

# CHAPTER 19

## Development Management Standards

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**Aim:** *To ensure the orderly and sustainable development of the county through the setting out of objectives and standards for the management of development.*

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## 19.1 Background

Development management is a statutory process that ensures development takes place in an orderly and efficient manner. Specific control measures are outlined to ensure that new development is of high quality and relates to the character, scale, layout and form of the area in question. Development will be managed by means of established and proven principles aided by guiding standards.

There is an obligation on the Council to ensure that permissions granted under the Planning Acts are consistent with the policies and objectives set out in this Plan. This chapter focuses on the general planning standards and design criteria that will be applied by the council to ensure that future development is in accordance with these policies and objectives.

There is provision for a degree of flexibility of approach in particular circumstances. This applies where proposed development is otherwise consistent with proper planning and development and the preservation and improvement of amenities.

The granting of planning permission does not in itself enable development to commence. There may be other legal and procedural requirements to be considered e.g. property title, building regulations, public health acts, fire regulations, air and water pollution legislation etc.

### 19.1.1 Enforcement

To ensure that the integrity of the planning system is maintained and that it operates for the benefit of the whole community, the Council will take enforcement action in cases of unauthorised development, where it is appropriate to do so, consistent with the provisions of Part VIII of the Planning and Development Act, 2000 as amended by the Planning and Development (Amendment) Act 2010.

Under planning legislation any development which is not specifically exempt development requires planning permission and development which does not have that permission is unauthorised development, as is development which has been or is being carried out in breach of conditions specified in a planning permission.

In carrying out its enforcement functions, the Council may issue Warning Letters and / or Enforcement Notices or take injunctive proceedings pursuant to Section 160 of the Planning and Development Act 2000 as amended.

Proceedings for non-compliance with an Enforcement Notice will be taken in the District Court in most cases. However, where appropriate, injunctions will be sought in the Circuit Court or High Court. In all cases involving legal proceedings the Council will seek to recover its costs, in addition to any fines imposed by the courts.

### **19.1.2 Failure to Comply with Previous Permission**

The Council may refuse permission for a development arising from past failures to comply with any previous permission, where they are deemed to be of a substantial nature, and where it is appropriate to do so, having regard to the provisions of Section 35 of the Planning and Development Act as amended.

### **19.1.3 Non-Conforming Uses**

Throughout the county there are uses that do not conform to the zoning objectives for that area. These are uses which;

- 1) Were in existence on 1<sup>st</sup> October 1964,
- 2) Have valid permissions or,
- 3) Have no permission and which may or may not be the subject of enforcement proceedings.

Extensions to and improvement of premises referred to in categories 1 and 2 above may be permitted. This would apply where proposed development would not be seriously injurious to the amenities of the area and would not prejudice the proper planning and sustainable development of the area.

### **19.1.4 Material Contravention**

The Council has a statutory obligation to take such steps as may be necessary to secure the objectives of the Development Plan. In appropriate circumstances the Council may permit a material contravention of the Development Plan. The granting of a permission that materially contravenes the Development Plan is a reserved function of the Elected Members of the Council, exercisable following a public consultation process.

### **19.1.5 Development Contributions**

The Council, taking into consideration the capital expenditure necessary for the provision of infrastructure, will require the payment of financial contributions in accordance with the Development Contributions Scheme.

Developers may also be required to carry out works at their own expense to facilitate their development and these will be specified as a condition of their planning permission.

### **19.1.6 Environmental Impact Assessment**

Certain developments may require the submission of an Environmental Impact Statement in accordance with the provisions of the Planning and Development Regulations, 2001 (or as may be amended from time to time).

### **19.1.7 Pre-Application Discussions**

The Council will endeavour to facilitate pre-planning discussions through individual meetings / planning clinics as deemed appropriate. The carrying out of consultations shall not prejudice the performance by the Council of any other of its functions under the Planning and Development Act 2000 (or as may be amended from time to time), or any regulations made under the Act, and cannot be relied upon in the formal planning process or in legal proceedings.

### **19.1.8 Bonds**

To ensure that developments undertaken by private developers are satisfactorily completed, developers will be required to give cash deposits or submit a bond from an insurance company or other financial institution acceptable to the Council for the satisfactory completion of developments and their ancillary services. In determining the method of security, previous records of applicant's compliance and construction standards will be taken into account. This bond or surety is to be submitted and in place before development is commenced.

### **19.1.9 Digitised Planning Applications**

The Council will require all applications over three housing units and all commercial developments to provide site drawings to fit into National Grid Co-ordinates in order to comply with the requirements for Geographical Information Systems (GIS) mapping and inventory.

## 19.2 General Development Standards

### 19.2.1 Site Coverage

Site coverage standards are intended to avoid the adverse effects of over-development.

$$\text{Site Coverage} = \frac{\text{Total area of ground covered by buildings}}{\text{Total ground area within the site curtilage}}$$

The maximum site coverage shall be 50% for residential development, 75% for Industrial and 66% for retail and commercial development. Within the town centre zone, the maximum site coverage shall be 80% for all development.

A particular site coverage standard shall be acceptable only where it is consistent with other standards such as open space requirements, car parking, plot ratio, building lines and building heights, fire safety and building regulations together with the amenity of adjoining dwellings/ properties.

In considering applications for redevelopment of existing sites, due regard will be had to the established site coverage.

### 19.2.2 Plot Ratio

The purpose of plot ratio standards is to prevent the adverse effects of over-development on the layout and amenity of buildings on the one hand and to ensure an adequate sense of enclosure and the efficient and sustainable use of serviced land on the other hand.

$$\text{Plot Ratio} = \frac{\text{Gross building floor area}}{\text{Gross site area}}$$

The gross floor area is the sum of all floor space within the external walls of the buildings, excluding plant, tank rooms and car parking areas. The gross site area comprises all land within the curtilage of the site.

**Table 19.1 Plot Ratio Standards**

Location	Plot Ratio
Town Centre/Brownfield	1.0–2.0
Inner Suburban	0.5–1.0
Outer Suburban In close proximity to public transport	0.35–0.5
Outer Suburban Remote from public transport	0.25–0.35

In considering applications for redevelopment of existing sites, due regard will be had to the established plot ratio.

### 19.2.3 Overlooking

In general, a minimum distance of 22 metres between opposing above ground floor level windows is required for habitable rooms. In cases of innovative design where overlooking into habitable rooms does not occur, this figure may be reduced.

A separation distance of 35 metres should be considered in the case of overlooking living room windows and balconies at upper floors.

### 19.2.4 overshadowing

Where development of a significant height is located close to existing development, the planning authority may require daylight and shadow projection diagrams to be submitted. The recommendations of *Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice* (BRE 1991) or B.S. 8206 *Lighting for Buildings Part 2 1992: Code of Practice for Day lighting* should be followed in this regard.

### 19.2.5 Soft Landscaping

Planting and landscaping should be used to incorporate new buildings into their surroundings and provide privacy between dwellings. New planting should consist of local native plant types indigenous to the area and be incorporated into the site so as to enhance the overall appearance (Refer Table 19.2).



Where mature trees and/or substantial hedgerow are located on lands that are being considered for development, a detailed tree survey shall be submitted with the planning application. All trees with a diameter of 75mm and above 1.5m from ground level should be included. Trees should be surveyed by reference to species, branch canopy, spread, shape, height and condition.

In the event of the development requiring trees to be felled during development, the Council will require the planting of a minimum of five mature/established trees per tree felled which shall be incorporated into the overall design of the scheme.

Where a development, located on lands zoned for development necessitates the removal of hedges/trees, the planning authority will require the removal of same to be identified with the planning application and a detailed replanting proposal to be submitted. This proposal should provide for the replacement of at minimum an equal amount of similar indigenous hedgerows/tree planting within the overall scheme.

In landscaping plans as part of planning permissions the planning authority will seek to ensure the planting of semi-mature trees depending on location and circumstances. (Note: Semi-mature trees are defined by the BSI as: – “Trees with an overall height in excess of 4 metres and or a stem girth measurement (circumference of 20 centimetres or larger).”

The replacement of hedgerows/trees shall have due regard to the ecological function of hedgerows as a wildlife corridor and shall not work in isolation to the remaining hedgerow network.

Where trees or hedgerows are to be preserved on a development site, it is essential that the trees be protected by the erection of secure fencing prior to any site or engineering work commencing. No material or vehicles shall be stored or parked within the fenced area.

A site management plan shall be submitted to ensure the protection of retained trees and hedgerows within the site. To ensure that trees and hedgerows are protected on a site and that the agreed landscaping as per a condition of planning permission is carried out, a bond lodgement may be required, the amount of which shall be determined by the Council. Existing trees (particularly mature trees) shall be protected during site development works and shall be sensitively incorporated into the design of development layouts.

*The Good Practice Guidelines for Developers – Biodiversity and Development in County Kildare, Kildare Heritage Series Vol. 1 and The Good Practice Guidelines for Householders – Biodiversity and Development in County Kildare, Kildare Heritage Series Vol. 2* should also be referenced for advice regarding landscaping and biodiversity matters.

