



An
Bord
Pleanála

S. 6(7) of Planning and Development (Housing) and Residential Tenancies Act 2016

Inspector's Report on Recommended Opinion ABP-300948-18.

Strategic Housing Development	123 houses and a childcare facility.
Location	Oldtown Mill, Celbridge, County Kildare.
Planning Authority	Kildare County Council.
Prospective Applicant	Aterna Developments.
Date of Consultation Meeting	29 March 2018.
Date of Site Inspection	21 March 2018.
Inspector	Stephen Rhys Thomas.

1.0 Introduction

Having regard to the consultation that has taken place in relation to the proposed development and also having regard to the submissions from the planning authority, the purpose of this report is to form a recommended opinion as to whether the documentation submitted with the consultation request under section 5(5) of the Planning and Development (Housing) and Residential Tenancies Act 2016 - (i) constitutes a reasonable basis for an application under section 4, or (ii) requires further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

2.0 Site Location and Description

- 2.1.1. The site is located at the western suburbs of Celbridge in north County Kildare and forms an infill area adjacent to The Glen housing estate on the Oldtown Mill Road. To the north of the site lies Ballygoran Court housing estate and to the south The Orchard. Open agricultural land extends westwards from the site. A neighbourhood shopping centre is located approximately 1.3 kilometres to the south east and Celbridge town centre lies approximately 2.2 kilometres to the south. A primary school is located approximately 250 metres to the east, however, it is a 1.6 kilometre walk/cycle.
- 2.1.2. The site comprises former agricultural fields that have since been used as a construction compound associated with the previous phases of housing development in the area. The overall site is divided by a mature hedge field boundary with some mature trees. The western boundary of the site comprises mature hedgerows and a significant grouping/copse of trees. The northern portion of the site is generally level with a number of small mounds of stone to the western end, overrun with colonising vegetation. The southern portion of the site is also level, however, there is a large mound of spoil material at the western end and a degree of standing water. A footpath and timber fencing defines the interface between the site and the existing housing areas to the east. Hazelhatch train station is approximately 4.2 kilometres to the south and provides suburban commuter services to Dublin.

3.0 Proposed Strategic Housing Development

3.1.1. The proposed development of 123 dwelling units comprises:

- 26 four bed houses (between 134.5 and 144 sqm)
- 59 three bed houses (between 111.7 and 115.1 sqm)

Duplex Apartments

- 13 three bed (105.8 sqm)
- 19 two bed (between 80.1 and 102.6 sqm)
- 6 one bed (between 50 and 55 sqm)

Other development includes:

- Childcare facility, 119 sq.m.

The site will be accessed from a single vehicular entrance road from the Oldtown Mill Road. The proposal (123 units) will result in a gross residential density of 32 units per Hectare (net density 37 units per Hectare), on a site of 3.87 Hectares. The public open space is 0.5829 Hectares (15%).

4.0 Planning History

Subject site:

PA reference 07/1706 and An Bord Pleanála reference PL09.228038 permission refused for 22 Houses with attic rooms. August 2008.

Other planning applications relate to the subject site and adjacent areas, however, they pre-date the above and serve to provide a context for the current Local Area Plan.

5.0 National and Local Planning Policy

5.1 Section 28 Ministerial Guidelines

Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the planning authority, I am of the opinion that the directly relevant S.28 Ministerial Guidelines are:

- ‘Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas’ (including the associated ‘Urban Design Manual’)
- ‘Design Manual for Urban Roads and Streets’
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities - 2018
- ‘The Planning System and Flood Risk Management’ (including the associated ‘Technical Appendices’)
- ‘Childcare Facilities – Guidelines for Planning Authorities’

5.2 Statutory Plan for the area

The operative plan for the area is the **Celbridge Local Area Plan 2017-2023**. The site is subject to zoning objective C – ‘To Provide for New Residential Development’. The LAP states compliance with the Core Strategy of the County Development Plan as follows:

The Core Strategy of the CDP 2017-2023 allocates 10% of Kildare’s housing growth to Celbridge over the period 2017-2023, out of a total housing allocation of 32,497 units for the County. Table 3.3 of the CDP identifies a housing unit target of 10,333 units for Celbridge to the year 2023, through the addition of 3,250 housing units over the Plan period. This represents an overall target population for the town of 22,801 persons.

This LAP identifies 121.2 hectares of land with a residential or mixed use zoning (excluding proposed arterial roads). The housing capacity of zoned lands, including new residential zonings, mixed use zonings and of infill sites within the built up area is estimated to be 3,519 (approx.) residential units.

The Plan supports the achievement of the Core Strategy growth allocation of 3,250 units and incorporates a level of flexibility to meet demand over a 9 year horizon.

The LAP outlines a number of chapters that are relevant to new residential areas and include: Chapter 6 Housing and Community, Chapter Movement and Transport, Chapter 9 Infrastructure, Chapter 11 Green Infrastructure and Strategic Open Spaces, Chapter 12 Urban Design and Key Development Areas.

