



**TO: AN CATHAOIRLEACH  
& EACH MEMBER OF KILKENNY COUNTY COUNCIL**

**RE: PART VIII – Housing at Castlecomer Road, Kilkenny City  
*Planning & Development Acts 2000 – 2018*  
*Planning & Development Regulations 2001 – 2018***

**DATE: 14<sup>th</sup> January 2019**

Dear Councillor,

In accordance with 179 of the Planning & Development Act 2000 as amended and Part VIII of the Planning & Development Regulations 2001, as amended, Kilkenny County Council hereby gives notice of its intention to carry out the following development:

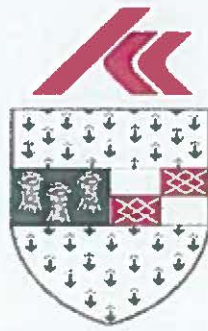
**PART VIII – HOUSING AT CASTLECOMER ROAD, KILKENNY CITY**

I attach herewith Report of the Director of Services together with Planner's Report. I am satisfied that the proposed development is consistent with proper planning and sustainable development of the area and consistent with the provisions of the County Development Plan 2014– 2020.

I recommend that Kilkenny County Council proceed with the proposed development in accordance with the plans made available for public inspection and taking into account the proposed revisions to plans as outlined in the report and recommendations made by the Planning and other Service Departments.

  
**Colette Byrne**  
Chief Executive





# **KILKENNY COUNTY COUNCIL**

## **REPORT - Dated 14<sup>th</sup> January 2019**

### **In Accordance with Section 179 of the Planning and Development Acts, 2000 as amended**

Construction of 2 no houses and 4 no apartments on existing car park area,  
Conversion of existing building (formerly 'Broguemaker' public house) to 10  
no apartments, Demolition of existing dormer house ('St Judes') and  
construction of 2 no apartments and all associated site works at  
Castlecomer Road, Kilkenny Co. Kilkenny

**For consideration by the Elected Members**  
**of Kilkenny County Council**  
**at monthly meeting to be held**  
**on 21<sup>st</sup> January 2019**



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## 1. Introduction

This report has been prepared for submission to the elected members of Kilkenny County Council and contains information regarding the proposed development, issues raised following the erection of the public notice of the proposed development and the display for public inspection of the plans and particulars and other matters as required in accordance with Section 179 of the Planning & Development Acts, 2000 as amended.

## 2. Description of Proposed Development

The proposal put forward on public display provided for 18 no housing units on a site on the Castlecomer Road as follows:-

Unit	Type	Capacity
1	Town House	3 bed 5 person
2	Ground Floor Apartment	1 bed 2 person
3	Ground Floor Apartment Fully Accessible	1 bed 2 person
4	First Floor Apartment	1 bed 2 person
5	First Floor Apartment	2 bed 3 person
6	Town House	3 bed 5 person
7	Ground Floor Apartment	1 bed 2 person
8	Ground Floor Apartment	1 bed 2 person
9	Ground Floor Apartment	1 bed 2 person
10	Ground Floor Apartment	1 bed 2 person
11	Ground Floor Apartment	2 bed 4 person
12	Ground Floor Apartment	2 bed 3 person
13	First Floor Apartment	2 bed 3 person
14	First Floor Apartment	1 bed 2 person
15	First Floor Apartment	1 bed 2 person
16	First Floor Apartment	1 bed 2 person
17	First Floor Apartment	1 bed 2 person
18	First Floor Apartment	2 bed 4 person

to be achieved by:-

- Construction of 2 no houses and 4 no apartments on existing car park area

- Conversion of existing building (formerly 'Broguemaker' public house) to 10 no apartments
- Demolition of existing dormer house ('St Judes') and construction of 2 no apartments
- Associated site works

The proposal was put forward having regard to the social housing demand in Kilkenny City, which is currently (first preference approved applications dated 8<sup>th</sup> Jan 2019):-

<b>Kilkenny City</b>		
<b>1 bed</b>	467	39%
<b>2 bed</b>	469	39%
<b>3 bed</b>	239	20%
<b>4 bed</b>	37	3%
<b>Total</b>	<b>1212</b>	

The project has been granted funding under the Rebuilding Ireland programme.

### **3. Pre-planning**

As part of the planning application process the Housing Section was advised of planning requirements through a formal pre-planning submission prior to lodging the application

### **4. Notice of Development**

A notice describing the proposed development was placed in the Kilkenny People, week ending Friday 19<sup>th</sup> October, 2017. A Site Notice was displayed at the site location from Friday 19<sup>th</sup> October, 2017.

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## 5. Consultation

- a) Details of proposals were put on display on on the consult website: <https://consult.kilkenny.ie> and at the Planning Department, Kilkenny County Council
- b) An information evening was held in the Newpark Hotel on Wednesday 7<sup>th</sup> November 2018 from 4pm until 8pm. Six staff members from Kilkenny County Council Housing Section and a representative of the design team was in attendance to meet interested parties and answer any questions regarding this development. All were invited to attend by way of advertisement on the Kilkenny People, social media and via a letter drop to the neighbouring houses.
- c) Letters / emails were sent on 14<sup>th</sup> December 2018 to those who made submissions inviting them to make an appointment with Kilkenny County Council Housing staff to discuss proposed adjustments to the advertised plans. Further contact was made on 9<sup>th</sup> January to those who hadn't responded inviting them again to make an appointment to meet. Several of those who made submissions took the opportunity to discuss their concerns further and receive additional clarification from Kilkenny County Council Housing Section on the revised proposal.