**Table 19.2** Native Trees and Shrubs

Common name	Height (max)	Suitable for public open spaces	Suitable for streets and confined spaces	Suitable for tubs, containers and raised beds etc.	Guide to planting: See key below
Alder	22m	Yes	No	Yes	ADPS
Alder Buckthorn	6m	Yes	No	Yes	D
Ash	28m	Yes	No	No	ADIPS
Aspen	24m	Yes	No	No	DPSV not close to buildings or services.
Arbutus (strawberry tree)	8m	Yes	No	Yes	Not frost hardy
Bramble	2m	No	No	No	C/H tends to be invasive
Broom	2m	Yes	No	Yes	tolerates dry conditions
Burnet Rose	2m	Yes	No	Yes, but vigorous	C/H. Restricted distribution. Not commonly found.
Common (or European) Gorse	2.5m	Yes	No	In a rural setting	HV
Crab Apple	6m	Yes	No	No	AHIP
Dog Rose	2m	Yes	No	Yes. Vigorous	C/H
Downy Birch	18m	Yes	Yes	Yes	ADIP
Elder	6m	In hedge	No	No	V
Guelder Rose	4.5m	Yes	No	No	DH
Hawthorn	9m	Yes	Yes	Yes	AHIPS
Hazel	6m	Yes	No	No	AHS
Holly	15m	Yes	Yes	Yes	AHPS
Honeysuckle	climber	Yes	On walls	No	C
Ivy	climber	Yes	Yes	Yes	C
Juniper	6m	Yes	No	No	S
Pedunculate Oak	30m	Yes	No	No	AI only suitable for large spaces
Rowan or Mountain Ash	9m	Yes	Yes	Yes	ADHIP
Scots Pine	24m	Yes	No	No	AI
Sessile Oak	30m	Yes	No	No	AI only suitable for large spaces
Sliver Birch	18m	Yes	Yes	Yes	ADIP
Sloe, Blackthorn	3m	Yes	No	No	AHPV
Spindle	7.5m	Yes	No	No	H
Whitebeam spp.	12	Yes	Yes	Yes	IPS
Wild Cherry	15m	Yes	Yes	Yes	AHI
Wild Privet	3m	Yes	Yes	Yes	No
Willow spp.	6m	Some	No	No	V Not suitable near buildings or services
Wych Elm	30m	Yes		No	PS
Yew	14m	Yes	No	Yes	AIPS

**A** Grows in a wide variety of soils  
**C** Climber  
**H** Suitable for hedging  
**I** Suitable as an individual tree

**D** Tolerates or prefers damp conditions  
**P** Tolerates smoke or pollution  
**S** Tolerates shades  
**V** Invasive

### 19.2.6 Hard Landscaping

Hard landscaping design, including paving and street furniture, is an important element in defining the character of streets and public open spaces. Hard landscaping can help to provide a visual link to the surroundings; define and enclose spaces, delineate public from private space; provide security to private areas; distinguish between pedestrian, cycle and vehicle movement; and provide suitable play space for children.

Materials must be appropriate, durable and of good quality. Careful consideration must be given to the design of hard surfaces such as streets, squares, open spaces, paved areas, footpaths and driveways. Hard landscaping design shall have regard to the use of Sustainable urban Drainage Systems (SuDS) to minimise runoff and maximise efficient management of surface water.

Walls, fences, metal railings and gates used to define spaces and their usage have a major impact on the visual character of development. These should be carefully selected with local distinctiveness in mind and will need to be an integral part of the overall design concept.

The siting of street furniture should not provide undue obstacles for people with disabilities.

The integration of art into the public domain can contribute positively to the urban form creating local distinctiveness and enhancing a public space.

Where possible and practicable existing stone walls should be retained as part of new developments.

### 19.2.7 Access to Land

Development should be designed in such a fashion that it will not prejudice the provision of vehicular, pedestrian access or key infrastructural services in adjoining lands. Development should be designed so as to ensure ‘ransom strips’ will not inhibit future development.

### 19.2.8 Access for All

The Council will require that the layout and design of a proposed development gives consideration to the needs of the aged, people with disabilities and people with children. In addition to the above, all developments must make provision for car parking for the disabled in accordance with the recommendations of *Buildings for Everyone 2002* published by the National Disability Authority and Part M of the Building Regulations (S.I. No. 179, 2000).

## 19.3 Design Statements

Where a design statement is a requirement for a particular development it shall outline how the particular design addresses development plan policies, objectives and guidance in particular those relating to urban design as well as national guidance. The design statement should clearly describe how the proposal relates to the site and contextual analyses. The following requirements must be included in a design statement:

- Desire lines to local centres, public transport and other facilities;
- A discernible focus of the scheme or a demonstration that the development reinforces an existing local centre;
- Retention and successful exploitation of local views into and out of the scheme and highlighting of selected focal points;
- Response to local character without necessarily repeating adjacent forms and details;
- Existing buildings, landform and ecological features should be noted on drawings;
- Creative use of local materials and locally found details; and
- Demonstration of contemporary and innovative architecture and design that ensures the creation of a unique sense of place.

The drawings and statements should illustrate why a particular design solution was arrived at for that particular site and how the design responds to the ecology, topography and features (both natural and man made) existing on site and immediately adjacent to the site (Policy VRS 8 of Chapter 17 also refers).

## 19.4 Residential Development

Good design is at the core of creating a good quality residential environment. The design of new housing developments should pay particular attention to the characteristics of the local setting. It is imperative that a high standard of design and quality of environment are created, which in turn will contribute to a sense of place and an identity being created.

The planning authority will also have regard to:

- The policies and objectives set out in Chapter 4 Housing;
- The guidelines contained in Chapter 15 and 16 of this Plan as appropriate;
- The *Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities* (2009);
- The accompanying document *Urban Design Manual Best Practice Guide* (2009);
- The Council's '*Taking in Charge Policy Statement*' (June 2008) as amended;
- Construction standards and specifications set out in *Recommendations for Site Development Works for Housing Areas* (DoEHLG, 1998);
- The forthcoming *Manual for Streets* being prepared by the Department of Transport which will address such matters as layout, on-street parking, accessibility and cyclist movement;
- The DoEHLG Planning Guidelines document entitled *The Planning System and Flood Risk Management* (2009); and
- Sustainable urban Drainage Systems (SuDS) described in the Greater Dublin Strategic Drainage Study.

### 19.4.1 Development Capacity

Where land is being developed for housing, the following considerations will be taken into account in the assessment of the proposal:

- The need for land to be used economically;
- Appropriate density;
- The capacity of the physical and social infrastructure to cater for the design population;
- Phasing of development may be required where social and physical constraints are identified;
- The adequacy of community facilities;
- Adequate privacy for individual dwelling units;
- The safety of proposed layouts and the capacity of the existing transportation network to absorb future development; and
- Adequate provision for cycle and vehicular parking, open space, landscaping and planting.

### 19.4.2 Density

Indicative density levels are set out in Table 4.2 of Chapter 4. Local Area Plans will identify density targets for particular sites as appropriate. Higher residential densities will be encouraged only at appropriate locations. Such development must ensure a balance between reasonable protection of existing residential amenities and the established character of these areas.

### 19.4.3 Layout

The layout of new residential development should be designed to create a strong sense of identity and a sense of place. New developments should take full account of the characteristics of the natural and built environment of the site, the views and vistas to and from the site, and the surrounding areas. Gated developments will not be permitted as they reduce social inclusion and integration within the existing community and generally fail to address the existing streetscape. Detailed guidance regarding proposed layouts is contained in Chapter 15 of this Plan.

#### 19.4.4 Dwelling Design / Layout / Boundary Treatment

In addition to an appropriate layout a high standard of building design, detailing, specification of materials and a high standard of craftsmanship will be required. The planning authority welcomes contemporary designs and innovation. Context remains very important particularly in the case of the smaller towns and villages in the county.

Dwelling design shall have regard to the following requirements:

- Minimum required floor areas;

**Table 19.3** Floor Area and Storage Requirements for Dwelling Houses

Unit Type (House)	Floor Area	Storage Area
One Bedroom	55 m <sup>2</sup>	3 m <sup>2</sup>
Two Bedroom	80–90 m <sup>2</sup>	6 m <sup>2</sup>
Three Bedroom	100 m <sup>2</sup>	9 m <sup>2</sup>
Four Bedroom	110m <sup>2</sup>	10 m <sup>2</sup>

- Dual aspect shall be incorporated into all dwelling units;
- A minimum distance of 2.5m between semi-detached and detached housing shall generally be provided;
- Adequate provision shall be made for the storage and collection of waste materials. Each house shall have adequate screened storage for at least 3 number ‘wheelie’ bins;
- Special consideration should be given to boundary treatments particularly where these adjoin existing dwellings. Boundaries between the rear of existing and proposed dwellings shall be a minimum of 1.8m high and shall be constructed as capped, rendered concrete block or brick walls, to ensure privacy, security and permanency;
- Minimum private open space requirements;

**Table 19.4** Private Open Space Requirements for Dwelling Houses

Unit Type (House)	Floor Area
One Bedroom	48m <sup>2</sup>
Two Bedroom	55 m <sup>2</sup>
Three Bedroom	60 m <sup>2</sup>
Four Bedroom	75m <sup>2</sup>

- High quality boundary treatments are generally required to enclose private open space. A 1.8m – 2m high wall of solid block and capped and plastered on both sides is generally acceptable although this should be in keeping with the overall design of the development. Post and wire or timber fencing is not permitted;
- Two metre high screen walls should be provided between all areas of public open space and gardens to the rear of dwellings. Where concrete screen walls along the edge of public areas are proposed, they should be suitably rendered and capped;
- Private open space should be designed so that it is usable for the proposed residents. Long narrow rear gardens or awkward shapes are therefore not acceptable;
- Generally windows in the gable/side walls of dwellings will not be permitted where the window would closely overlook the curtilage of the adjoining dwelling; and
- Minimum required storage areas shall be provided in accordance with Table 19.3. Storage should be additional to kitchen presses and bedroom furniture, but may be partly provided in these rooms. Storage should be provided off a hallway or landing to facilitate access. Hot presses or boiler space do not count as general storage areas. As a rule, no individual storage room within a dwelling should exceed 3.5 sq metres. Dwellings may provide storage for bulky items outside individual units and this may satisfy part of the general storage requirement.

#### **19.4.5 Apartment Developments**

The provision of apartment schemes shall only be considered in appropriate locations.

