



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

**RE: CONSTRUCTION OF 20 HOUSES AT CANAL ROAD/RATHDOWNEY ROAD,
JOHNSTOWN, CO. KILKENNY
PART VIII PLANNING REFERENCE: PART 8 02/21**

Planning & Development Acts 2000 as amended

DATE: 13th September, 2021

Dear Councillor,

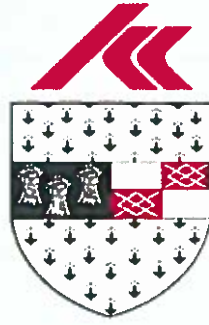
In accordance with Section 179 of the Planning & Development Act 2000 as amended and Part VIII of the Planning & Development Regulations 2001, as amended, Kilkenny County Council hereby gives notice of its intention to carry out the following development:

**PART VIII - CONSTRUCTION OF 20 HOUSES AT CANAL ROAD/
RATHDOWNEY ROAD, JOHNSTOWN, CO. KILKENNY**

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

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

Colette Byrne
Chief Executive



KILKENNY COUNTY COUNCIL

REPORT - Dated 8th September, 2021

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

**Construction of 20 houses at
Canal Road/Rathdowney Road, Johnstown, Co. Kilkenny
Part VIII Ref: Part 8: 02/21**

**For consideration by the Elected Members
of Kilkenny County Council
at meeting to be held
on 20th September, 2021**

Contents

1. Introduction	4
2. Description of Proposed Development.....	4
3. Pre-planning.....	8
4. Notice of Development.....	8
5. Consultation.....	8
6. Details of Submissions Received.....	8
7. Implications for Proper Planning and Sustainable Development of the Area	10
8. Kilkenny County Council's Intention Regarding Proposed Development	12
Appendix A -Planning Report	13

1. Introduction

This report has been prepared for submission to the Elected Members of Kilkenny County Council and contains information regarding the proposed development, issues raised following the erection of the public notices of the proposed development and the display for public inspection of the plans and particulars and other matters as required in accordance with Section 179 of the Planning & Development Acts, 2000 as amended. Part 8 Planning Reference Part 8: 02/21.