## 6. Details of Submissions Received

19 no valid submissions were received before the closing date as follows:-

No.	Name	Address	Date Received
1	Monica Phelan	8 Kilsheelin Heights	04/11/2018
2	Rena Brett	Cuan Dor, Castlecomer Road, Kilkenny	16/11/2018
3	Peter & Liz Walsh	Castleview, Castlecomer Road	16/11/2018
4	Richard Hogan, Billy Brett, Frank Morrissey, Monica Phelan, Peter Walsh	Kilsheelin Heights, Newpark Lawns and Castlecomer Road	16/11/2018
5	Caroline & Alan Gannon	No. 1 Kilsheelin Heights	16/11/2018
6	Jennifer Phelan	None Given	08/11/2018
7	David Walsh	Lived behind Broguemaker	15/11/2018
8	Rosemarie, Frank and Margaret Walsh	6 Kilsheelin Heights	28/11/2018
9	Ger Foskin	Owens 12 Kilsheelin Heights	29/11/2018
10	Patrick McKee	48 St Fiaccres Place	30/11/2018
11	Caroline & Alan Gannon	No 1 Kilsheelin Heights	29/11/2018
12	Margaret Healy, Martha Butler, Brian Butler	Lismartin, Castlecomer Road	
13	Aine Ryan on behalf of Alma and Brid Holohan	7 Kilsheelin Heights	28/11/2018
14	Mary Cody & Joe Brennan	11 Kilsheelin Heights (owners)	30/11/2018
15	Ger Phelan	8 Kilsheelin Heights	30/11/2018
16	Mary Kavanagh / The Kavanagh Family	14 Kilsheelin Heights	30/11/2018
17	James P Dunne	Lissadel, Castlecomer Road, Kilkenny	30/11/2018
18	O'Dwyer Family	4 Kilsheelin Heights, Castlecomer Road	30/11/2018
19	Residents	11 Kilsheelin Heights	



	Issue	Number of mentions	KCC Housing Section Response
a	Development Density Too High	8	Revised proposal to address concerns. The 2 x 3 bed houses proposed for the existing car park area to be removed. 2 x 1 bed apartments are proposed instead on the footprint of one of the 3 bed houses. This would allow the building line of these units to be pushed back to between 5.7m and 7m from the edge of the footpath and the provision of additional front garden / private defensible space for these units. It also reduces the number of residents. Reducing the overall building footprint and number of residents is considered adequate to address the density issues raised.
b	Not Enough Car Parking	7	Number of parking spaces is proposed to be increased from 16 to 23, 2 of which would be allocated for wheelchair users. This number of spaces is considered appropriate to provide for the 18 units and any visitors. Furthermore it is not expected that all tenants will have a car as has been experienced in recent city centre projects completed by Kilkenny County Council.
c	Disruption during Construction & Traffic	6	A Preliminary Health and Safety plan will be issued at tender stage to potential contractors outlining the site constraints which will have to be adhered to and taken into account in developing the site specific Health and Safety plan. Site constraints will include a requirement to maintain access for existing residents to their homes, site security and a restriction on working hours. The contractor would also be required to submit a construction management plan. It should be noted that this is a brown field site with existing services and a significant part of this build is refurbishment of an existing building, which would have less impacts than a new build on a green field site.
d	Increased Traffic on Access Road (TMP)	5	A road safety audit has been carried out, the recommendations of which will be incorporated into the scheme. These recommendations include the introduction of a raised table (ramp) at the internal road junction to provide traffic calming on the access road. It is also intended to install bollards on the footpath outside of the proposed units on the existing car park to stop any indiscriminate parking that may have occurred at that location and maintain sightlines.
e	Health and Safety	5	Addressed in response to Item (c) above
f	Amenity Area Too Small	3	Proposed public amenity space is to be of a high standard, with cobble lock paving, landscaping and seating areas, and is considered appropriate to and adequate for the proposed tenant mix. Tree planting as outlined will provide screening between existing houses and the proposed new development.



g	Housing Units Too Small / Not as per Apartment Guidelines	3	Apartments were designed with regard to 'Quality Housing for Sustainable Communities' [Dept of Housing publication 2007] and 'Sustainable Urban Housing: Design Standards for New Apartments - Guidelines for Planning Authorities March 2018'. The sizes (1 bed, 2 bed etc) were selected following an evidence based analysis of the social housing need in Kilkenny City. It is expected that most of the units would be occupied by 1 or 2 people only. Ground floor units will be suitable for occupation by elderly or mobility impaired tenants. One of the units in the proposed new block will be suitable for a wheelchair user to live in.
h	Design Aesthetics Not In Fitting	3	It is considered that the proposal reinforces the building line and create a credible and desirable street frontage along the Castlecomer road. It should be noted that (1) part of the development is in an existing building and the aesthetic will be improved on, (2) there is existing mix of design aesthetics on the Castlecomer Road as is and (2) brick is suggested on the facade of the new building in line with that used in the estate to the rear.
i	Estate management / tenant liaison	3	It is acknowledged that the units will require active management (re maintenance of bin stores, landscaping, maintenance of common areas etc). It is the intention of Kilkenny County Council Housing Section to procure this service and appoint an appropriate entity to carry out this function.
j	Too little information	3	Information provided is in compliance with requirements under the Planning and Development regulations.
k	Road Junction to Castlecomer Rd	2	as response to item D above
l	New Car Park Building Line too close to road	2	Revised proposal outlined in response to (a) above addresses concerns. Building line pushed back to between 5.7m and 7m from the edge of the footpath and the provision of additional front garden / private defensible space for these units.
m	Impact on Existing Residents	2	Addressed in response to Item (c) above
n	Environmental Considerations	2	The Habitats Directive requires competent authorities to carry out an Appropriate Assessment (AA) of plans and projects that, alone and/or in combination with other plans and projects, would be likely to have significant effects on one or more Natura 2000 sites. Stage 1 Screening for Appropriate Assessment has checked for this site and it is considered that potential for significant environmental impact can be ruled out. This development is located outside the River Nore Special Area of Conservation (SAC) and Special Protection Area (SPA). The screening report is appended to this report.