Planning applications for apartments shall be assessed against the *Sustainable Urban Housing : Design Standards for New Apartments, Guidelines for Planning Authorities*, (2007) by the DoEHLG.

Apartment design shall have regard to the following requirements:

- Minimum floor areas and storage requirements:

**Table 19.5 Floor Area and Storage Requirements for Apartments**

Unit Type (Apt)	Floor Area	Storage
One Bedroom	55 m <sup>2</sup>	3 m <sup>2</sup>
Two Bedroom	80–90 m <sup>2</sup>	6 m <sup>2</sup>
Three Bedroom	100 m <sup>2</sup>	9 m <sup>2</sup>

- Present a live edge to the street by locating doors and windows onto the street frontage;
- In the case of residential accommodation over shops or other business premises, a separate access should be provided for the upper floor accommodation;
- Where ground floor commercial use consists of restaurants/take-aways, public houses, dry cleaners or printing shops, with apartments above, then proper sound-proofing, ventilation and storage must be built into the design of the building;
- Provide off-street vehicular parking e.g at basement level;
- Provide concealed and covered refuse bin storage areas and cycle storage areas which are convenient and accessible to each of the apartments;
- Provide open space that is suitable for passive recreation and which includes play spaces for smaller children;
- Provision should be made in all apartment schemes for general storage. General storage should be additional to kitchen presses and bedroom

furniture, but may be partly provided in these rooms. Storage spaces should be provided at hallway or landing level to facilitate access. Hot presses or boiler space do not count as general storage. No individual storage room within an apartment should exceed 3.5 sq metres;

- Apartment schemes should provide storage for bulky items inside or outside individual units. These storage areas should be secure and readily accessible from the unit (e.g. dedicated storage rooms on each floor or at basement level) and this may satisfy part of the general storage requirement;
- Cleaners' stores should be provided in individual apartment blocks. These stores should be provided with power supply, water supply and drainage outlets. Service ducts serving two or more apartments should be accessible from common areas for maintenance purposes;
- The provision of maintenance facilities such as a management room, maintenance store(s) and accommodation for a caretaker should be included in larger schemes containing 40 or more apartments and consideration should be given to the provision of such facilities in smaller schemes;
- The installation of lifts in apartment blocks over two storeys in accordance with Part M of the Building Regulations;
- Where lifts are required design proposals shall allow for satisfactory use of building in the event of prolonged lift failure and discourage the habitual use of the lift, through the provision of circulation space that is enjoyable and safe to use;
- Provision of private open space in the form of landscaped areas, courtyards, terraces/ patios and balconies;
- The location of apartment blocks in a mixed residential development should be carefully considered having regard to factors such as design, height, overlooking, bin storage areas etc;
- Each apartment development should include a mix of residential units including a number of one bedroom units. These one-bedroom units shall

encompass an additional space, where a study or sleepover space may be accommodated. If apartment schemes are being proposed to accommodate in excess of 10% one bedroom units, a specific housing needs analysis shall be prepared and submitted as part of any planning application;

- Minimum private open space requirements:

**Table 19.6** Town Centre Private Open Space Requirements

Unit Type (Apt)	Floor Area
One Bedroom	10 m <sup>2</sup>
Two Bedroom	15 m <sup>2</sup>
Three Bedroom	20 m <sup>2</sup>

**Table 19.7** Private Open Space Requirements in Locations other than Lands Zoned Town Centre

Unit Type (Apt)	Floor Area
One Bedroom	20 m <sup>2</sup>
Two Bedroom	30 m <sup>2</sup>
Three Bedroom	40 m <sup>2</sup>

- Some form of private open space shall be provided in the form of balconies directly accessible from the apartment. The design of balconies should consider enclosure at sides to assist privacy and the potential to incorporate sliding doors/screens to give protection from inclement weather should be explored. When the level of open space cannot be provided in a balcony alone, then semi-private open space may be acceptable.

#### 19.4.6 Public Open Space for Residential Development

Public open space must be carefully designed as an integral part of the layout of all residential schemes / mixed schemes and should be addressed at the initial design stages. All applications for residential developments shall include a landscape plan.

In greenfield sites, the minimum area of open space that is acceptable is 15% of the total site area. In

institutional sites a minimum requirement of 20% of the site area may be required. In all other cases, public open space should be provided at the rate of 10% of the total site area.

A relaxation of the standard may be considered where the overall density of a proposal is <8 dwellings per hectare as the provision of space within the dwelling curtilages over and above the minimum required may be taken into account.

Each application shall also have regard to the qualitative standards outlined in Section 4.18 of the *Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities*, (2009). The following should also be taken into consideration in relation to public open space:

- Areas with high gradients or otherwise impractical to function effectively will not be acceptable as open space;
- Narrow tracts of land (less than 10m) or pieces of land 'left over after planning' are not acceptable. Public open space should be innovative in its design approach, centrally located within the overall development scheme (see bullet point below referring to 'pocket parks') and designed to be functionally accessible to the maximum number of dwellings within the residential area;
- Public open space should be overlooked by as many dwellings as possible;
- Houses shall not be permitted to back onto public open spaces;
- The retention of natural features e.g. trees, hedgerows and wetland sites should be retained, protected and incorporated into public open space areas;
- On large sites, areas should be identified for a hierarchy of uses e.g. – more casual 'pocket parks' for smaller children to play, informal kick about areas, passive amenity etc;
- Appropriate pedestrian and cycle linkages between open spaces should be clearly indicated on the site layout plan;

- Care should be taken during the design process to connect existing and proposed areas of open space thus providing green linkages for wildlife habitats;
- The use of hard landscaping elements should also be identified; and
- The design of lanes connecting housing estates or within housing estates should be of sufficient width to allow for the safe movement of pedestrians and cyclists. Laneways should be adequately overlooked and lit and not be excessive in length.

#### **19.4.7 Extension to Dwellings**

Primarily the design and layout of extensions should have regard to the amenities of adjoining properties, particularly as regards sunlight, daylight and privacy. In addition the following basic principles shall be applied:

- The extension should be sensitive to the existing dwelling and should not adversely distort the scale or mass of the structure, or adjoining properties.
- While the form, size and appearance of an extension should complement the area, and the design and scale should have regard to adjoining properties, a flexible approach will be taken to the assessment of alternative design concepts. In particular contemporary designs will be encouraged;
- The extension should not provide for new overlooking of the private area of an adjacent residence where no such overlooking previously existed;
- In an existing developed area, where a degree of overlooking is already present, the new extension must not significantly increase overlooking possibilities;
- New extensions should not overshadow adjacent dwellings to the degree that there is a significant decrease in day or sunlight entering into the house; and
- In all cases a minimum private rear garden area must be retained.

#### **19.4.8 Family Flat**

A temporary arrangement to accommodate a family member within an existing dwelling unit shall have regard to the following requirements:

- The proposed unit should be linked directly to the main dwelling by a connecting door;
- Accommodation should be limited to a maximum of two bedrooms;
- External doors shall be limited to the side or rear of the house; and
- Applicants shall submit documentary evidence at application stage to support their case for the necessity of a ‘family’ flat.

It is normal procedure to include conditions in any grant of permission that the ‘family’ flat cannot be sold, conveyed or leased separate to the main residence. Also when the need for the ‘family’ flat no longer exists the dwelling must be returned to a single dwelling unit.

#### **19.4.9 Vehicular Parking in Residential Areas**

Car parking standards are laid out in Table 19.9. Residential areas should not be dominated by car parking along access streets. The design quality of the street is paramount (Refer; *Manual for Streets published by the Department of Transport, and Communities and Local Government (England and Wales) 2007*). New residential development should take account of the different criteria regarding car parking including:

- Vehicular parking for detached and semi-detached housing should be within curtilage of the house;
- Vehicular parking for apartments where appropriate should generally be at basement level. Where this is not possible, parking for apartments and terraced housing should be in informal groups overlooked by residential units;
- The visual impact of large areas of parking should be reduced by the use of screen planting, low walls and the use of different textured or coloured paving for car parking bays; and
- Consideration needs to be given to parking for visitors and people with disabilities.

#### **19.4.10 Taking in Charge and Management Companies**

The Council's policy on taking estates in charge of residential developments is set out in the *Taking in Charge Policy Statement* (June 2008).

Management companies are not required and are not envisaged for conventional housing developments. Apartment developments are not taken in charge by the local authority and therefore a management company is required.

In mixed developments that consist of 'conventional houses', apartments and commercial/retail developments, the public infrastructure should be laid out and constructed in such a manner so that there is a clear distinction between the areas and infrastructure that are to be taken in charge and those that will be managed by a management company. The following should be noted:

- It is recognised that certain development types, (such as apartment blocks or developments that consist predominantly of apartment blocks and where it would not be practical to isolate the infrastructure serving the apartment blocks from the other conventional housing element of the development) require the creation of management companies to manage and maintain the communal areas in the development;
- Where management companies are required, a properly constituted management company shall be established for the purposes of maintaining public lighting, roads, parking areas, services, open spaces and public areas in apartment schemes;
- Management Companies should be constituted in accordance with *Company Law Handbook on Residential Property Owners Management Companies* (published by the Office of the Director of Corporate Enforcement, Dec.2008) and *Report Multi-Unit Developments* (published by the Law Reform Commission, June 2008) or any future national legislation or guidelines;

- Where management companies have been formed for conventional housing estates or for the conventional housing element of mixed-use estates, the Council will take these estates in charge when they have been completed to the satisfaction of the Council on condition that the management company is wound up when the estate has been taken in charge; and
- It shall be a policy to review the 'Taking in Charge' policy statement upon the enactment of the Multi Unit Development Bill 2009.

#### **19.4.11 Naming of Developments**

The names of residential developments shall reflect local heritage by encouraging the use of local place names or geographical, historical, cultural names in the naming of new residential and other developments. The Council shall approve the naming of residential developments, in order to avoid confusion with regard to similar names in other locations.

