses uses similar external materials as exists in the existing estate such as flat concrete roof tiles, clay brickwork and plain plastered walls, uPVC/alu-clad windows albeit with a contemporary feel. It is proposed that each house will also have a garden store in the rear garden to store fuel, garden tools, bikes, etc and that each rear garden will fully comply with the relevant Development Plan standard for private open space.

On-street car parking for 2 cars has been provided for each house, with an additional 4 car-parking spaces provided for visitors which equates to 28 spaces. While the proximity of car parking to units 2 and 3 is removed from the front of these dwellings it is considered this is generally acceptable.

It is noted from examining the site layout plan and detailed drawings that unit no's 2 and 3 provide a rear garden depth of c. 8.4 which has the potential to overlook unit no. 4. It is noted however that the design of units 2 and 3 has incorporated obscured glazing at the rear first floor level. Only one window is situated on the rear facade at first floor level which provides light to the stairwell of unit no. 2 is proposed to be unobscured. It is considered that this is acceptable.

It is proposed that the south eastern boundary will comprise of a 2m high block wall rendered on both sides. A 2m high block wall with anti-climbing deterrent to be fitted to the top of the wall will be provided along the south western boundary of the subject site west of unit no. 12 with the remainder of the southern boundary maintaining the existing low level stone wall and railing to the front of the adjoining protected structure 'The Villa'.

The report prepared by the Housing Section details the purpose of the proposed development and advises that there are in excess of 7,000 applicants on the Kildare County Council social housing list. As part of the

Rebuilding Ireland Action Plan for Housing and Homelessness, Pillar Two identifies the local authority's role in the delivery of social housing to address the current housing crisis. The proposed development will assist Kildare County Council in fulfilling the objective of the Government's Action Plan. Furthermore the unit mix is based on the current housing need identified for Kildare.

The proposed development is the final phase (phase 3) of the overall 'Anne Street' development. The previous Part 8 development carried out in two phases involved the construction of a total of 73 houses. When the proposed development is complete there will be a total of 85 houses.

To address the housing need, Kildare County Council intends to construct 12 no. social housing units on land previously identified for serviced sites. Funding for the project through the Department of Housing, Planning, Community and Local Government has been confirmed.

Appropriate Assessment (The Natura 2000 Network i.e. Special Areas of Conservation)

An Appropriate Assessment Screening Report has been completed for the proposed development prepared by Scott Cawley (See Appendix 1 attached). The Screening Report concluded that there is no potential for significant negative impacts on the Natura 2000 Network as a result of the proposed development.

An AA screening report has also been carried out by Kildare County Council and is attached to this report. See Appendix 1A).

Heritage (Archaeological & Architectural)

The subject site bounds a listed protected structure RPS B1324 'The Villa' along the south eastern boundary. The nearest known archaeological monument to the site is approximately 293 metres to the south of the site identified as a ringfort/rath KD013-013 within the Rathview housing development. Given the extent of the built environment in the area this is not considered to be an issue in this instance.

The subject lands adjoin the designated Architectural Conservation Area for Prosperous as detailed above in the policy context section. This designated ACA relates mainly to the old Main Street but includes the adjoining lands to the west in recognition of the existing two storey building identified as 'The Villa'. This building is listed as a protected structure RPS B13-24 and is also listed on the National Inventory of Architectural Heritage NIAH reference no. 11807009 and has a regional importance rating.

Given the designated area of public open space adjoining the ACA and Protected Structure alongside the single storey design of unit no. 12 it is not

considered that the proposed development will impact on the character of this designated area.

Conclusion

Having regard to:

- The provisions of the Kildare County Development Plan 2017 - 2023,
- The provisions of the Prosperous Town Plan 2017 – 2023
- Kildare County Council internal departmental reports
- Prescribed Bodies reports
- The AA Screening report
- The existing adjoining residential use
- The nature and extent of the proposed development;
- The recommendations set out below.

It is considered that the proposal:

- Would be in accordance with the provisions of the Kildare County Development Plan 2017 – 2023 and the provisions of the Prosperous Small Town Plan 2017 – 2023
- And would therefore be in accordance with the proper planning and sustainable development of the area.