<b>o</b>	<b>Inadequate Bin Storage</b>	<b>1</b>	Bin storage is intended to be communal and maintenance of same will be actively managed as outlined in response to item (i) above.
<b>p</b>	<b>Balconies Overlooking Residents</b>	<b>1</b>	Separation distances are considered adequate. Further screening will be considered at detailed design stage.
<b>q</b>	<b>Site Too Small for Development</b>	<b>1</b>	Responses above to items (a) (b) & (g) address this concern



- 
- It is further proposed to provide for new piers and / or nameplate to demarcate the entrance into Kilsheelan Heights. Details to be agreed with the residents in advance if proposals are accepted.

During the clarification meetings in December, some of those who made submissions submitted a suggested revised site plan for consideration by Kilkenny County Council. This plan proposed constructing 2/3 bungalows on the car park area and removing the 2 units at the end of the existing Broguemaker building. It replicated the revised layout for the car parking that was proposed by Kilkenny County Council at the meetings with the addition of further spaces to the front of the proposed bungalows. This revised plan was considered by the Housing Section with the following conclusions:-

- 2 or 3 bungalows were suggested on the car park area. It is considered that there is insufficient separation distance between the proposed bungalows and House No's 12 to 14 Kilsheelan Heights. This does not allow for enough private amenity space to be provided for the future residents (of the houses on car park) at the rear and would detract from the residential amenity of the residents of No's 12 to 14. The design does not optimise the site available as there is a lot of dead space remaining in front of bungalows which leads to a lack of definition and poor quality urban design outcome. There is an opportunity in the redevelopment here to reinforce the building line and create a credible and desirable street frontage along the Castlecomer road. The amended proposal by Kilkenny County Council addresses this.
- The resident's suggested omitting the proposed 2 new units at the end of existing Broguemaker building and replacing these with amenity space. This represents poor quality urban design and would result in a blank gable wall facing the access road and an amenity space which would be of limited benefit. Kilkenny County Council's proposal shows a more active street frontage along the realigned road which provides passive surveillance and will result in a more pleasant environment.



- 
- 23 parking spaces are provided in revised proposal are considered to be more than adequate for the proposed new residents, therefore parking spaces in addition to these 23 would be considered excessive. Furthermore - it should be noted that the site is located close to the city centre, Newpark Neighbourhood Centre and other amenities. The Castlecomer road will be on one of the proposed bus routes in the town which is due to commence later in 2019.

## **8. Implications for Proper Planning and Sustainable Development of the Area**

The proposed development is consistent with the provisions of the Kilkenny City and Environs Development Plan 2014 - 2020 and is compatible with the zoning objectives and the Housing Strategy for the area.

Copy of a report the Area Planner is appended to this report. All conditions/comments in the Area Planners Report will be taken into account by the Housing Section when preparing the detailed tender drawings.

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## 9. Kilkenny County Council's Intention Regarding Proposed Development

**Proposed Development:**      Part 8 Proposal  
Housing at Castlecomer Road, Kilkenny  
City

I recommend that Kilkenny County Council proceed with the proposed development in accordance with the plans made available for public inspection and taking into account the proposed revisions to plans as outlined and the recommendations made by the Planning and other Service Departments.

**SIGNED**

  
**Mary Mulholland**  
**Director of Services**



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## **Appendix A –Planning Report**





# **Comhairle Chontae Chill Chainnigh**

## **Kilkenny County Council**

### **Planning Report**



**To : Mary Mulholland, D.o.S. Housing**

**From: Arlene O' Connor, Senior Executive Planner**

**Date: 9/1/2019**

**Part VIII Ref:P.8/7/18**

**Re: Construction of 2 no. houses and 4 apartments on existing car park area;  
Conversion of existing building (formerly ' Broguemaker' public house) to 10 no.  
apartments; Demolition of existing dormer house ('St. Jude's') and construction  
of 2 no. apartments, Castlecomer Road, Kilkenny.**

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#### **Part VIII Proposal**

The proposed consists of the following works;

- Construction of 2 no. houses and 4 apartments on existing car park area;
- Conversion of existing building (formerly ' Broguemaker' public house) to 10 no. apartments;
- Demolition of existing dormer house ('St. Jude's') and construction of 2 no. apartments

#### **Site Location**

The site is located on and immediately adjacent to the former Broguemaker public house on the Castlecomer Road and also contains a small public car park, to the fore of Kilsheelin Heights housing estate.