The LAP also includes objectives in relation to the phasing of residential development and associated infrastructure. However, phasing primarily relates to the Key Development Areas.

Kildare County Development Plan 2017-2023, is the operative development plan. Celbridge is a Moderate Sustainable Growth Town. The Development Plan includes chapters on relevant topics including housing, urban design, infrastructure, movement/transport, landscape and development management standards.

6.0 Forming of the Opinion

Pursuant to section 6(7) of the Act of 2016, regard is had in the forming of the opinion to the documentation submitted by the prospective applicant; the planning authority submissions and the discussions which took place during the tripartite consultation meeting. I shall provide a brief detail on each of these elements hereunder.

6.1 Documentation Submitted

The prospective applicant is required to submit certain information pursuant to section 5(5)(a) of the Planning & Development (Housing) and Residential Tenancies Act 2016 and Regulation No. 285 of the Planning and Development (Strategic Housing Development) Regulations 2017.

The information submitted included: OS location map, complete application form, site layout plans, design statement, AA screening report, environmental report, archaeological impact report, architectural design statement, planning report/cover letter, outline engineering drawings and services report, traffic and transport

assessment, statement of consistency with planning policy report, part V requirements and costs and a completed pre-connection enquiry feedback form from Irish Water.

I have reviewed and considered all of the above mentioned documents and drawings.

6.2 Planning Authority Submission

In compliance with section 6(4)(b) of the 2016 Act the planning authority for the area in which the proposed development is located, Kildare County Council, submitted a copy of their record of the section 247 consultation with the prospective applicant and also submitted their opinion in relation to the proposal. These were received by An Bord Pleanála on the 13 March 2018.

The planning authority's 'opinion' included, *inter alia*, the following: reference to relevant planning histories; a description of the site and surrounding area; an assessment of the proposed development in the context of County Development Plan and the Celbridge Local Area Plan 2017-2023; details of the prospective development including density and plot ratio; housing mix and compliance with CDP housing mix policy; the existing landscape features on the site; layout; pedestrian connections; Part V compliance, traffic, transport and parking; open space provision; analysis in the context of the 12 criteria contained in the Urban Design Manual of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas; visual impact and design; childcare facilities, environmental report and AA screening and drainage. The planning authority concluded that the principle of the development is consistent with the strategic planning policies of the County Development Plan and the strategic objectives of the statutory development plan for the area.

The planning authority's opinion concluded with a list of matters that require further consideration and amendment. These related to: context and distinctiveness in terms of the existing landscape features and the design of apartments, connections and road layout, Part V and dwelling mix, open space usability and SuDS, parking, detailed design and amendments to aspects such as building finishes and bin

storage. In addition, the planning authority highlighted technical issues contained in the Water Services Section report that require attention.

The planning authority's submission also included internal reports from the Area Engineer, Heritage Officer, Parks Department, Transportation Department, Environment Section, Housing Department and Water Services Department.

There was a single formal pre-application consultation meeting held between the prospective applicant and the planning authority pursuant to s.247 of the Planning & Development Act 2000 (as amended). This was held on the 2 November 2017. The planning authority have submitted the report of the consultation meeting. Issues raised at that meetings included, inter alia, the following: housing mix and Part V requirements, roads layout in compliance with DMURS, the requirement for a traffic impact assessment, crèche location and access, connections to adjoining residential developments, water services in the context of capacity issues in the area, surface water calculations SuDS, flood risk assessment, specific design issues in relation to side walls and density calculations.

All of the documentation submitted by the planning authority has been reviewed and considered by the undersigned as part of the opinion forming.

6.3 Consultation Meeting

A section 5 Consultation meeting took place at the offices of An Bord Pleanála on the 29 March 2018, commencing at 10.30am. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting.

The main topics raised for discussion at the tripartite meeting were based on the Agenda that issued in advance. However, a new agenda item in relation to Wastewater Issues was raised prior to the start of the meeting and agreed amongst all parties as the first item for discussion. The pre-circulated agenda contained the following issues:

1. Landscape Design.
 - a. Tree survey and retention.
 - b. Linkages.
 - c. SuDS detailed design.

2. Car Parking.
 - a. Design, distribution and allocation.
 - b. Crèche, parking and pull in design.
3. Layout
 - a. Detailed design – bin stores, boundary treatments.
 - b. Apartment block – siting and open space.
4. Any other matters.

In relation to Landscape Design issues, ABP representatives sought further elaboration/discussion on the following: greater clarity on the retention of existing mature trees and hedgerows on the site and the integration of same into landscape design. In addition, the potential for the linkage of green spaces to the east of the site at The Glen were explored.

In relation to Car Parking issues, ABP representatives sought further elaboration/discussion on the following: the quantum and layout of car parking provided and its dominance on the overall layout as proposed, specifically in relation to new Apartment Guidelines and the relaxation of car parking standards.