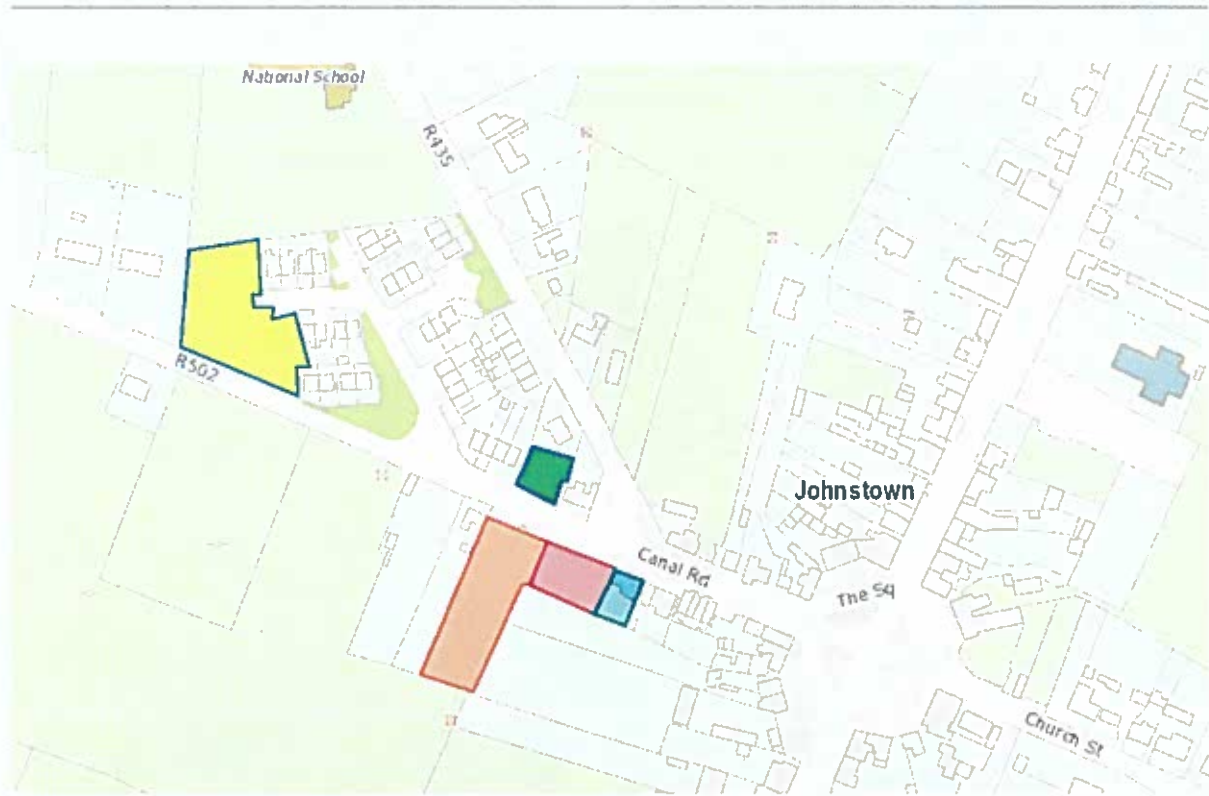
2. Description of Proposed Development

The proposal was put forward on public display is for construction of *20 houses at Canal Road/Rathdowney Road, Johnstown, Co. Kilkenny*

Development consists of:-

Construction of 20 dwellings on a site consisting of 5 parcels of land, 3 currently owned by Kilkenny County Council with agreement to purchase for the remaining two portions. Four of the sites are on Canal Road and one site is located in the existing Rathdowney Road Estate, Johnstown, Co. Kilkenny listed as follows and shown on site location map below:

- **Site 1** (orange) on south side of Canal Road: - 5 single-storey dwellings on cottage site
- **Site 2** (blue) on south side of Canal Road: - 2 Infill 3 bed two-storey units to replace derelict pair
- **Site 3** (pink) on south side of Canal Road:-5 2 bed 2-storey units to replace old house & storage sheds (Acquisition by Kilkenny County Council underway)
- **Site 4** (green) on north side of Canal Road:- infill pair of units 1 two-storey attached to a single storey (Acquisition by Kilkenny County Council underway)
- **Site 5** (yellow) at Rathdowney Road Estate cul-de-sac: - 6 units- 4 two storey 2 single storey dwellings



JOHNSTOWN LOCATION MAP not to scale



Site 2: Pair of derelict houses to be demolished & replaced

The development also involves the demolition of a number of existing buildings including a pair of derelict dwellings (one of which is listed on the NIAH ref.12302016) which are in a dangerous condition. A Feasibility of Retention survey and report was carried out by a qualified Conservation Engineer in conjunction with a Building Condition Report in relation to the proposed demolition of the derelict pair which concluded that it was not feasible to retain & repair them.



Sites 1, 2 & 3: Existing buildings to be demolished and replaced

The proposal was put forward having regard to the social housing demand in Johnstown, which is currently as follows:

JOHNSTOWN		
1 bed	6	25%
2 bed	10	41%
3 bed	4	17%
4 bed	4	17%
TOTAL	24	

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

3. Pre-Planning

As part of the planning application process the Housing Section was advised of planning requirements through a formal pre-planning submission prior to lodging the application. Part 8 Planning Reference Part 8: 02/21.

4. Notice of Development

A notice describing the proposed development was placed in the Kilkenny People, week ending Friday 18th June 2021. Site Notices were displayed at the site location from Friday 18th June, 2021.

5. Consultation

(a) Details of proposals were put on display on the consult website: <https://consult.kilkenny.ie> and at the Planning Department, Kilkenny County Council.

(b) **Public Consultation held by Zoom at 7.30 - 8.15 p.m. on 21st July 2021.**

There were 12 participants as well as 2 representatives from County Council Housing Capital Team. Meeting commenced with an overview of the Part 8 proposal to construct 20 houses. The feedback on the proposal was very positive and particularly in relation to tackling dereliction & vacancy. Questions were answered regarding water supply, timeframe for development and bin storage.