#### **Zoning**

The site falls within a zoning of '*Existing Residential*', within the Kilkenny City and Environs Development Plan 2014 – 2020. Thus the proposed residential usage is acceptable on these lands within this zoning.

#### **Heritage**

**Protected Structure** – None in the immediate area.

**Recorded Monument** – Not applicable.

**ACA** – The site does not fall within any Architectural Conservation Area.

**SAC** – The site falls beyond the River Nore cSAC.

**SPA** – The site falls beyond the River Nore SPA.

**pNHA** – The site is not within any pNHA.

#### **Appropriate Assessment**

The site has been screened in relation to the Habitats Directive Project Screening Assessment

and there are no impacts determined on any Natura 2000 site.

### **Environmental Impact Assessment**

An Environmental Impact Assessment Report is not required for this development as defined under Schedule 5 of the Planning and Development Regulations 2001 – 2018.

### **Relevant Planning Policy and Guidelines**

Kilkenny City and Environs Development Plan 2014 – 2020

Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities (2009)

Revised Design Standards for New Apartments, Guidelines for Planning Authorities (Dec. 2017)

### **Planning History**

**P.93/990106** – Permission granted on this site for demolition of existing licenced premises and adjoining house and build a new licenced premises with 17 guest rooms and associated works.

**P.94/990057** – Permission granted for revisions to P.93/990106 and a conservatory to the rear.

**P.95/990080** – Permission granted for a new conservatory to the premises on this site.

**P.96/990110** – Permission granted for a car park to the side and rear of this premises.

### **Pre-Planning Advice**

In principle there were no issues with the refurbishment of the public house to apartments. Parking shortfall must be justified in relation to the proximity to the town centre and that the Castlecomer will be one of the routes on the public bus service that will be introduced to Kilkenny city.

Concerns were expressed about the houses proposed for the car park site opposite the Broguemaker public house regarding parking spaces, bin storage, private open space and the design of the units in relation to the streetscape.

### **Internal Departmental Reports**

**Irish Water** – No objections to this proposal.

### **Third Party Submissions**

This Part VIII proposal was placed on public display from Friday 19<sup>th</sup> October, 2018 to Friday 16<sup>th</sup> November, 2018 and in total during this timeframe, 19 no. submissions were received and are summarised for the purpose of this report as follows;

#### **Monica Phelan**

- No. of apartments exceeds the space allocated
- Health and safety of apartment residents as apartments open directly on to busy road
- Proposes the combined use of access road by new development and existing Kilsheelin Heights estate is dangerous

#### **Rena Brett**

- No front or back garden provided for each unit
- Building line of new building not in keeping with Castlecomer Road
- Amenity area unsuitable for number of residents to be accommodated



- Health and safety concerns over use of access road by new development and existing Kilsheelin Heights estate
- Car parking inadequate for the proposed number of units
- No individual back yards for each unit
- Bin stores not big enough for the proposed number of units
- Request that management of the development be through a private management company

***Peter J. And Elizabeth Walsh***

- 3<sup>rd</sup> planning application affecting their property in 25 years
- Removal of the Broguemaker pub as a leisure facility and social amenity for the locality
- The site is not big enough for the development with inadequate provision of green space and carparking
- Consideration of the Kilsheelin Heights and Castlevew not taken into account
- Building line of new building not in keeping with Castlecomer Road
- Planning permission would not be given to private developer for a similar development
- Existing parking being removed from the site
- Existing dormer building should be replaced with amenity space
- Health and safety issue on access road due to location of car parking spaces
- Development should be restricted to the existing Broguemaker building only
- Disruption to residents during construction activity could be reduced by scaling back the development
- Request for the existing boundary wall to my property to be raised
- Has a traffic plan been drawn up for the development and its impact on the Castlecomer Road?

***Kilsheelin Heights Residents***

- The development of the car park site is too dense with inadequate provision of green space and carparking
- Car parking inadequate for the proposed number of units
- Inadequate provision of waste storage and collection point for car park site development
- Overlooking of adjoining properties from the balconies of car park site development
- Building line of new building not in keeping with Castlecomer Road and should be stepped back
- Proposed development unit size too small
- Management company plan should be provided
- Construction management plan should be provided

***Caroline and Alan Gannon***

- Inadequate car parking for construction and residential development
- Health and Safety during construction
- The development is too dense with inadequate provision of green space and carparking
- Proposes design of development not in keeping with surrounding areas

- Requests the inclusion of a yellow box at junction with Castlecomer road for exiting access road

***Jennifer Phelan***

- Objects to the proposed development on the grounds of health and safety and on the well-being of residents of Kilsheelin Heights

***David Walsh***

- Strongly objects to development as will have negative impact on lives of local residents and disrupt the dynamic of the area
- Density is the main issue, as it will block in the residents of Kilsheelin Heights and will cause disruption during construction
- Asks if there is a traffic management plan to cater for increased traffic as Castlecomer Road is one of the busiest into and out of Kilkenny
- Asks that density be reconsidered and recreational area be increased
- Notes that 3D drawing presented at the consultation evening looked progressive and clear but didn't include current houses surrounding it