Developers shall provide an Irish language translation of the proposed name.

### **19.5 Childcare Facilities**

All childcare facilities shall be provided in accordance with the *Childcare Facilities: Guidelines for Planning Authorities* (DoEHLG) and the *Child Care (Pre-School Services) Regulations* as appropriate. In particular the following should be noted:

- One childcare facility is generally required to cater for 20 places in developments of 75 houses, including local authority and social housing schemes in accordance with DoEHLG Guidelines. This standard may be varied depending on local circumstances. The Council will consult with the Kildare County Childcare Committee in this regard.
- The complete conversion of existing semi-detached and terraced dwellings within housing estates to childcare facilities is generally discouraged. The childcare use should remain secondary and the bulk of the house should be retained for residential purposes.

- In new housing estates, purpose built facilities are normally required.

Sustainable urban Drainage Systems (SuDS) should be incorporated into development proposals where appropriate.

Applicants are recommended to seek the advice of the Kildare County Childcare Committee, HSE, and other relevant bodies in the design of childcare facilities prior to the submission of a planning application.

### 19.6.2 Building Lines

It is the policy of the Council where developments are permitted in rural areas along National, Regional and County Roads that they must conform to the minimum setbacks listed in Table 19.8 below. All measurements are taken from the nearest edge of road surface. Other building lines may be specified in recognition of local conditions. In situations where there is an established building line, new houses where appropriate shall conform to the established building line.

## 19.6 Transport

### 19.6.1 Stopping Distances and Sightlines

Sightline requirements are determined by the Council on a case by case basis. Factors including the type, speed limit and condition of the road are taken into consideration as well as the following factors:

- Where sightlines are inadequate and would give rise to a traffic hazard, development will not be permitted;
- Where the improvement of sightlines requires the substantial or complete removal of an existing hedgerow, the developer must include detailed landscape proposals to minimise the impact;
- In cases where an access already exists with inadequate sightlines, it is Council policy to recommend the closing up of this entrance and facilitating another entrance with adequate sightlines; and
- All applications for planning permission must clearly indicate the sightlines available at the proposed access. Figures 19.1 and 19.2 show the recommended method of measuring sightlines. Guidance on both stopping distances and visibility splays at junctions and accesses in urban areas is set out in Chapter 7 of the *Manual for Streets* *Department of Transport and Communities and Local Government (UK)*. In summary, the Council considers that the design of streets in urban areas should determine vehicular speeds and that lower vehicular speeds should be encouraged in all cases.

**Table 19.8 Building Lines from Public Roads**

Motorways	91.0m
National Primary	91.0m
National Secondary	91.0m
Regional Road	31.0m
Urban/County Road	18.5m
Distributor	18.5m

Where a development requires that the existing roads/footpaths and public lighting be improved/extended, or any other works carried out, to facilitate a development, the developer may be required to provide these as a condition of planning permission.

### 19.6.3 Access onto Public Roads

Generally, where the capacity, width, alignment or surface condition of the road is inadequate, development will not be favoured.

Where new development would adversely impact on road drainage, development will not be permitted unless applicants agree proposals with the Council to improve the road.

The council requires the submission of a Traffic and Mobility Assessment (TMA) as part of planning applications for larger developments in accordance with the Council's draft *Traffic and Mobility Assessment Guidelines* document. These guidelines advise that applicants should consult with the Transportation Department of the Council prior to submission of an application.

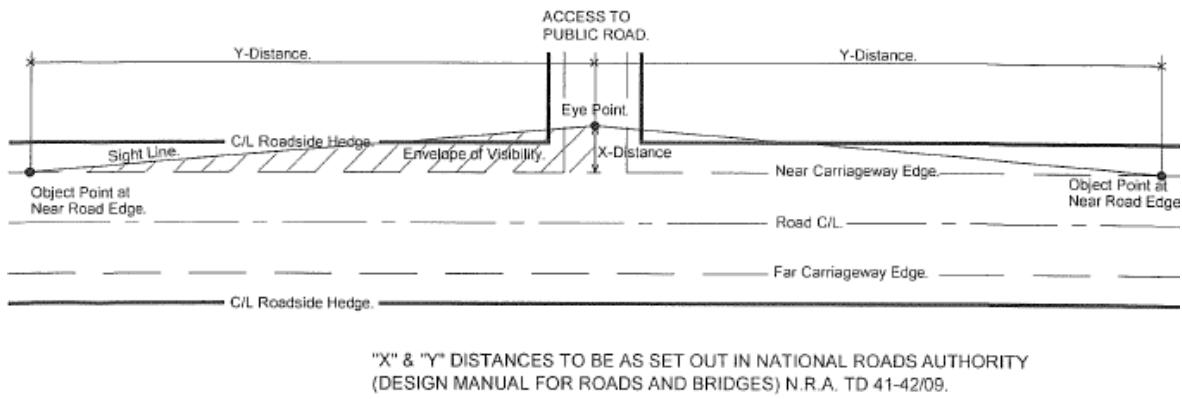


Figure 19.1 Method of Measuring Sightlines

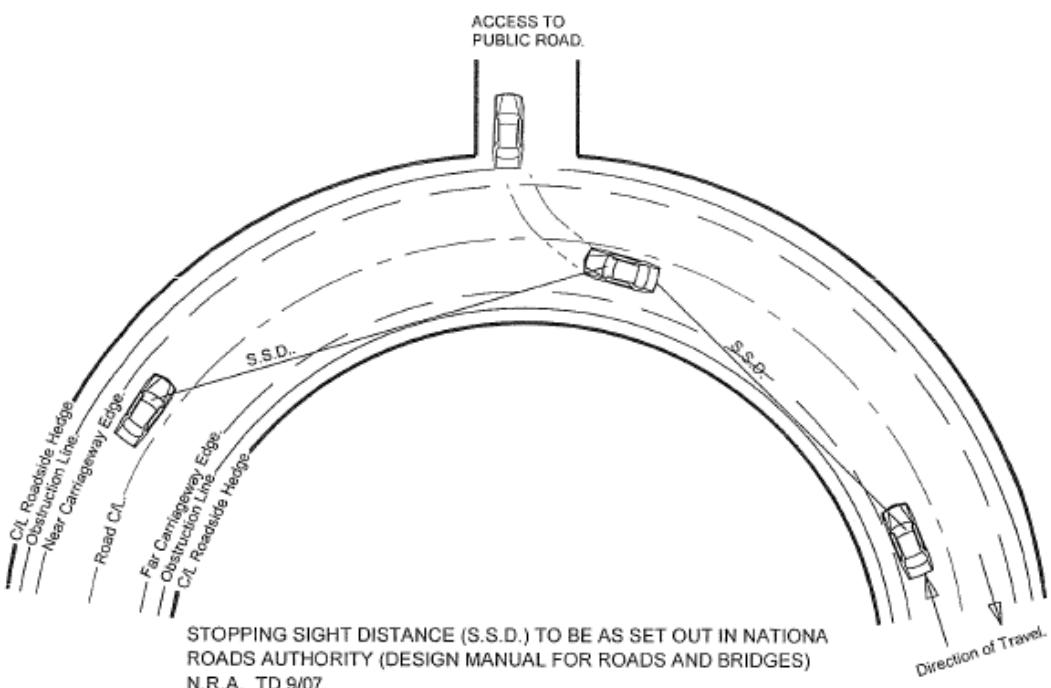


Figure 19.2 Method of Measuring Sightlines

#### **19.6.4 Access Requirements**

Generally, it is the policy of the Council to discourage the proliferation of access points onto public roads, particularly in areas where the maximum speed limit applies or where road safety is of concern. The Council therefore encourages and promotes shared access points in all circumstances.

Where the removal of hedgerow is required in order to achieve sight lines, the minimum amount of hedgerow shall be removed. The new boundary should be planted with suitable indigenous species as outlined in sections 16.6.3 and 19.2.5.

The provision of sheep/ cattle grids in new developments adjacent to the Curragh will be mandatory.

#### **19.6.5 Street Lighting and Public Utilities**

Street lighting should at a minimum comply with the standards set out in the ESB publication *Public Lighting in Residential Estates*. Pedestrian links must also be illuminated. Lighting levels within a new development must create a secure environment. Dark corners and alleyways should be avoided. The use of energy efficient lighting such as CFL shall be encouraged for environmental, economic and road safety reasons. The planning authority may require residential schemes to comply with any forthcoming "National Specification for Public Lighting".

Where a residential development has not yet been taken in charge by the County Council, the developer is responsible for the management and maintenance of the public lighting in the development (this will include the payment of all utility bills).

To preserve the amenity and visual character of an area, and in the interests of public safety, all services including electricity, public lighting, telephone and television cables shall be provided underground in all new developments. Provision should be made for the unobtrusive siting of transformer stations, pumping stations and other necessary service buildings. Pole mounted equipment (such as transformers) will not be permitted.

#### **19.6.6 Car Parking**

In all developments the Council will normally require the provision of car parking spaces within or convenient to the site of the development. The provision should be based on the extent to which the development is likely to generate demand for additional parking spaces. The parking standards set out in Table 19.9 shall apply (unless subsequently varied refer PK 4 Chapter 6). The following should also be taken into consideration:

- The Council reserves the right to alter the requirements outlined below, having regard to the circumstances of each particular development;
- The minimum size for a car parking space shall be 2.5m x 5.0m and circulation aisle 6m wide. Loading bays shall be a minimum 3 x 6m;
- The Council requires the submission of a Mobility Management Plan with planning applications where developments include substantial parking requirements. Complementary or shared usage of car parks will be encouraged, especially where opening hours are at variance. In addition to car parking standards sufficient space will be required within the curtilage of the site for all service vehicles involved in the operation of the business or building; and
- Car parking provision shall normally be provided within the curtilage of the development site. Where, in the opinion of the Council, it would be impracticable for individual developers to provide for on-site parking, a contribution will be required in accordance with the Development Contribution Scheme.