6. Details of Submissions Received

2 Valid Third-Party Submissions were received.			
	Name	Detail of Submission	Response
1	Paschal Ryan, Canal Road, Johnstown	Concern re overlooking/privacy /overshadowing Concern in relation to road safety at the junction of Canal Road R502 & Rathdowney Road	Housing Section discussed issue with Mr. Ryan- confirmed that new 2m boundary walls will be provided to enclose the rear of the proposed houses and the public open space bounding his property, detail of which to be agreed at design/pre-tender stage. This was acceptable. Being addressed by appropriate redesign, developed in consultation with the Road Design Department which will be incorporated at detailed design stage.
2	Fiona O'Sullivan, Johnstown	Concern regarding water pressure/supply in the Johnstown area.	Consultation had taken place at pre-planning stage with Irish Water and detailed proposals will be developed & agreed in consultation with Irish Water at detailed design stage including consideration of water pressure issue.
Internal & External Referrals			
	Planning	Site 1: Improve passive supervision of open space between dwellings 10 & 11 Site 2: Consider retention of NIAH building Site 4: Ensure gable window of dwelling 13 designed to avoid overlooking of adjoining properties Site 5: Revise elevations of dwellings 18 & 18 to avoid overlooking Establish root protection around existing mature trees along south site boundary	Noted Structural Engineer & Conservation Engineer reports deem this building to be in a dangerous condition & beyond salvage. It is proposed to demolish it and adjoining house on safety grounds as soon as possible. Noted Noted Noted

	Environment	No objections, subject to conditions	Noted
	Roads	Report dated 23 rd June, 2021 identified number of items to be addressed & follow-up report dated 3 rd September, 2021 confirms agreement to Housing redesign proposals subject to conditions	All issues addressed by Housing in response to Roads dated 16 th July, 2021. Redesign, developed in consultation with Road Design will be incorporated at detailed design stage.
	Conservation	Recommendation that NIAH listed building on Site 2 be retained	Structural Engineer & Conservation Engineer reports deem this building to be in a dangerous condition & beyond salvage. It is proposed to demolish it and adjoining house on safety grounds as soon as possible.
	Parks	No report received	
	Name	Detail of Submission	Response
	Irish Water	No objections, subject to conditions as per report dated 26 th August 2021	IW conditions will be incorporated into scheme at detailed design stage
	Department: Architectural Heritage	No report received	
	NPWS	Recommends bat survey on all structures earmarked for development	A bat survey was carried out on derelict buildings in July 2021 at Site 2 with none found to be using them. A further survey will be carried out on buildings on Sites 1 & 3 when ownership of property secured & prior to development taking place
	An Taisce	No response	

7. Implications for Proper Planning and Sustainable Development of the Area

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

AA Screening

Appropriate Assessment screening has been carried out on the proposal which concluded that significant impacts can be ruled out.

EIA

In accordance with the requirements of Article 120(1)(a) of the Planning and Development Regulations 2001 (as amended) the Planning Authority has made a preliminary examination of the nature, size and location of the proposed development. The Authority has concluded that there is no real likelihood of significant effects on the environment arising from the proposed development and a determination has been made that an Environmental Impact Assessment (EIA) is not required.

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

8. Kilkenny County Council's Intention Regarding Proposed Development

Proposed Development: Part 8 Proposal Ref.: Part 8: 02/21 to:

Development of 20 housing units and associated site works at Canal Road/Rathdowney Road, Johnstown, Co. Kilkenny

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

SIGNED


Mary Mulholland
Director of Services

Appendix A -Planning Report

Chontae Chill Chainnigh
Kilkenny County Council
Planning Report



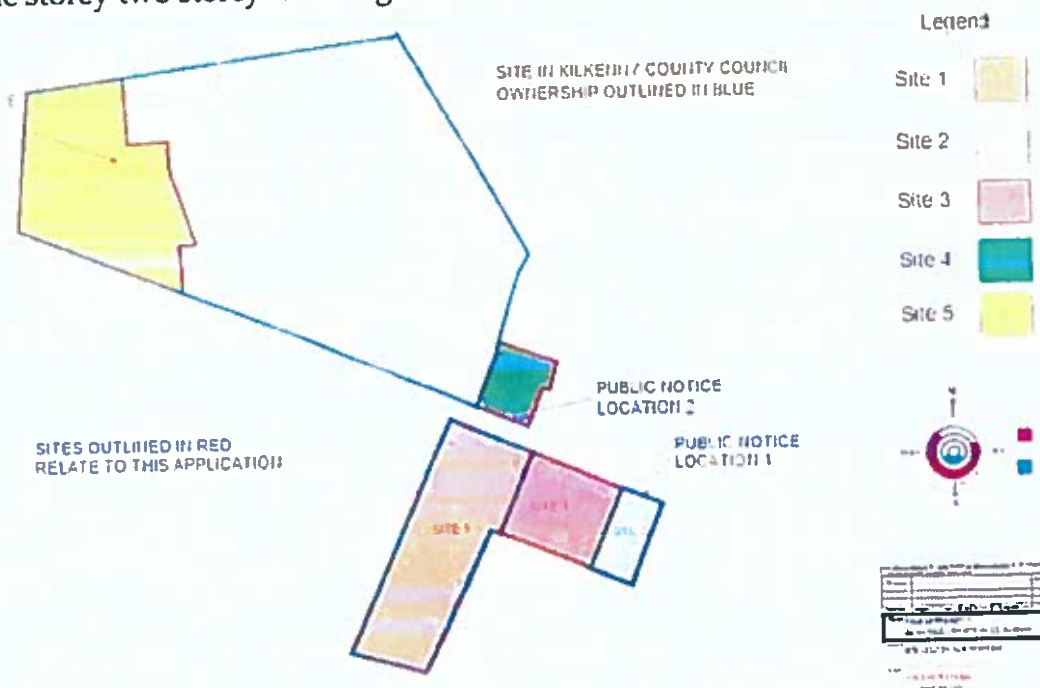
Planning & Development Acts 2000 -2020
Planning & Development Regulations 2001 - 2021