***Rosemarie, Frank and Margaret Walsh***

- Not enough information
- Not enough regard to established character
- Environmental consideration assessment not included
- No construction management plan or phasing plan provided. Concern re traffic movements during construction and impact on Kilsheelin Heights access and egress.
- Requests details on management of units
- Design not in keeping with character of local area and unit sizes not consistent with requirements of the development plan

***Ger Foskin***

- Requests that density of housing on car park be reduced to 3 no single storey units as existing proposal impacts on light and privacy and is not in keeping with existing properties in proximity of the site
- Requests that 8 no car parking spaces be moved to the existing car park boundary wall to improve safety of access to Kilsheelin Heights estate and aesthetics and privacy between new and existing houses
- Requests a more defined entrance for the existing estate with matching boundary walls on both sides and moving entrance to rear car park 10m to front

***Cllr Patrick McKee***

- Not enough information to make decision, regarding phasing or construction management
- Are environmental assessments required
- States that Kilkenny City and County Development Plan is contravened materially re car parking space provision, dwelling sizes, density
- Believes that Kilkenny County Council should never have purchased the property

***Caroline and Alan Gannon***

- Considers not enough information provided on this proposal
- Inadequate parking proposed



- States that overflow from Kilsheelin Heights is contained in Broguemaker Car Park
- No plan for construction phase, concerns re Health and Safety during construction
- Access and egress to estate already difficult, made worse
- Density too high for space available. Lack of green space, amenities.
- Not in keeping with established character of the area. Balconies overlooking main road
- Management Company?
- Environmental considerations – no assessment

***Margaret Healy, Martha Butler, Brian Butler***

- Density too high
- Too few parking spaces
- Bin area and bicycle areas seem small
- Balconies not in keeping with visual line
- Building line not in keeping with the area
- Additional traffic on Castelcomer Road, impact on Kilsheelin Heights residents
- Management company required
- Future proofing for older people, lift and disabled parking spaces

***Aine Ryan on behalf of Alma and Brid Holohan***

- Need for social housing acknowledged
- Lack of information on design rationale, site assessment, alternatives, parking, environmental considerations, construction management. Requests site specific design statement
- Proposal would have been invalidated if it was lodged as a planning application
- Unable to determine if an EIA is required under legislation as no Demolition Plan available
- Suggests that due to proximity to River Nore SPA and Newpark Marsh pNHA and likely impact arising from noise / dust emissions during demolition and construction phases, an Environmental Assessment is required or at very least an AA screening
- No construction management plan or phasing details provided. Requests revised Part 8 with these details
- Requirement for Road Safety Audit and mobility management plan outlined
- How will units be managed?
- Established character ‘ the proposed development does not provide for a tailored transition in scale from the established residential character of the wider Castlecomer Road or Kilsheelan Heights’
- Refers to Section 11.8.8 of the Kilkenny County Development Plan ‘the planning authority will normally seek to ensure that development is not carried out in front of established building lines’
- Balconies:- acknowledges that these are included to facilitate the achievement of prescribed private open space standards. States that they will give rise to overlooking of Kilsheelin Heights residences. Requests that the extent and quantum of balcony spaces be reconsidered
- Landscape design plan not included and requirement for play space (in development plan) has not been met



- States that dwelling sizes, housing mix and car parking provision, apartment balcony sizes do not meet the requirements of the development plan

***Mary Cody & Joe Brennan***

- Not enough information provided on this proposal
- Not enough regard had to the area's established character
- Environmental Assessment not included
- No construction management plan or phasing plan provided.
- Concern regarding traffic movements during construction and its impact on Kilsheelin Heights access and egress
- Requests details on management of the proposed units
- Design not in keeping with character of local area and unit sizes not consistent with requirements of the development plan

***Ger Phelan***

- Not enough information on environmental assessment / construction management / design management / housing assessment / traffic management / tenants / nature of development
- Not enough parking
- Concerns regarding the possible high volume of traffic movement during construction and the impact on local residents
- Development not in keeping with the existing environment of the Castlecomer Road

***Mary Kavanagh***

- The development of the car park site is too dense with overlooking of adjoining properties from the car park site development
- Requests reduction in the number of new homes on the car park site

***James P Dunne***

- Development density not in keeping with the historical low density of the locality which has only recently been changed
- A high density development will have a negative effect on property prices in the area
- Building line of new building not in keeping with Castlecomer Road and proposed to maximise floor area.
- Buildings exiting onto public streets not in keeping with the area
- Zoning of the land is for commercial use and should not be changed to residential

***O'Dwyer Family***

- Requests reduction of the development density compliant with Kilkenny County Development Plan
- The development of the car park site is too dense with overlooking of adjoining properties from the car park site development and inadequate car parking and green space
- Traffic Calming is required at the entrance to Kilsheelin Heights for health and safety of the public
- Improve provision of public lighting and access to high speed broadband for Kilsheelin Heights residents
- Request the following accommodations during construction phase
  - No disruption to access road

- Noise and traffic to be kept to a minimum
- No deliveries before 10am and after 3pm
- No construction traffic to Kilsheelin Heights for turning or parking

#### ***Residents of 11 Kilsheelin Heights***

- There is inadequate parking in the proposed development
- There is inadequate amenity space in the proposed development
- Objects to noise and pollution during construction
- The building line of new units is too close to Castlecomer Road
- Requests a construction management plan for the development
- The proposed design has not had due regard to the established character of the Castlecomer Road
- There is a health and safety issue for the residents entering and exiting the development

#### **Assessment**

In relation to the proposed development the Planning Authority have no issues of concern regarding the demolition of the existing house on site and the creation of 2 no. apartments along with the conversion of the former Broguemaker pub to apartments. Each apartment meets the minimum requirements for minimum overall apartment floor area, minimum aggregate floor areas for living/dining/kitchen rooms, minimum storage areas, minimum private open space and the minimum aggregate bedroom floor area sizes as per the Apartment Guidelines 2017.