**Table 19.9** Car Parking Standards

Type of Development	Minimum Car Parking Standards
House and apartments (1 bedroom)	1 car space per dwelling unit + 1 visitor's space per 2 dwelling units
Houses and Apartments(2 bedrooms or more)	2 car spaces per dwelling unit
Type of Development	Maximum Car Parking Standards
Shops (< 250 sq. m. gross)	1 car space per 24 sq.m. of gross floorspace
Shops (250–1,000 sq. m. gross)	1 car space per 18 sq.m. of gross floorspace
Large stores (> 1,000 sq. m. gross)	1 car space per 12 sq.m. of gross floorspace
Banks, Financial institutions	1 car space per 14 sq. m. of gross floor space
Offices (town centre)	1 car space per 25 sq.m. of gross floorspace
Office Park	1 car space per 20 sq. m. of gross floor space
Industry/manufacturing	1 car space per 33 sq. m. of gross floorspace
Warehousing	1 car space per 100 sq. m. of gross floorspace
Theatre, cinema, church, stadium	1 car space per 3 seats
Hotels, guest houses (excl. function rooms)	1 car space per bedroom
Lounge bars	1 car space per 3.75 sq. m. of public floorspace
Restaurants	1 car space per 4.5 sq. m. of public floorspace
Take-away	1 car parking space per 18 sq.m. gross floor area
Function-room, dance halls, clubs	1 car space per 3 sq. m.
Playing fields	15 car spaces per pitch
Primary Schools	2 car spaces per classroom
Secondary Schools	2 car spaces per classroom
Nursing homes	1 car space per 2 bedrooms
Hospitals	To be agreed with the Council
Childcare facilities	1 car parking spaces per staff member + 1 car parking space per 4 children
Clinics and Group Medical Practices	2 car spaces per consultant

*Note: Large complex developments may be assessed separately with regard to the circumstance of each case*

### **19.6.7 Cycle Parking**

The planning authority requires the provision of a minimum level of secure cycle parking facilities in association with new development and a change of use. This is consistent with the objectives and policies of the Department of Transport's *National Cycle Policy* (2009).

Where the provision of cycle parking facilities are intended for use by the staff of that particular development, stands should be covered and located within the curtilage of the development to ensure security and supervision.

Cycle stands for use by visitors should be located to maximise convenience to the entrance of buildings, and positioned so as to ensure safety, security and supervision. The cycle parking standards set out in Table 19.10 shall apply and cycle parking provision should be in accordance with current National Guidance on Cycle Parking.

The planning authority may also request the provision of public cycle parking facilities, where possible, at existing transport nodes, public buildings, retail centres and leisure facilities.

**Table 19.10** Cycle Parking Standards

Type of Development	Relevant Cycle Parking Standard
Houses and flats	One unit per dwelling
Shops	1 stand* for every 200 sq.m. of gross floorspace
Supermarkets and large stores	1 stand* for every 200 sq.m. of gross floorspace
Offices	1 stand* for every 200 sq.m. of gross floorspace
Industry	1 stand* for every 200 sq.m. of gross floorspace
Warehousing	1 stand* for every 250 sq.m. of gross floorspace
Theatre, cinema, church, stadium	1 stand* for every 20 seats
Hotels, guest houses	1 stand* per 4 bedrooms
Lounge bars	1 stand* for every 30 sq.m. of public floorspaces
Restaurants	1 stand* for every 30 sq.m. of public floorspace
Function-room, dance halls, clubs	1 stand* for every 30 sq.m.
Playing fields	4 stands* per pitch
Schools	1 stand* per 10 pupils
Nursing Homes	1 stand* per 8 members of staff

\*One cycle stand is the equivalent to five units

## 19.7 Surface Water/Flooding

The management of surface water run-off and flood risk is a key consideration in the assessment of planning applications.

- All applications for development shall include proposals for restricting the rate of surface water run-off in accordance with the recommendations of the Greater Dublin Strategic Drainage Study (GDSDS);
- Developments shall incorporate Sustainable urban Drainage Systems (SuDS) as appropriate in accordance with the recommendations of the Greater Dublin Strategic Drainage Study (GDSDS);
- Proposals for development shall be subject to site specific flood risk assessment in accordance with Chapter 7 of the County Development Plan;
- Applicants shall have regard to the strategies, objectives and policies contained within Chapter 7 of the County Development Plan at all stages of their development proposals as well as the requirements of *The Planning System and Flood Risk Management – Guidelines for Planning Authorities* (2009);
- Proposals to construct new and replacement culverts and bridges on watercourses shall be subject to the approval of the Office of Public Works in accordance with Section 50 of the Arterial Drainage Act 1945 and the *Planning System and Flood Risk Management Guidelines* (2009). These applications will be made to the Office of Public Works, by the developer post receipt of planning permission. Approval shall be obtained prior to commencement of the works. The minimum permissible diameter of any culvert shall be 900mm with access to be provided for maintenance as appropriate; and
- Peak flood flows used in the design of culvert sizes, channel sizes and flood alleviation works to be undertaken as part of a development shall be calculated in accordance with a method approved by the Office of Public Works.

Applicants are required to conduct a flood impact assessment in accordance with *The Planning System and Flood Risk Management – Guidelines for Planning Authorities* (2009) in all applications where a potential flood risk exists.

All new developments shall be designed and constructed to meet the following minimum flood design standards:

- For urban areas – the 1% AEP storm event + a 20% allowance for climate change
- For rural areas – the 1% AEP storm event + a 20% allowance for climate change.

*AEP = Annual Exceedence Probability and represents the probability that a given rainfall total accumulated over a given duration will be exceeded in any one year.*

- Where streams, open drains or other watercourses are being culverted – the minimum permissible culvert diameter is 900mm. (Access should be provided for maintenance as appropriate.); and
- The appropriate Office of Public Works approved method for assessing flood flows, which will depend on catchment size, shall be used in all design. These flood flows will be used to generate channel sizes, culvert sizes and any required flood alleviation works, which will be undertaken, by the developer, prior to the commencement of any development.

## **19.8 Employment Including Extractive Industry and Agricultural Buildings**

### **19.8.1 Employment Uses**

The following information should be submitted as part of any application for industrial /commercial/ business development:

- Details of the nature and scale of the proposed operation, to include opening hours and anticipated traffic levels;
- Availability of adequate services to serve the development or the ability of the applicant to provide these services in a manner which does not adversely impact on surrounding properties or the broader environment;
- Proposals for the safe storage and disposal of waste in a manner which is visually and environmentally acceptable;
- Storage should generally be confined to the rear of the premises – height should be such that the materials stored are adequately screened either by the building unit or alternative screening method;
- Compatibility of existing adjacent land uses with the proposed development and mitigation measures to preserve and protect the amenity of the adjacent uses, should this be necessary;
- Availability of adequate sight lines (or ability of applicant to provide same) as per the relevant NRA Standards and safe road access for anticipated levels of traffic to be generated by the proposed development. Generally, only one vehicular access point will be permitted;
- Adequate parking and circulation areas should be provided by the applicant within the curtilage of the proposed development unless otherwise agreed with the planning authority; and

- Advertising signage shall be detailed at planning application stage and shall be sympathetic in size, scale, design, materials and colour with the surrounding landscape/streetscape. Lighting should be unobtrusive and should not adversely affect traffic safety on adjacent roads.

### **19.8.2 Industry and Warehousing Development**

Industry and warehousing schemes will be required to present a good quality appearance, helped by landscaping and careful placing of advertisement structures. In relation to industrial development the following should be taken into consideration:

- Individual buildings should exhibit a high quality of modern architectural design and finish (including the use of colour);
- In the case of two or more industrial/warehouse units, a uniform design is required for boundary treatments, roof profiles and building lines;
- Areas between the building and road boundary may include car parking spaces provided adequate screen planting is incorporated into the design proposal;
- Adequate provision shall be made on the site for parking of vehicles, storage and stacking space. Storage and stacking areas shall be located to the rear of the building or where such facilities are located at the side, provision for screening shall be made;
- The building line from adjoining land-uses will be determined at Local Area Plan level having regard to the nature of uses and site specific matters;
- The front building line shall be as determined in consultation with the planning authority and, where required, the existing roadside boundary shall be set back;
- Any industrial or commercial development shall not be injurious to the residential amenity of adjoining properties;



- A landscaped buffer zone (minimum 5–10 metres) will be a requirement of planning permissions for any industrial/warehousing development where it adjoins another zoning or where it would impact on the amenities of adjoining land uses; and
- Proposals shall be submitted to incorporate Sustainable Drainage Systems (SuDS) in developments.

### **19.8.3 Business and Technology Parks**

Business parks shall be laid out in open parkland setting with a high level of landscaping and provision shall be made for pedestrian and cycle paths. The following design issues should be taken into consideration:

- Individual buildings should exhibit a high quality contemporary design and finish including colour;
- Car parking shall be provided in a discreet, landscaped and well-screened environment with a view to minimising its visual impact, particularly when viewed from approach roads;
- Proposals shall be submitted to incorporate Sustainable Urban Drainage Systems (SuDS) and other measures that address adaptation to climate change including the creation of integrated

wetlands, the construction of green/living roofs whereby opportunities for existing solar energy and wind energy are taken; and

- In order to ensure an attractive open parkland setting the building line on all principal road frontages shall generally not be less than 15 metres from the road and the site coverage behind the building line shall not exceed 45%. There shall be a minimum planted strip of a width of 5 metres on all principal road frontages. Where a proposed development is located within convenient walking distance of a high quality public transport network the above requirement may be varied so as to achieve a scale of development and density of employment appropriate to the proximity of the site to a high quality public transport network.