Part 8 Ref. No.: Part 8: 02/ 21

Development: Construction of 20 no. houses of 12 two-storey dwellings and 8 single storey dwellings, and all associated site development works.
Demolition of 2 derelict houses & a vacant cottage, five parcels of land at Canal Road/ Rathdowney Road, Johnstown, Co. Kilkenny

Introduction

Proposed residential development of 20 dwellings on five sites fronting onto the regional road R502 on the western approach into Johnstown. The buildings leading from the centre of the town along the regional road are a mix of two storey and single storey dwellings with some commercial activity. Sites 1-3 are adjacent to each other and are located on the south side of the regional road/ Canal Road. Site 4 is located opposite sites 1-3 on the north side of Canal Road close to its junction with R435 regional Rathdowney Road. The fifth site is accessed via an existing residential development on the north side of the Canal Road. The proposal includes for a mix of single storey two storey dwellings.



Development Plan

The site is located in the settlement of Johnstown which is designated as a 'small town/ village' as per the *Kilkenny County Development Plan 2014-2020*. There is no settlement boundary for Johnstown as per the current plan, however the development is considered to be located within the settlement and to comply with development plan policy.

The site is located within the development boundary for Johnstown as per the *Kilkenny City and County Draft Development Plan 2021-2027*.

The eastern part of the site, that is, sites 2 and 3 area located within the Johnstown Architectural Conservation Area.

A structure is located on site which is listed on the NIAH ref.12302016; but is not included on the Record of Protected Structures.

Site history

No recent on-site history

An earlier Part 8 application relates to part of site 5.

- 93/419 - Permission granted to Edward Dowling to erect new two storey residence, shop and store at Canal Road on lands east of site 1.
- 97/645 - Permission granted to Patrick Beehan for dwelling on site north of site 4.

Third Party Submissions

Two third party submissions have been received and the planning issues therein have been taken into account in the assessment of this application.

Sites 1- 5 Descriptions and Proposed Development

Development Summary

Site 1: 5 no. single-storey, detached and semi-detached 1- and 2-bed dwellings.

Site 2: 2 no. two-storey, 3-bed semi-detached dwellings.

Site 3: 4 no. two-storey, 2-bed terraced dwellings and 1 no. detached 3 bed two-storey

Site 4: 2 no. semi-detached dwellings - 1 no. two-storey 2-be, 1 no. single storey, 1-bed

Site 5: 6 no. dwellings - 4 semi-detached storey dwellings, 2 detached single storey dwellings, with a mix of -1, -2 and -3 bed dwelling.

The proposed dwellings areas range from 58sq.m to 93sq.m.

Site 1

Site description

This is a long narrow site located at the western end of the sites proposed for development on the south side of Canal Road. There is an existing single storey dwelling located on site close to the road, and the site boundaries to the rear are defined by existing hedgerows. There is a single storey dwelling on the adjacent site to the west.

Proposed development

Proposed demolition of the existing dwelling and construction of five single storey dwellings arranged in a linear pattern perpendicular to the public road along the west site boundary. The access road runs along the east site boundary and parking is

Proposed development

Two semi-detached dwellings proposed, one single storey, one dormer. Bedroom 1 of dwelling no. 13 has two first floor windows; whilst the velux in the rear elevation appears at a sufficiently height to avoid overlooking, the window proposed in the gable may lead to overlooking of the dwelling to the west.

