



An  
Bord  
Pleanála

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

### **Inspector's Report on Recommended Opinion ABP-302920-18**

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<b>Strategic Housing Development</b>	180 houses, 118 apartments, a childcare facility, 3 shops and a cafe
<b>Location</b>	Magee Barracks, Hospital Street, Kildare
<b>Planning Authority</b>	Kildare County Council
<b>Prospective Applicant</b>	Crodaun Development Co. Ltd.
<b>Date of Consultation Meeting</b>	11 <sup>th</sup> December 2018
<b>Date of Site Inspection</b>	3 <sup>rd</sup> December 2018
<b>Inspector</b>	Stephen J. O'Sullivan

## 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. The site is located at the former Magee Barracks in Kildare. It has a stated area of 11.32ha and is the southern portion of the large barracks site is accessed from Hospital Street (R445) which backs onto a number of existing housing estates including: Magee Terrace, Campion Crescent, Ruanbeg, Rowanville and a newly constructed primary school. The northern portion of the barracks and two blocks along Hospital Street are not part of the site for this request. There are a number of buildings associated with the former use of the site as a military barracks, accommodation blocks, officers' quarters, water tower, stores, kitchens etc. The buildings are dilapidated state. There are large number of mature trees and hedging across the site. The parade grounds, of which there are two, are surfaced with tarmac punctuated with holes at regular intervals. The northern portion of the barracks, that does not form part of the consultation site, is agricultural grazing land. The overall site cannot be easily viewed from the main thoroughfares. However, views of the barrack blocks can be had from Ruanbeg Estate and from housing at higher levels to the north. Ruanbeg Drive is notably lower than the site and lies approximately 3 - 4 metres below the level to the rear of the barrack blocks.

## 3.0 Proposed Strategic Housing Development

3.1. It is proposed to clear the site and to build 298 homes consisting of 180 houses and 118 apartments. The housing mix is as follows –

	1 bed	2 bed	3 bed	4 bed	5 bed	Total
Houses	-		118	62	-	180
Apts/Duplex	31	59	28	-	-	118
Total	31	59	146	62	-	298

- 3.2. It is also proposed to provide a creche of 680m<sup>2</sup>, as well as 3 shops and a café with a combined floor area of 620m<sup>2</sup>. They would be located on the southern part of the site near the access from Hospital Street. The gross floor area of the entire development is given as 33,862m<sup>2</sup>.
- 3.3. Access would be taken from Hospital Street, and a spine road would run from there to the northern boundary of the site. That road would also provide access to the proposed supermarket and clinic on the plots on Hospital Street that are owned by the prospective applicant but which are not part of the current site. An indicative layout is shown whereby the spine road would continue across the undeveloped land to the north of the site to meet the public street at Melitta Road.

## 4.0 Planning History

- 4.1. ABP-301371-18 The board refused permission on the 9<sup>th</sup> July 2018 for a development of 198 houses and 64 apartments on the site. Of the proposed 264 homes, 172 would have been three-bedroom houses. The 2 reasons for refusal were –
1. *The proposed development, which is characterised predominantly by three and four bed semi-detached housing, would be contrary to the section 28 Ministerial Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and the accompanying Urban Design Manual issued by the Department of the Environment, Heritage and Local Government in May 2009, and would contravene Policy MD 1 of the Kildare County Development Plan 2017-2023, which seek to ensure that a wide*

*variety of adaptable housing types, sizes and tenures are provided in the county. Criterion number 4 of the Urban Design Manual recognises that a successful neighbourhood will be one that houses a wide range of people from differing social and income groups and recognises that a neighbourhood with a good mix of unit types will feature both apartments and houses of varying sizes. The National Planning Framework issued by the Department of Housing, Planning and Local Government, recognises the increasing demand to cater for one and two person households and that a wide range of different housing needs will be required in the future.*

- 2. Having regard to the location of the site close to the town centre of Kildare and to public transport and proximate to social and educational facilities, it is considered that the proposed residential development would not be developed at a sufficiently high density to provide for an acceptable level of efficiency in the use of serviced lands and would accordingly be contrary to National Policy as set out in the section 28 Ministerial Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas. Furthermore, it is considered that the positioning of the proposed three storey apartment/duplex units on the periphery of the lands adjoining established single storey and two storey houses would be an inappropriate design response to the site and would seriously injure the residential and visual amenities of these properties.*

*In addition to the above, some proposed apartments/duplexes are not fully in compliance with the section 28 Ministerial Guidelines for Planning Authorities Sustainable Urban Housing: Design Standards for New Apartments (2018) in relation to minimum storage areas and floor to ceiling heights. The proposed development would, therefore, be contrary to the section 28 Ministerial Guidelines and contrary to the proper planning and sustainable development of the area.*

There was also a note attached to the direction which stated –

*The Board concurred with concerns expressed by the Planning Authority and the National Transport Authority in relation to the internal road layout and considered that in any future planning application for residential development on the site, the layout of the roads, cycleways and footpaths should be fully compliant with the Design Manual for Urban Roads and Streets.*

- 4.2. Applications for planning permission have been made to the county council in respect of the two plots between the main part of the current site and Hospital Street. On 5<sup>th</sup> November 2018 the council decided to grant permission for a clinic on the eastern plot but this decision has since been appealed by the first party, ABP-303141-18, Reg. Ref. 18/149 refers. An application for the supermarket on the western plot has not been determined by the council, Reg. Ref. 18/273 refers.