### **19.8.4 Loading and Unloading**

In addition to the general car parking requirements, service parking space may be required for cars or other vehicles necessary involved in the operation of the business or a particular building, e.g. delivery and collection of goods. In all major developments of an industrial/commercial nature, developers will be required to provide loading and unloading facilities sufficient to meet the likely demand of such development.

### **19.8.5 Extractive Industry**

Applications should submit information on the following items at application stage:

- Map(s) showing (a) total site area, (b) area to be excavated, (c) any ancillary proposed development, (d) nearest dwellings or any other development (within 1 km of the site.)
- Description of the aggregate(s) to be extracted, method of extraction, any ancillary processes (such as crushing, concrete manufacture, etc.), equipment to be used, stockpiles, storage of soil and overburden, storage of waste materials, settling ponds;
- Total and annual tonnage of extracted aggregates, expected life of the extraction, maximum extent and depth of working, phasing programme;
- Description of development works (buildings, fixed and mobile plant, roads, fuel tanks, water supply and drainage, earth mounds, etc);
- Description of water courses and water table depth, natural and cultural heritage, traffic impact and waste management;
- Description of cumulative impact when taken together with other quarries in the vicinity;
- Likely environmental effects;
- Proposed mitigation measures;
- Restoration and after-care proposals; and
- Proposals for surface water management and flood risk minimisation.

In order to facilitate the sustainable development of the extractive industry, the County Council will require the lodgement of a financial bond to ensure the satisfactory reinstatement of the site following the completion of extraction and the payment of a contribution towards the upgrading or repairing the local road network.

The Council will assist developers in scoping Environmental Impact Statements.

### **19.8.6 Home – Based Economic Activity**

Home based economic activity is defined as small scale commercial activity carried out by a resident of a house which is subordinate to the use of the dwelling as a place of residence. In dealing with applications for such developments the planning authority will have regard to the following:

- The nature and extent of the work;
- The effects on the amenities of adjoining properties particularly as regards hours of operation, noise and general disturbance;
- The anticipated levels of traffic generation; and
- The generation, storage and collection of waste.

Permissions for home based economic activity will generally be restricted to use by the applicant only in a rural area and access to visiting members of the public may also be restricted.

Applications may be subject to a temporary permission, in order to enable the planning authority to monitor the impact of the development.

### **19.8.7 Agricultural Developments**

Agricultural developments have the potential for immense impact on the environment and landscape. The traditional form of agricultural buildings is disappearing with the onset of advanced construction methods and wider range of materials. Some new farm buildings have the appearance of industrial buildings and due to their scale and mass can have serious visual impacts.

- In the construction and layout of agricultural buildings, the Council will require that buildings be sited as unobtrusively as possible and that the finishes and colours used, blend the development into its surroundings. The Council accepts the need for agricultural buildings and associated works (walls, fences, gates, entrances, yards etc.) to be functional, but they will be required to be

- sympathetic to their surroundings in scale, materials and finishes. Buildings should relate to the landscape and not the skyscape. Traditionally this was achieved by having the roof darker than the walls;
- Appropriate roof colours are dark grey, dark reddish brown or a very dark green. Where cladding is used on the exterior of farm buildings, dark colours (preferably dark green, red or grey) with matt finishes will normally be required. The grouping of agricultural buildings will be encouraged in order to reduce their overall impact in the interests of amenity;
  - The removal of hedges to accommodate agricultural developments should be a last resort. A landscaping plan is required as part of an application for agricultural development and should include screening and shelterbelt planting, composed principally of native species; and
  - Other considerations which will arise in such developments will be traffic safety, pollution control, and the satisfactory treatment of effluents, smells and noise. Proper provision for disposal of liquid and solid wastes will have to be made. In addition, the size and form of buildings and the extent to which they can be integrated into the landscape, will be factors which will govern the acceptability or otherwise of such development.
- Scale, size and layout of the project, any cumulative effects due to other projects, and the degree to which impacts are highly visible over extensive areas;
- Visual impact on protected views and prospects, and designated scenic landscapes as well as local visual impacts;
- Impact on nature conservation, ecology, soil, hydrology, groundwater, archaeology, historic structures, public rights of way and walking routes;
- Local environmental impacts including noise, shadow flicker;
- The visual and environmental impacts of associated development such as access roads, plant, and grid connections;
- All proposals for the development of wind energy developments shall include an assessment indicating the impact of the proposed development on protected bird and mammal species; and
- The Council may also require an Environmental Impact Statement to be submitted as part of any planning application for large scale commercial wind turbine schemes.

### 19.9.2 Applications Proximate to Overhead Lines

In determining applications proximate to overhead power lines the planning authority will have regard to the clearance distances as recommended by the Electricity Supply Board (ESB):

## 19.9 Energy and Communications

### 19.9.1 Wind Energy Proposals

When assessing planning applications for wind energy developments the Council will have regard to the *Wind Energy Development Guidelines for Planning Authorities* (2006). The assessment of wind energy development proposals will include consideration of the following as appropriate:

- Sensitivity of the landscape and adjoining landscapes to wind energy projects;



### **19.9.3 Telecommunications and Supporting Infrastructure**

Government policy for the development of telecommunications infrastructure is set out in *Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities* (1996). The planning authority will have regard to the foregoing and to such other publications and material as may be relevant in the consideration of planning applications for such structures.

When evaluating planning applications for the provision of such infrastructural installations, the Council will seek to ensure that:

- The preservation of residential and visual amenity is considered;
- The telecommunications infrastructure is sited so as not to cause a negative impact on the special character and appearance of designated conservation areas, protected structures and sites of archaeological importance;
- The location of antennae in residential areas and near schools is discouraged;

- The location of commercial masts on State buildings will be discouraged. All masts on State buildings shall have regard to national and Council policies regarding schools and residential areas;
- The sharing of installations by agencies/operators will be encouraged. Where new facilities are proposed applicants will be required to satisfy the Council that they have made a reasonable effort to share facilities or to locate facilities in clusters;
- Planning permissions for telecommunications antennae and support structures shall generally be for a temporary period of not more than five years;
- Only as a last resort, will free standing masts be permitted within or in the immediate surrounds of smaller towns or villages, in a residential area or beside a school. If such a location should become necessary, sites already developed for utilities should be considered and masts and antennae should be designed and adapted for the specific locations. The support structure should be kept to the minimum height consistent with effective operation. In residential areas or beside schools, the support structure should be monopole or poles rather than a latticed tripod or square structure;

- In the vicinity of larger towns, to encourage operators to locate in industrial estates or on industrially zoned land. The possibilities offered by some commercial or retail areas should be explored whether as rooftop locations or by way of locating “disguised” masts. The use of tall buildings or other existing structures is always preferable to the construction of an independent antennae support structure;
- In rural areas, the visual absorption opportunities provided by existing topography and vegetation should be taken into account. The possibility of placing towers and masts in forestry plantations should be considered, provided of course, that the antennae are clear of obstructions. Where masts are located outside of forested areas, applicants will be required to indicate the technical reasons why forest areas are unsuitable. The design and visual appearance of masts, antennae and satellite dishes and their associated equipment, shall be as unobtrusive as possible. Sensitive design, painting of masts and screening will be expected to minimise visual impact. Green or black is a preferred colour at ground level;
- Within the life of a planning permission, opportunities to modify and improve existing structures shall be taken into consideration. In the event of obsolescence, the antennae and their support structure shall be demolished/ removed and the site reinstated at the operator’s expense. A bond will be required to guarantee this; and
- Evidence of consideration of alternative sites must accompany planning applications.

## 19.10 Retail Development

### 19.10.1 Criteria for Assessment

Applications for significant retail development as outlined in Chapter 9 will be assessed in accordance

with the following criteria:

- (i) Testing the proposal against the tests of the Sequential Approach which shall include the following:
  - If a brownfield town or village centre site is not being promoted in the application, it should be demonstrated that all town or village centre options have been fully evaluated and that flexibility has been adopted in respect of the retail format; and
  - In all cases, the site should offer the optimum accessibility by all transport modes, including walking and cycling and this is generally best achieved within town or village centres.
- (ii) There is demonstrable qualitative and quantitative need for the proposal and it is in accordance with the centre’s role and level in the County Retail Hierarchy. In respect of quantitative need, this should be derived from the expenditure capacity within the relevant catchment area which should be appropriate to the nature and quantum of the retail floorspace proposed;
- (iii) The impact on town and village centres, including cumulative impact. In respect of cumulative impact, due regard should be taken of all extant planning permissions and consideration given to proposals that are at an advanced stage in the planning process;
- (iv) The baseline information and capacity/impact assessment is fit for purpose and transparent;
- (v) The relationship of the application to any development / local area plan allocations;
- (vi) Its contribution to town/village/centre improvement through quality of design and integration;
- (vii) Its contribution to site and/or area regeneration;

- (viii) Its role in sustaining rural communities;
- (ix) The quality of access by all modes of transport and by foot and bicycle;
- (x) Its role in improving the attraction and competitiveness of the County and Sub Areas of the County; and
- (xi) The extent to which it is relevant to consider the imposition of restrictions on the nature and range of goods permitted for sale.

The Planning Authority will consider hours of operation in assessing planning applications for retail development and may attach conditions restricting same.

Sustainable urban Drainage Systems (SuDS) should be incorporated into development proposals where appropriate.

#### **19.10.2 Local Centres**

In local centres, it is a requirement to maintain a balance of appropriate commercial, service and residential uses. In assessing proposals, regard will be had for the need to maintain and enhance the vitality, viability and the character of the area.