Site 5

Site description

This site currently forms the public open space serving the existing residential development on the north side of the Canal Road. Access to the site is via the existing estate road. There is a single storey dwelling on the adjacent site to the west, the north of the site backs onto the primary school grounds and the site fronts onto the Canal Road. There are a number of mature trees and stone wall along the Canal Road.

Proposed development

Proposed development of six dwellings with four two-storey, semi-detached dwellings and two-single storey detached dwellings.

The applicant should ensure that there will be no root damage to trees along the south site boundary.

Two two-storey semi-detached dwellings are proposed on sites 18 and 19. The rear building line of the proposed dwellings is c.10.5m from the gable wall of the existing dwelling to the east. There are no first-floor windows in the west facing gable of the existing dwelling. Having regard to the proximity and orientation of the proposed dwellings relative to the existing dwelling to the east, amendments to the first-floor windows serving 'bedroom 2' of dwellings 18 and 19 are recommended.

Services

Proposed connections to public water and wastewater network.

The reports received from Irish Water and from the Environment Section, both dated August 2021 state no objections, subject to conditions. Irish Water report requires protection of the public water main during construction works. The report from the Environment Section requires detailed design for stormwater infiltration and attenuation prior to commencement of development.

Landowner

The applicants are the stated owners of sites 1, 2 and 5. The applicants are intended purchasers of sites 3 & 4; letter of consent submitted from landowners Liam and Patrick Looby.

Documentation Submitted

The documents submitted states as follows:

The scheme is designed in accordance with DHPLG (Department of Housing, Planning & Local Government) Design Standards "Quality Housing for Sustainable Communities 2007" & Kilkenny County Development Plan 2014-2020.

Overall car-parking provision is provided at 2 spaces per house which is deemed to be appropriate for this scheme and the local social housing need, catering for 1-2

predominately grouped along the west of the access road; it appears that parking relating to the dwellings on sites 2 and 3 are included on this site.

The public open space is provided at the southern end of the site and between two units with gable ends facing the open space; improved overlooking of this space is recommended.

Site 2

Site description

Site 2 is located on the south side of the regional road and is closest to The Square. The two dwellings on site are in a derelict state and form part of a terrace. The sites extend approx. 24m to the south of the public road, and are bordered to the rear/south by a long garden which appears to serve a dwelling fronting onto The Square to the east.

Both dwellings are proposed for demolition. The dwelling on the east side of the site has suffered fire damage and the roof has fallen in. This dwelling is bordered to the east by a modern two-storey dwelling joined to the site via an attached single storey garage and entrance to the dwelling.

The second building on site 2 is listed on the NIAH ref. ref.12302016; but not listed on the Record of Protected Structures. This traditional two-storey house is in currently in very poor condition.

Proposed development

It is proposed to demolish both buildings and to construct two semi-detached two-storey, three-bedroom dwellings. Two parking spaces are proposed in a recessed space to the front of the site.

A report based on a survey carried out from a Conservation Engineer on behalf of the applicant recommends demolition of the NIAH listed building. The Conservation Officer recommends retention of the NIAH listed building located within the ACA, and refers to supporting development plan policy.

Site 3

Site description

Site 3 is located between sites 1 and 2. There is an existing two-storey dwelling on site and large sheds; these are all proposed for demolition.

Proposed development

Proposed construction of a terrace of four two-storey two-bedroom dwellings and one detached two-storey three-bedroom dwelling. Parking is proposed in a recessed area to the front of the dwellings.

Site 4

Site description

The site is located on the north side of the Canal Road, close to its junction with the Rathdowney Road. There are two-storey dwellings on the site to the west, and single storey dwellings on the adjacent sites to the east and north.

bedroom dwellings catering for 1-2 person households, and seven 2 bedroom homes which will cater for smaller families.

Private open space provision is in accordance with or exceeds the requirements in the design guidance.

Public Open Space provision meets development plan standards for both the Canal Road sites and the overall existing estate at Rathdowney Road.

Redesign of a pair of infill dwellings on the north side of Canal Road to address overlooking & privacy.

Protection of the mature trees along the roadside boundary of the Rathdowney Road Estate/Canal Road & retention of the existing stone boundary wall will be included in the landscaping plan at detailed design stage for this development.