There is a communal open space area to the rear of the Broguemaker premises, adjacent to the parking to be provided and this is a functional open space and secure in its location to the rear of the premises, away from the Castlecomer Road.

Having considered the issues raised in the submissions and following discussions with the Housing Section, the layout has been amended by the Housing Section to provide for an increase in car parking from 16 to 23 spaces, omitting one house adjacent to Kilsheelin Heights and setting back the building line from the Castlecomer Road (revised layout sketch attached).

The car parking provision is acceptable for this proposal as heed must be taken of the close proximity to the town centre along with the site being located a short distance from the Newpark neighbourhood centre, primary schools and other amenities. The Castlecomer road will also be on one of the proposed bus routes in the town which is due to commence later in 2019.

#### **Recommendation**

In principle there are no objections to this proposal from a planning perspective.

It is therefore recommended that the Part 8 application for the construction of 2 no. houses and 4 apartments on existing car park area; Conversion of existing building (formerly 'Broguemaker' public house) to 10 no. apartments; Demolition of existing dormer house ('St. Jude's') and construction of 2 no. apartments on the Castlecomer Road, Kilkenny, be approved by Council.

Signed: \_\_\_\_\_

Senior Executive Planner

Date: 9/1/2019

Signed: *Dem/Alme*  
Senior Planner

Date: 11/1/2019



BROG MASTER SCHEME  
CASTLECOMER ROAD  
ALTERNATIVE OPTION  
SCALE 1:250  
2.6.01 Dec 18

6 UNITS ON CARPET AREA

TRAFFIC CALMING

BIKE STATION

BIKE RACK

COMMUNAL AMENITY SPACE

2x1 BED APART.

2x1 BED APART.

1 BED ACCESS APART.

2 BED APART. OVER

PAVING HEDGING

PUBLIC FOOTPATH

CYCLE WAY

ROADWAY

AMENITY

CASTLECOMER ROAD

→ AQA

PAID

of

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## **Appendix B – AA Screening Report**



# Habitats Directive Project Screening Assessment

Table 1: Project Details

Development Consent Type	Part 8 proposal
Development Location	Castlemore Road, Kilkenny
Planning File Ref	Part 8 reference - 07/18
Description of the project	Conversion of existing building to 10 apartments + demolition of existing house + 2 new apartments and construction of houses/apts in car park site

Table 2: Identification of Natura 2000 sites (SACs and SPAs) which may be impacted by the proposed development

Please answer the following five questions in order to determine whether there are any Natura 2000 sites which could potentially be impacted by the proposed development. If the answer to all of these questions is no, significant impacts can be ruled out for habitats and bird species. No further assessment is required. Please refer to tables 3 and 4 where the answer to any of these questions is yes.

		Y/N
<b>1</b>	<b>ONE- OFF HOUSE /SMALL EXTENSION/ ALTERATION TO EXISTING BUILDING</b>	N/A
<b>1a</b>	<p>Is the development a one- off house/small extension/alteration to existing building within an SAC/SPA or within 100m of an SAC/SPA and likely to discharge pollutants or nutrients of a significant nature and amount to surface water within catchments of and SAC/ SPA as part of its construction or operational phase (including the installation of waste water treatment systems; percolation areas; septic tanks within SAC/SPA or very close proximity)?</p> <p>If the answer to the above question is:</p> <ul style="list-style-type: none"> <li>- no, then no appropriate assessment required</li> <li>- yes, then an appropriate assessment is required</li> <li>- not sure, then an appropriate assessment is required in accordance with the precautionary principle</li> </ul>	
<b>2</b>	<b>DEVELOPMENTS OTHER THAN THOSE DESCRIBED IN 1 ABOVE</b>	Y
<b>2a</b>	<p><b>Impacts On Freshwater Habitats</b></p> <p>Is the development within a Special Area of Conservation whose qualifying interests include freshwater habitats, or in the catchment of same and does the development propose to discharge water to or abstract water from the habitat?</p> <p><b>Sites to consider:</b> Lower River Suir, River Barrow, River Nore.</p> <p><b>Habitats to consider:</b> Alluvial Wet Woodland, (Lower River Suir), Dry Heath (some steep slopes along River Barrow and its tributaries) Rivers, Streams, Lakes and Lagoons, Old Oak Woodland, floating river vegetation,</p> <p><b>Species to consider:</b> River Lamprey, Brook Lamprey, Freshwater Pearls Mussel, Nore Freshwater Pearl Mussel, Crayfish, Twait Shad, Atlantic Salmon, Otter, Vertigo Moulinsiana,</p>	N
<b>2b</b>	<p><b>Impacts On Wetland Habitats</b></p> <p>Is the development within a Special Area of Conservation whose qualifying interests include wetland habitats, or likely to discharge water to or abstract water from the wetland?</p> <p><b>Sites to consider:</b> Hugginstown Fen, Galmoy Fen, The Loughans, Flood Plain wetlands</p> <p><b>Habitats to consider:</b> Bogs, Alkaline Fens (Hugginstown and Galmoy), Turloughs (The Loughans)</p>	N