#### **19.10.3 Shopping Centres**

Shopping centres must conform to the highest urban design standards. The design must ensure that the proposed centre will be integrated with and be complementary to the streetscape and area in which it is located. Elements to be addressed include:

- The scale, design and enclosure of pedestrian space;
- Connectivity with surrounding routes and places. Where possible new connections shall be provided between desirable locations within the surrounding area;
- The provision and design of street furniture including public art, telephones, seats, litter bins etc;

- The provision, within the overall design of the centre, of public facilities, e.g. toilets, separate childcare areas, (including baby changing / feeding facilities that are designed and located away from toilet facilities), access and facilities for disabled people including toilets and parking spaces. The centres, where appropriate, may include offices, medical and related consultants;
- Activities and uses that keep the centre alive both during the day and evening e.g. cafes and restaurants;
- The centre should provide active frontages to surrounding streets and should not be surrounded by car parking;
- Landscaping plans must accompany all applications. Shopping centres should provide recycling facilities and secure bicycle parking; and
- Where car parking cannot be designed as part of the public domain, security boundary treatment for after hours may be considered in appropriate circumstances.

#### **19.10.4 Retail Warehousing**

Applications for retail warehousing shall be limited to bulky goods as described in the *Retail Planning Guidelines*. If there have been a number of retail park applications over a period of three years then the planning authority will require applicants to provide an assessment of the cumulative impact of more than one retail park proposal.

#### **19.10.5 Service Stations**

New petrol stations and refurbished existing stations will be required to have a high standard of overall design and architectural layout to ensure an attractive development that integrates with and complements or enhances its surroundings. The forecourt canopy should be integrated into the overall design and sited so that it does not dominate the surrounding buildings.

Petrol filling stations must be located on the outskirts of the town but inside the 50km or 60km speed limits. The preferred location is on the near side of the roadway on the way out of town.

The Council supports the development of motorway services in appropriate locations and supports alternative services in the absence of NRA services.

The essential purpose of petrol stations is to provide facilities for the sale of fuels for vehicles. The Council however recognises the more intensive role of petrol stations in recent times, and the expansion from merely fuel depots to the provision of a wide range of convenience and other goods and services.

Applications for planning permission for such development should contain the following elements:

- Detailed proposals for the service station will be required, including method of disposal of wastewater from carwash areas, traffic management, surface water outlet and oil interceptors etc. The development shall be designed and operated in such a manner that it does not adversely affect existing road drainage in the area;
- High quality design and material content. Advertising material should be restricted to a minimum and no lighting shall be installed so as to cause glare or interference to any user of an adjacent public road;
- The modification of standard corporate designs will be required by Kildare County Council in order to reduce the visual impact of the development. In such instances, standard petrol station canopies can be replaced with more sympathetic canopies designed to the satisfaction of the Council, such as light steel and glass or slated roofs with no attached advertising;
- Strident and multiple colouring should be avoided and will be discouraged. The size and colour should be such as to take cognisance of its setting and location in the landscape;

- Any associated shop shall remain secondary to the use as a petrol filling station and any application must clearly demonstrate that the retail element would not adversely affect the existing retail development in the town centre; and
- Small convenience type shops associated with the petrol station shall not exceeding 100 sq. metres of sales space. Planning applications for the provision of such shops however shall be specifically applied for. The layout of the station forecourt should be arranged to allow dedicated parking for those shopping at the shop. Where an associated shop is proposed, the application shall be considered in accordance with the *Retail Planning Guidelines* published by the Department of the Environment, Heritage and Local Government, December 2000 including potential impact on any village or local centre.

#### **19.10.6 Fast Food Outlets/Take-Aways / Amusement Arcades**

In order to maintain the appropriate mix of uses and protect night time amenities in a particular area, it is policy of the Council to prevent the excessive concentration of the aforementioned uses and to ensure that the intensity of any proposed use is in keeping with both the scale and pattern of development in the area.

The provision of any of the above will be assessed having regard to the following where appropriate:

- Noise at the boundaries will be carefully monitored and noise insulation measures will be required at the time of the submission of the planning application. Other effects of the development on the amenity of nearby residents must be assessed prior to the granting of planning permission, i.e. general disturbance, hours of operation, car parking, litter and fumes;
- New buildings must be designed to prevent noise escaping and with adequate provision for refuse disposal, storage and collection;
- The number and frequency of such facilities in the area;

- The need to safeguard the vitality and viability of shopping areas in the town centre and to maintain a suitable mix of retail uses; and
- Façade design will be carefully controlled by the planning authority and in particular the type and degree of advertising signage and lighting. The design shall respect the character of the street and the buildings.

The cumulative impact of the number of takeaways, amusement arcades and turf accountants in any particular area will be considered in the assessment of any application. Impacts such as noise, litter, disturbance and traffic, will also be taken into consideration. The planning authority will control the opening hours of takeaways.

#### **19.10.7 Hours of operation and control of sales hatches**

The hours of operation of shops and the use of wall/window/door hatches for shop sales shall be controlled, having regard to the following:

- The effects of noise, general disturbance, hours of operation, litter and fumes on the amenities of nearby residents;
- The need to safeguard the vitality and viability of shopping areas in town centres and to maintain a suitable mix of retail uses;
- Traffic considerations and pedestrian safety;
- The number and frequency of similar facilities in the area; and
- Restrict sales hatches to shop fronts that have sufficient space (e.g. petrol station forecourts) and discourage their use on public footpaths where they may create public safety issues and negative effects on the amenities of an area.

## **19.11 Shopfront Design and Advertising**

### **19.11.1 Shopfronts**

Shopfronts are one of the most important elements in determining the character, quality and image of retail streets in County Kildare. In order to increase the attractiveness of the streetscape, the Council promotes a dual approach to shopfront design:

- Protecting traditional and original shopfronts.
  - Encouraging good contemporary shopfront design.
- The design of shopfronts should reflect the scale and proportions of the existing streetscape. The Council will seek to retain the remaining traditional shopfronts of townscape importance. It should be noted that the replacement of an existing shopfront, or the insertion of a new shopfront requires planning permission and is not considered by the Council as constituting exempted development. Applications for planning permission for such development should contain the following elements:
- Detailed plans at a scale of 1:50 shall be submitted with all applications. Such plans shall include details regarding the design, colour and detailing with regard to signage (including window adhesive signage), advertising and lighting. The use of garish colour should be avoided;
  - Standard logos and advertising may not be permitted. All signage must be compatible with the existing streetscape. Timber, stone, glass and steel are preferred materials;
  - The use of external roller shutters and projecting brand signs are unacceptable;
  - Contemporary shopfronts will be encouraged provided they are designed to traditional principles of scale, proportion and detailing;
  - The appearance and proportions of the original shopfront shall be retained. Changes in internal ceiling heights, where required, should not interfere with the proportions and depths of fascias;

- The twin elements of a fascia board (to carry names and advertising) and pilasters (to frame and delineate the shopfront boundary) shall be provided in all cases;
- The design must be approached in an integrated way (relate to the whole facade), including advertising, lighting and other features;
- Colour schemes should co-ordinate with adjoining buildings and shopfronts and should be chosen to enhance the proportions and detailing of the whole building;
- Vertical emphasis and proportions should be kept and plot divisions should be expressed externally (even if the shop crosses them internally); and
- The removal of service wires associated with existing facades will be actively promoted in County Kildare.

The Council will discourage, through its advice and guidelines and through the imposition of conditions in planning permissions, or refusal of permission in certain cases, the following:

- The removal of features or alterations to existing shopfronts where they are considered by the Council to be of historical or architectural interest, or of townscape value;
- The enlargement or remodelling to a horizontal emphasis of existing windows above ground floor level;
- The construction of fascias linking two or more buildings/plots which have different architectural identities;
- The use of standardised brand names or corporate designs as part of shopfront fascia advertising;
- The use of roller shutters and their boxes on the exterior of shop-fronts;
- The use of large areas of undivided glass or the provision of new display windows with a horizontal emphasis; and

- The permanent removal of the shopfront and the creation of an opening through which direct trading onto the pavement is carried out.

Retail and other multiples e.g. turf accountants, banks and building societies tend to have their own corporate identity and standardised signage. In sensitive locations, standard shop fronts can have the effect of weakening the special local identity of a place. The planning authority will insist upon shop front design that does not have the effect of visually detracting from the local and often sensitive character of an area. However it is often possible to achieve a compromise so that the corporate image is maintained without eroding local character.

### **19.11.2 Advertising**

In respect of shops and other business premises, advertising should be designed as an integral part of the shopfront and in most cases will be required to be located within the fascia. Signs will not be allowed to dominate the facade or interfere with windows or other features or detailing on the building.

The Council will encourage the following types of advertising:

- The use of traditional painted sign-writing on fascia boards, using appropriate colour schemes;
- The use of solid block individual lettering affixed directly to fascia boards or facades;
- The use of spotlighting or floodlighting of fasciaboard, shopfronts or entire facades (provided that the light fixtures are of modest form and size and that such lighting will not cause a traffic hazard);
- The painting of stallrisers and other features to enhance the design of the shopfront, using appropriate colour schemes; and
- The provision of traditional timber or wrought iron hanging signs, with painted or enamelled finishes. Such signs shall be of a limited size and projection and shall be limited to a maximum of one sign for each building facade.

Commercial interests will not necessarily be allowed to use standardised shopfront design, ‘corporate colours’ or materials. Compatibility with individual buildings and with the streetscape is considered by the Council to be more important than uniformity between the branches of one company. While each case will be considered on its merits, the following types of advertising will not be permitted by the Council, and will be actively discouraged:

- The use of plastic, PVC, perspex and neon signs or lettering or detailing on any exterior;
- Internally illuminated box fascia signs;
- Internally illuminated projecting signs, whether fixed or hanging;
- Flashing, reflectorised, neon or glitter-type signs or detailing at any location on the exterior of the building, or so located within the interior as to be intended to be viewed from the exterior;
- The erection of any signs or other devices which project above the level of the eaves or parapet, or obtrude on the skyline, or outside the general bulk of the building;
- The provision of multiple signs, whether small or large, which would cause visual clutter on buildings or within the streetscape of a village or settlement; and
- The use of inappropriate brand or corporate advertising.