Referrals

- Environment - no objections, subject to conditions, as per report dated 31st August 2021.
- Roads - report dated 23rd June 2021 identified a number of areas to be addressed.
- Conservation - report dated 28th July 2021 encourages retention of building listed on NIAH on site 2.
- Parks - report not received to date.
- Irish Water/ Water Services - no objections, subject to conditions, as per report dated 26th August 2021.
- Department: Architectural Heritage - report not received to date.
- NPWS - report dated 28th July 2021 recommends bat survey to be carried out on the buildings earmarked for development.
- An Taisce - response not received to date.

Conservation

The Retention Feasibility Survey Report submitted states:

Given the extent of the deterioration and associated loss of original building fabric, the special interest value of the building is significantly reduced from that of the originally surveyed structure. The necessary interventions and restoration works would further impact on the character and remaining fabric of the building.

Demolition and replacement with a new building - is the most cost effective approach and would be considered the more feasible approach to the development of the property to provide a dwelling house that meets the requirements of the Building Regulations.

The Conservation Officer's report that the building listed on the NIAH on site 2, dates back to the 1820s is rated at regional level, and was in good condition in 2004. The Conservation Officer also states:

The findings of the engineering survey and report submitted views the building in isolation, omitting to consider it as part of the wider Johnstown ACA. The façade / external masonry walls of the building could be maintained, with the interior could be refurbished to the appropriate standard.

It is important to guard against the removal of this building solely based on cost. The retention of the NIAH listed building, and placing it in the middle of the new development along Canal Street would showcase a sympathetic, but not overly restrictive approach, to development in an Architectural Conservation Area.

The removal of the 19th century building results in the loss of fabric from the ACA and is regrettable, it is recommended that the building be retained and incorporated in to the new development.

Amendments and Further Documentation Submitted

Road Layout

Amendments to the car-parking layout have been proposed as of 16th July 2021 having regard to third party and referral submissions.

The amendments include reducing the front garden area depth for dwellings 1-8 inclusive and placing a proposed cobbled paved area between the parking spaces and the public road, thus increasing visibility at the entrance to the five houses on site 1. A number of items are proposed to be addressed at detailed design at tender stage.

Bat Survey

A Bat Assessment Report, dated 27th July 2021 has been carried out in relation to the development sites; the report found that 'No bats are using the subject building. No further action in relation to bats is required. There are also no birds nesting in the building.'

It appears that the bat survey relates to the dwelling listed on the NIAH located on site 2 only; as there are more buildings proposed for demolition bat surveys are recommended on all buildings 'earmarked for development' as per the report from the NPWS.

Screening for Appropriate Assessment

A Screening exercise was completed, which showed that no significant environmental impact is likely on any Natura 2000 site.

Environmental Impact Assessment (EIA)

A preliminary examination of the nature, size and location of the proposed development has been carried out which determines that there is no real likelihood of significant effects on the environment arising from the proposed development. It is therefore concluded that an Environmental Impact Assessment Report (EIAR) is not required.

Planning Recommendations

Layout and Design

Site 1: Improve passive supervision of open space between dwellings 10 and 11.

Site 2: Consider amendment to design to retain NIAH listed building.

Site 4: Ensure the gable window serving bedroom 1 of dwelling 13 is designed to avoid overlooking of adjoining properties.

Site 5: Revise elevations to avoid overlooking from first floor windows serving 'bedroom 2' of dwellings 18 and 19.

Establish root protection area around trees along south site boundary prior to commencement of works.

Ecology

Extend the bat survey to all existing buildings on sites 1-3, and consult with NPWS.

Part 8 02/ 21

Conclusion and Recommendation

The Planning Authority considers that the design, siting and layout of the proposed housing development and associated works are acceptable at this location and accords with the proper planning and sustainable development of the area. The development has been screened for appropriate assessment, which found that no significant environmental impact is likely on any Natura 2000 site.

It is recommended that the Part 8 application for the proposed construction of 20 no. houses and all associated site development works at Canal Road/ Rathdowney Road, Johnstown, Co. Kilkenny, be approved by the Council subject to the drawings and details submitted with this Part 8 proposal, and subject to the recommendations as per the reports of the Environment Section, Roads Design Office, Irish Water, Conservation Officer and NPWS and as per the recommendations set out in the 'Planning Recommendations' section of this report.

Claire Kelly 3/9/21
C. Kelly, Executive Planner

I agree with the above report.

A. O'Connor 3/9/21
A. O' Connor, Senior Executive Planner

I agree with the above report.

D. Malone 8/9/21
D. Malone, Senior Planner