Recommendation

It is recommended to the Mayor and Members of the Maynooth Municipal District that the proposed development be proceeded with, subject to the modifications set out below.

Modifications

1. The proposed development shall be carried out in accordance with the plans and particulars placed on public display on 14th March 2017, except where altered or amended by the following modifications.
2. All dwelling units shall be provided with the minimum storage requirements set out in the Kildare County Development Plan 2017-2023.
3. The issues/comments raised in the reports received from the Environmental Department, Fire Service, the Parks Superintendent, Transportation Department and Inland Fisheries of Ireland shall be appropriately addressed by the incorporation of the relevant issues/comments raised into the contract documents for the construction and management of the proposed development.
4. Hours of construction activities on the site shall be restricted from Monday to Friday 08.00 - 18.00, Saturday 08.00 - 13.00. No building activity shall be undertaken on Sundays & Bank Holidays under any circumstances.

~~Stephen Willoughby~~

Stephen Willoughby
Executive Planner
07/06/17

Alexis Clarke, SEP
9/06/17

Kurtal Curry
Senior Planner
9.6.17.


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9th June 2017

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APPENDIX 1

APPROPRIATE ASSESSMENT SCREENING REPORT

APPENDIX 1(a)

	APPROPRIATE ASSESSMENT SCREENING REPORT AND CONCLUSION STATEMENT
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(A) Project Details	
Ref	Part 8 – Anne Street
Development Location	Anne Street, Curryhills, Kildare, Co Kildare
Site size	0.74Ha.
Application accompanied by an EIS (Yes/NO)	No.
Distance from Natura 2000 site in km	The closest designated site to the proposed development is Ballynafagh Bog and Lake SAC which is situated c. 0.6km north west of the subject site.
Description of the project/proposed development 12 no. housing units	

(B) Identification of Natura 2000 sites which may be impacted by the proposed development			
			Yes/No
			If answer is yes, identify list name of Natura 2000 site likely to be impacted.
1	Impacts on sites designated for freshwater habitats or species. <u>Sites to consider:</u> River Barrow and Nore, Rye Water/Carton Valley, Pollardstown Fen, Ballynafagh lake	<i>Is the development within a Special Area of Conservation whose qualifying interests include freshwater habitats and/or species, or in the catchment (upstream or downstream) of same?</i>	No
2	Impacts on sites designated for wetland habitats - bogs, fens,	<i>Is the development within a Special Area of Conservation whose</i>	Yes

	marshes and heath. <u>Sites to consider:</u> River Barrow and Nore, Rye Water/Carlton Valley, Pollardstown Fen, Mouds Bog, Ballynafagh Bog, Red Bog, Ballynafagh Lake	<i>qualifying interests include wetland habitats (bog, marsh, fen or heath), or within 1 km of same?</i>	
3	Impacts on designated terrestrial habitats. <u>Sites to consider:</u> River Barrow and Nore, Rye Water/Carlton Valley, Pollardstown Fen, Ballynafagh Lake	<i>Is the development within a Special Area of Conservation whose qualifying interests include woodlands, dunes or grasslands, or within 100m of same?</i>	No
4	Impacts on birds in SPAs <u>Sites to consider:</u> Poulaphouca Reservoir	<i>Is the development within a Special Protection Area, or within 5 km of same?</i>	No.

Conclusion:

If the answer to all of the above is **No**, significant impacts can be ruled out for habitats and bird species.

(G) SCREENING CONCLUSION STATEMENT		
<i>Selected relevant category for project assessed by ticking box.</i>		
1	AA is not required because the project is directly connected with/necessary to the conservation management of the site	
2	No potential significant affects/AA is not required	X
3	Significant effects are certain, likely or uncertain. Seek a Natura Impact Statement Reject proposal. (Reject if potentially damaging/inappropriate)	
Given the nature of the proposed development alongside the details set out in the AA screening report prepared by Scott Cawley it is not considered that the proposed development, individually or in combination with other plans or projects will have a significant effect on any designated site.		
Name:	Stephen Willoughby	
Position	Executive Planner	
Date:	07/06/17	

APPENDIX 2

SUBMISSIONS REPORT PREPARED BY HOUSING SECTION