Each case will be examined on its merits.

### **19.11.3 Canopies**

The erection of plastic or fabric canopies or the ‘Dutch’ type will be discouraged. Such canopies disrupt the view along the street and obscure both shopfront detail and neighbouring advertising and are generally not acceptable. Where shading of a window display is required the use of traditional rectangular sun blinds/awnings of the retractable type may be permitted. The erection of a canopy or awning requires planning permission.

### **19.11.4 Roller Shutters**

The installation of security shutters can visually destroy and deaden the shopping street at night, thereby detracting from the environment of the town. It is the policy of the Council to discourage the use of such shutters and to ensure the removal of unauthorised ones. The erection of a roller shutter and its associated housing, requires planning permission.

Where security shutters are considered to be essential – for example, because of the type of business transacted or goods stored and where the location so indicates, the Council may permit them provided that they meet the following criteria:

- They must be of the open-grille type or timber panelled shutters painted to match the shop-front colour scheme. This will be favourably considered in place of roller shutters in order to enhance the streetscape;
- Internal roller shutters located behind display window; and
- Steel security shutters may be acceptable for security reasons for certain businesses.

Each case will be examined on its merits.

### **19.11.5 Outdoor Advertising Structures**

Outdoor advertising structures will not generally be permitted within the county, whether freestanding or attached to buildings. In cases however where they screen a derelict structure or other eyesore, they may be permitted on a temporary basis. In particular, the use of gables or sides of buildings for the exhibition of advertising structures will not be permitted.

The use of free-standing signs/advertising boards on or over the public footpath will not be permitted.

### 19.11.6 Fingerpost Signs

The siting of fingerpost signs over or along or above a public road is subject to a sign licence under section 254 of the Planning and Development Act 2000 as amended. Such signs will not be permitted along motorways / interchanges or national routes.

Proposed signage away from major routes will be subject to the following considerations:

- Impact on traffic safety;
- Visual clutter i.e. number of signs on a particular pole and number of poles at any particular location;
- Landscape impacts; in sensitive landscape areas and areas of high amenity as designated in Chapter 14 the number and location of such signage will be strictly controlled;
- Generally only one sign per establishment will be permitted; and
- Shall be located within 8km of the establishment.

### 19.11.7 Advertising on Bus Shelters

In considering applications for bus shelters with associated advertising the planning authority will have regard to the particular circumstances of each case, such as location, scale and type of advertising proposed and the effect on the amenities of the area and streetscape.

## 19.12 Built and Natural Heritage

### 19.12.1 Development in Relation to Protected Structures

In assessing proposals for development affecting a protected structure, the Council will require planning permission for works, both to the exterior and interior, which materially affects the character of a protected structure or any element of the structure which contributes to its special interest. What might be regarded normally as minor alterations to buildings may not necessarily be regarded as such in the case of protected structures.

Such works can include:

- Window replacement and fenestration changes;
- Wholesale plastering/pointing/painting or painting of previously unpainted elements;
- Modifications of brickwork and stonework;
- The removal/alteration of architectural detailing including joinery and decorative plasterwork;
- Inappropriate interior works including the removal of walls, the creation of openings and partitioning of rooms; and
- Works to roofs and railings involving the removal of original materials and replacement with inappropriate materials.

In considering applications for alterations and/or additions to a protected structure, the Council shall have regard to the various elements of the structure, which gives the protected structure its special character and how these would be impacted on by the proposed development.

In the case of a proposal to materially change the use of a protected structure, the suitability of such use having regard to its potential impact on the structure including works necessary to comply with Building Regulations will be considered. Key considerations will comprise:

- The reversibility of the proposed alterations; and
- In the case of buildings within the curtilage of a protected structure whether such buildings are of heritage value or not.

Replacement windows should be made from a similar material to the original windows of the building. The style and proportions of replacement windows should also be similar to the original windows.

All applicants should be guided by the DoEHLG *Architectural Heritage Protection, Guidelines for Planning Authorities* (2004) and in particular Chapter 6 on Development Control where it states at paragraph 6.3.2 “*The conservation of historic buildings is a specialised discipline. An applicant should be advised that a level of*

*specialised expertise may be necessary to guide on best practice in dealing with works to a protected structure. This will be increasingly important depending on the scale and complexity of works proposed to the structure or when considering the design and scale of new structures within the curtilage".* An applicant should seek advice from a qualified and experienced architectural conservation consultant at feasibility stage.

An architectural heritage assessment report, as described in Appendix B of the DoEHLG *Architectural Heritage Protection, Guidelines for Planning Authorities* (2004) shall accompany planning applications for works to protected structures. This report shall:

- Outline the significance of the building;
- Include a detailed survey of the building, including a photographic survey;
- Detail the proposed works it is intended to carry out; and
- Contain a full assessment on the materials and method proposed to carry out these works, their impact on the character of the structure and the reversibility of the proposed works.

The details required to be submitted will be dependent on the significance of the building and the nature of works proposed. All works to protected structures shall be carried out in accordance with best conservation practice.

### **19.12.2 Development within the Curtilage, Attendant Grounds and Setting of Protected Structures**

In considering applications for development within the curtilage and / or attendant grounds of a protected structure, the Council shall have regard to the following:

- The various elements of the structure which gives the protected structure its special character and how these would be impacted on by the proposed development;

- Proximity of any new development to the main protected structure and any other buildings of heritage value; and
- The design of the new development that should relate to and complement the special character of the protected structure.

High quality design will be a foremost consideration when assessing proposals for development within the curtilage of a protected structure, with particular emphasis on siting, building lines, proportions, scale, massing, height, roof treatment and materials. This does not preclude innovative contemporary buildings. High quality contemporary interventions will be encouraged over historic pastiche. Development proposals should include appraisal of the wider context of the site and structure including its demesne landscape, where applicable.

### **19.12.3 Development in Architectural Conservation Areas**

In Architectural Conservation Areas the Council will have regard to the following:

- The effect of the proposed development on buildings and the surrounding environment, both natural and man-made;
- The impact of development on the immediate streetscape in terms of design, scale, height, plot, width, roof treatment, materials, landscaping, mix and intensity of use proposed;
- New alterations and extensions should complement existing buildings/structures in terms of design, external finishes, colour, texture, windows / doors/ roof/ chimney/ design and other details; and
- In dealing with advertisements in Architectural Conservation Areas, the overriding consideration will be the enhancement and protection of the essential visual qualities of the area.

### **19.12.3 (a) Development within view of the Curtilage, Attendant Grounds and/ or Demesne of Protected Structures**

Proposed development which might have an adverse impact on the setting of a protected structure, including its curtilage and attendant grounds, will not be encouraged.

Proposed development within view of protected structures, including their curtilage, demesne lands and attendant grounds shall have regard to the following:

- Development shall not be permitted where it adversely affects or would adversely interfere with the setting of protected structures;
- Outward and inward views from the protected structure are to be protected;
- Where relevant, outward and inward views from key points within the curtilage, demesne lands and attendant grounds are to be protected;
- Development proposals must demonstrate that they are part of an overall strategy for the conservation of the entire built heritage complex and contribute positively to that aim; and
- The likely impact of any proposed development on the protected structure and its setting, including its curtilage and attendant grounds, in terms of design, scale, massing, height, plot, width, roof treatment, materials, landscaping, mix and intensity of use proposed should be indicated in any planning proposal.

### **19.12.4 Development in Areas of Archaeological Potential**

When considering development proposals within Areas of Archaeological Potential and on, or in close proximity to, sites of known archaeological significance, the Council will have regard to the provisions of Section 12 of the National Monuments (Amendment) Act, 1994, or as may be amended from time to time. The Council will also have regard to the observations and recommendations of the Department of Environment Heritage and Local Government.

When considering such proposals, regard will be had to the nature of sub-surface works that could impact on archaeological remains (e.g. foundation type and design, layout and location of services, road works, landscaping schemes etc.).

The Council may require the developer to submit a report prepared by a suitably qualified archaeologist on the archaeological implications of the proposed development. In appropriate circumstances, the Council when granting permission for development may impose conditions requiring:

- Professional archaeological supervision of site excavations;
- The funding by the applicant of archaeological assessment, monitoring, testing or excavation of the site and the submission of a report thereon, prior to the commencement of development; and
- The preservation of all or part of any archaeological remains on the site.

### **19.12.5 Natural Heritage**

Article 6 (3) and 6 (4) of the Habitats Directive requires an Appropriate Assessment of any plan or project whether within or outside a designated Natura 2000 site, which does not directly relate to the management of the site but may impact upon its conservation objectives.

The assessment is based on best scientific knowledge, by a person with ecological expertise. It addresses the potential impacts of the plan or project on the conservation objectives of any Natura 2000 site. The impacts assessed must include the indirect and cumulative impacts of approving the plan or project, considered with any current or proposed activities, developments or policies impacting on the site. The potential impacts of policies outside Natura 2000 sites but potentially impacting upon them (known as 'ex situ' impacts) must also be included in the assessment. (Refer: *Appropriate Assessment of Plans and projects in Ireland, Guidance for Planning Authorities* (2009) issued by the DoEHLG).

A project or plan may only proceed if it can be concluded on the basis of Appropriate Assessment that there will be no adverse effects on the integrity of a Natura 2000 site. If adverse effects are likely, or in cases of doubt, then derogation under article 6 (4) shall apply, but only in cases of imperative reasons of over riding public interest.

In the case of NHA sites the council may require and Ecological Impact Assessment to determine the impact of the proposed development on the designated site.