In relation to Layout issues, ABP representatives sought further elaboration/discussion on the following: the interaction between duplex buildings and the opportunities for passive supervision of semi-private open space were explored. The location and design of bike and bins stores as standalone or attached elements in the layout.

Both the prospective applicant and the planning authority were given an opportunity comment and respond to the issues raised by the representatives of ABP. Those comments and responses are recorded in the 'Record of Meeting ABP-300948-18' which is on file. I have fully considered the responses and comments of the prospective applicant and planning authority in preparing the Recommended Opinion hereunder.

7.0 Conclusion and Recommendation

Based on the entirety of the information before me, it would appear that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

I have examined all of the information and submissions before me including the documentation submitted by the prospective applicant, the submissions of the planning authority and the discussions which took place at the tripartite meeting. I have had regard to both national policy, via the s.28 Ministerial Guidelines, and local policy, via the statutory plan for the area.

Having regard to all of the above, I recommend that further consideration and/or possible amendment of the documents submitted are required at application stage in respect of the following element: wastewater services, details of which are set out in the Recommended Opinion below.

Having regard to the above, I recommend that the Board serve a notice on the prospective applicant, pursuant to Section 6(7)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016, stating that it is of the opinion that the documentation submitted with the consultation request under section 5(5) of the Act requires further consideration and amendment in order to constitute a reasonable basis for an application under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

I would also recommend that the prospective applicant be notified, pursuant to article 285(5)(b) of the 2017 Regulations, that specified information (as outlined hereunder) be submitted with any application for permission that may follow. I believe the specified information will assist the Board at application stage in its decision making process. I am also recommending that a number of prescribed bodies (as listed hereunder) be notified by the prospective applicant of the making of the application.

8.0 Recommended Opinion

An Bord Pleanála refers to your request pursuant to section 5 of the Planning and Development (Housing) and Residential Tenancies Act 2016. Section 6(7)(a) of the

Act provides that the Board shall form an opinion as to whether the documents submitted with the consultation request (i) constitute a reasonable basis for an application under section 4 of the Act, or (ii) require further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, An Bord Pleanála is of the opinion that the documentation submitted requires further consideration and amendment to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála.

In the opinion of An Bord Pleanála, the following issues need to be addressed in the documents submitted to which section 5(5) of the Act of 2016 relates that could result in them constituting a reasonable basis for an application for strategic housing development:

1. Wastewater Services

Further consideration of documents as they relate to foul sewer network constraints downstream of the development as indicated in the Water Services report dated 27 February 2018 and contained in Appendix B of the Planning Authority's Opinion. An outline of the necessary works to address the constraints and what parties will be responsible for the works. In addition, there should be clarity as to whether such works would be the subject of a separate consent process and or compulsory purchase process. Timelines for the delivery of any works is required relative to the delivery of the proposed development. Given the existing deficiencies in the provision of adequate sewerage infrastructure, the applicant should satisfy themselves that the proposed development would not be premature pending the delivery of required infrastructural improvements. Further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

Pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that, in

addition to the requirements as specified in articles 297 and 298 of the Planning and Development (Strategic Housing Development) Regulations 2017, the following specific information should be submitted with any application for permission:

1. Flood Risk Assessment – Additional documentation relating to the flood risk assessment that demonstrates the development proposed will not increase flood risk elsewhere and, if practicable, will reduce overall flood risk. A Flood Risk Assessment should be prepared in accordance with ‘The Planning System and Flood Risk Management’ Guidelines for Planning Authorities (including the associated ‘Technical Appendices’).
2. Sufficiently detailed cross section drawings through proposed and existing adjacent residential development.
3. The preparation of a suitably detailed tree survey Arboricultural report.
4. A detailed landscaping plan which clearly shows the proposed treatment of boundaries and retention of existing trees or hedgerow, where applicable. Drawings should specifically detail the boundary treatment, if any, to the adjoining public open space associated with The Glen to the north east.
5. A parking layout that reflects the most appropriate quantum of car parking provision for a suburban site and includes the details of convenient locations and facilities for bicycle parking.
6. A Construction and Demolition Waste Management Plan should be provided.
7. A site layout plan clearly indicating what areas are to be taken in charge by the Local Authority.

Pursuant to article 285(5)(a) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is informed that the following authorities should be notified in the event of the making of an application arising from this notification in accordance with section 8(1)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016:

1. National Transport Authority
2. Irish Water

PLEASE NOTE:

Under section 6(9) of the Planning and Development (Housing) and Residential Tenancies Act 2016, neither the holding of a consultation under section 6, nor the forming of an opinion under that section, shall prejudice the performance by the Board, or the planning authority or authorities in whose area the proposed strategic housing development would be situated, of any other of their respective functions under the Planning and Development Acts 2000 to 2016 or any other enactment and cannot be relied upon in the formal planning process or in legal proceedings.

Stephen Rhys Thomas
Planning Inspector

17 April 2018