		Y/N
2c	<p><b>Impacts on Intertidal and Marine Habitats</b>  <i>Is the development located within a Special Area of Conservation whose qualifying interests include intertidal and marine habitats and species, or within the catchment of same and likely to discharge water to or abstract water from the habitats.</i></p> <p><b>Sites to consider:</b> Lower River Suir</p> <p><b>Habitats to consider:</b> Atlantic Salt meadows, Mudflats, sandflats, saltmarsh, estuary</p> <p><b>Species to consider:</b> Sea Lamprey, River Lamprey, Brook Lamprey, Freshwater Pearl Mussel, Crayfish, Twaite Shad, Atlantic Salmon, Otter.</p>	N
2d	<p><b>Impacts On Woodlands And Grasslands</b>  <i>Is the development within a Special Area of Conservation whose qualifying habitats include terrestrial habitats, or in close proximity to same with a likely ecological impact?.</i></p> <p><b>Sites to consider:</b> Spa hill and Clomantagh Hill, Cullahil Mountain, River Barrow, River Nore, Lower River Suir</p> <p><b>Habitats to consider:</b>  <i>Alluvial Wet Woodlands</i> (River Nore below Inistioge and River Suir at Fiddown Island and Carrick on Suir), <i>Eutropic tall herb vegetation</i> (River Suir at Fiddown Island and Carrick on Suir), and grasslands (Spa hill and Clomantagh Hill, Cullahil Mountain)</p> <p>Oak Woodlands in old estates next to the Nore and Barrow</p> <p><b>Species to consider:</b> Greenwinged, Frog and Bee Orchids (Cullahil and Clomantagh Hill), Nettle Leaved Bellflower and Autumn Crocus</p>	N
2e	<p><b>Impacts On Birds</b>  <i>Is the development within a Special Protection Area, or likely to discharge water to same or likely to have another significant impact on the habitats of Birds in same?.</i></p> <p><b>Sites to consider:</b> River Nore</p> <p><b>Species to consider:</b>  <b>River Nore:</b> Kingfisher (<i>Alcedo Atthis</i>) – Nesting in river banks</p>	N

**Table 3: Determination of possible impacts on Natura 2000 sites.**

Where it has been identified in table 2 that there is a Natura 2000 site within the potential impact zone of the proposed development, it is necessary to try to determine the nature of the possible impacts. Please answer the following questions as appropriate.

1.	<p><b>Impacts on designated freshwater habitats (rivers, lakes streams and lagoons).</b></p> <p><i>Please answer the following if the answer to question 2a in table 2 was yes.</i></p> <p><i>Does the development involve any of the following:</i></p>	N/A
1.1	Impacts on watercourses (tributaries, streams, drains) which are remote from the SAC/SPA but may still impact on the SAC/SPA by reason of the nature or quantity of the discharge	
1.2	Abstraction from surfacewater or groundwater within 1km of SAC/SPA.	
1.3	Removal of topsoil within 100 m of watercourses with potential for surface water runoff.	
1.4	Infilling or raising of ground levels within 100m of watercourses with potential for surface water runoff.	
1.5	Construction of drainage ditches within 1km of SAC/SPA.	
1.6	Construction within a floodplain or within an area liable to flood.	

1.7	Crossing or culverting of rivers or streams within 1km of SAC/SPA.	
1.8	Storage of chemicals hydrocarbons or organic wastes within 100 m of a watercourse.	
1.9	Development of a large scale which involves the production of an EIS.	
1.10	Development of quarries, particularly where abstraction is below water table.	
1.11	Development of windfarms within 1km of an SAC or with the risk of runoff to an SAC/SPA, particularly during construction.	
1.12	Development of pumped hydro electric stations.	
2	<b>Impacts on designated wetland habitats (bog, heath, marsh, fen).</b>  <i>Please answer the following if the answer to question 2b in table 2 was yes.</i>  <i>Does the development involve any of the following:</i>	
2.1	Impacts on watercourses (tributaries, streams, drains) which are remote from the SAC/SPA but may still impact on the SAC/SPA by reason of the nature or quantity of the discharge.	
2.2	Construction of roads or other infrastructure on peat habitats within 1km of a Natura 2000 site of which qualifying interests include peat, fen or marsh. (Only Peat habitat at Bruckana – consider Galmoy fen – impact unlikely)	
2.3	Development of a large scale within 1km within a Natura 2000 site, whose qualifying features include fen or marsh, which involves the production of an EIS.	
3	<b>Impacts on designated intertidal and marine habitats (mudflats, sandflats, estuaries, reefs and sea cliffs).</b>  <i>Please answer the following if the answer to question 2c in table 2 was yes.</i>  <i>Does the development involve any of the following:</i>	
3.1	Impacts on intertidal and marine habitats from potential development which are remote from the SAC/SPA but may still impact on the SAC/SPA by reason of the nature or quantity of the discharge	
3.2	Development of piers, slipways, marinas, pontoons or any other infrastructure within 5km of a Natura 2000 site whose qualifying features include intertidal or marine habitats.	
3.3	Dredging within 5km of a Natura 2000 site whose qualifying features include intertidal or marine habitats.	
3.4	Impacts on watercourses (tributaries, streams, drains) which are remote from the SAC/SPA but may still impact on the SAC/SPA by reason of the nature or quantity of the discharge.	
3.5	Removal of topsoil or infilling within 100m of Natura 2000 sites whose qualifying features include intertidal or marine habitats where potential for surface water runoff exists.	
3.6	Development of a large scale within 1km of Natura 2000 sites whose qualifying features include intertidal or marine habitats, which involves the production of an EIS.	
4	<b>Impacts on other designated woodlands and grasslands (woodland, upland grassland, lowland grassland, coastal grassland including dunes).</b>  <i>Please answer the following if the answer to question 2d in table 2 was yes.</i>  <i>Does the development involve any of the following:</i>	
4.1	Works within the boundary of a Special Area of Conservation whose qualifying interests include woodland or grassland habitat types.	
4.2	Development within 200m of Natura 2000 site with woodland or grassland habitats.	

N/A.

4.3	Development of a large scale within 1km of Natura 2000 site with woodland, grassland or coastal habitats which involves the production of an EIS.	
5	<b>Impacts on birds in SPAs</b> Please answer the following if the answer to question 2e in table 2 was yes. Does the development involve any of the following:	N/A.
5.2	Erection of wind turbines within 1km of an SPA.	
5.3	All construction works within 100m of SPA (River Nore), including the development of cycle ways or walking routes	
5.4	Infilling of coastal habitats within 500m of intertidal SPA.	
5.5	Works within 1km of coastal SPA which will result in discharges to rivers or streams that are directly connected to designated sites.	
5.6		

**Conclusion:** If the answer to question 1 and 2a-e are no or n/a, significant impacts on habitats within Natura 2000 sites and on SPAs can be ruled out. No further assessment is required in relation to habitats or birds. If the answer to any question in table 2 is yes, you may require further information, unless you are satisfied that the project proponents have incorporated adequate mitigation into their design to avoid impacts on the Natura 2000 site (eg water pollution protection measures). Such information should be provided in the form of a Natura Impact Statement which should address the particular issues of concern as identified through the above.

**Table 4: Consideration of potential impacts on protected species**

Many of our Special Areas of Conservation are designated for species as well as for habitats. These are listed below, alongside the sites for which they are designated. Included is a short list of the types of activities which could have an impact on these species. Please tick if you are concerned that the proposed development could have an impact on these species.

Species	Relevant Sites	Activities which could have impacts on species	Possible Impacts Identified? Y/N
Otter	River Nore River Barrow Lower River Suir  Note: Otters are a strictly protected species. All breeding sites and resting places are protected regardless of whether or not they are within or external to Special Areas of Conservation.	Activities that interfere with river banks.	N
Atlantic Salmon	River Barrow River Nore Lower River Suir	Activities that interfere with water quality, levels or the river bed;	N
River Lamprey	River Barrow River Nore Lower River Suir	Activities that interfere with water quality, levels or the river bed;	N
Brook Lamprey	River Barrow River Nore Lower River Suir	Activities that interfere with water quality, levels or the river bed;	N
Sea Lamprey	River Barrow River Nore	Activities that interfere with water quality or the river bed – estuarine areas;	N



Species	Relevant Sites	Activities which could have impacts on species	Possible Impacts Identified? Y/N
	Lower River Suir		
Twaite Shad	Lower River Suir	Activities that interfere with water quality or the river bed – estuarine areas;	N
Crayfish	Lower River Suir	Activities that interfere with water quality or the river bed;	N
Freshwater Pearl Mussel	River Barrow River Nore Lower River Suir	Activities that interfere with water quality, levels or the river bed ;	N
Nore Freshwater Pearl Mussel	River Nore	Activities that interfere with water quality, levels or the river bed ;	N

**Conclusion:** If the answer to all of the above is no, significant impacts on species can be ruled out. If the answer to any of the above is yes, then further information is likely to be required in relation to potential for impact on that particular species. Where potential impacts are identified on Otters or on Bats outside designated sites, then further information should be sought in the form of a species specific survey. In these cases, appropriate assessment is not required.

# Habitats Directive Screening Conclusion Statement

Development Type	Part VIII project
Development Location	Castlecomer Road, Kilkenny
Natura 2000 sites within impact zone	None within 250 metres of site
Planning File Ref	Part 8 / 7 / 18
Description of the project	Conversion of existing building to 10 apartments + demolition of existing house, 2 new apartments and construction of houses/apts on car park side
Describe how the project or plan (alone or in combination) could affect Natura 2000 site(s).	
No impacts due to distance from any SAC/SPA or watercourse	
If there are potential impacts, explain whether you consider if these are likely to be significant.	
None	
<p><b>Conclusion of assessment</b>          Having regard to the precautionary principle, it is considered that:</p> <p><input checked="" type="checkbox"/> Significant impacts can be ruled out or AA not required (if project is directly connected or necessary to Management of Natura 2000 site (determined in consultation with NPWS)).</p> <p>or</p> <p><input type="checkbox"/> Significant impacts are certain, likely or uncertain (cannot be ruled out), Natura Impact Statement (NIS) is required.          Project must be subject to appropriate assessment.</p>	
Documentation reviewed for making of this statement.	
AA Guidance Documents 2009 + Kilkenny City + Environs Development Plan 2014-2020	
Completed By	Affere O' Connor, Senior Executive Planner
Date	8/1/19