## 5.0 Policy

### 5.1. National Policy

The government published the National Planning Framework in February 2018. Objective 3a is that 40% of new homes would be within the footprint of existing settlements. Objective 27 is to ensure the integration of safe and convenient alternatives to the car into the design of communities. Objective 33 is to prioritise the provision of new homes where they can support sustainable development at an appropriate scale.

The applicable section 28 guidelines include -

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

## 5.2. Local Policy

**The Kildare County Development Plan 2017-2023** is the operative County Development Plan. Kildare Town is a designated Secondary Economic Growth Centre and a Moderate Sustainable Growth Towns (Table 2.2) with a surplus capacity for residential development. Table 3.4 sets out the Development Capacity of County Kildare and Kildare Town shows a capacity surplus of 2,027 units over 134 hectares of zoned land. Table 4.2 shows indicative density levels derived from Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas.

Policy MD 1 is to ensure that a wide variety of adaptable housing types, sizes and tenures are provided in the county in accordance with the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and the accompanying Urban Design Manual to support a variety of household types.

**The Kildare Town Local Area Plan 2012-2018** applies.

The site is zoned Objective Z – ‘Regeneration of Magee Barracks’. The LAP outlines a number of policies and objectives that are specific to the regeneration of the Magee Barracks site, as follows:

Development Strategy 1. The Regeneration of Magee Barracks.

Development Strategy 7. Transportation Infrastructure and Development of Linkages - (vii) Develop an avenue at Magee Barracks connecting the Dublin Road and Melitta Road. (viii) Provide for connections between Magee Barracks and Melitta Road, Ruanbeg and Coolaghknock.

Section 7.6.2 provides a detailed Design Brief for Magee Barracks and comprises; drawings and guidance in relation to accessibility, permeability, enterprise/employment, amenity, site context and integration with the surrounding area.

Objective R 8: To establish a new neighbourhood centre within the Magee Barracks regeneration site with a suitable range of uses to meet the daily needs of residents/employees of the emerging new neighbourhood and the existing

surrounding residential area. This neighbourhood centre shall be of a size and function that ensures it complements rather than detracts or displaces retail or other activities from the town centre. The neighbourhood centre may be anchored by a supermarket (net retail floorspace of up to 1,500m<sup>2</sup>) and have a limited range of non-retail services, civic, community and commercial and leisure floorspace.

Objective RR 1: To encourage and facilitate the appropriate and sustainable re-use and regeneration of the Magee Barracks site for uses that are appropriate to its strategic location within the town creating a built environment that reflects both the military history of the site and the existing urban fabric.

## **6.0 Forming of the Opinion**

### **6.1. Documentation Submitted**

The prospective applicant submitted extensive documentation including drawings of the proposed development and –

- A Statement of Response to the Board's Previous Decision
- A Planning Report and Statement of Consistency
- A Design Statement
- An Environmental Report
- An Appropriate Assessment Screening Report

### **6.2. Statement of response and statement of consistency**

The statement of response states that the inspector's report on the previous application accepted the principle of a mainly residential development on this site with a layout similar to that now proposed and concluded that such a scheme would bein keeping with the zoning of the site. The first reason for the board's refusal has been addressed by increasing the proportion of one- and two-bedroom units to 29% and reducing the proportion of three-bedroom units from 75% to 50%. A demographic analysis is submitted to support the housing mix. The second reason for refusal is addressed in three ways –

- The number of homes and the density has been increased by 13.7% to 298 units at 39.7dph.

- The share of apartments is increased and they are located centrally within the site
- All apartments and duplexes now comply with the 2018 design guidelines with respect to ceiling height and storage.

In response to the note on the board's direction the concerns of the NTA have been met by providing cycle paths on both sides of the spine road with frequent crossings; the entrances to the supermarket and clinic to that road are staggered; the junction at Hospital Street has been set back from the entrance to Tus Nua to the south; internal roads have a carriageway width of 5m; segregated cycle facilities would be provided along both sides of Hospital Street in front of the site; the development would facilitate linkages through the site towards the schools and Melitta Road.

The statement of consistency states that the development would be in keeping with the National Planning Framework and the applicable regional guidelines and draft RSES. With regard to the 2009 Sustainable Urban Residential Guidelines, the site would be an inner suburban/brownfield site. The proposed density of 39dhp has been calculated in accordance with appendix B of the guidelines excluding the neighbourhood centre, distributor road and open spaces on the site that would serve a wider area. The apartments would meet requirements of the design guidelines issued in 2018. The layout would be permeable and would facilitate movement by pedestrians and cyclists in accordance with DMURS. Pedestrian links would be provided to the primary schools to the north-west and the Ruanbeg estate. Child care facilities are proposed in accordance the guidelines on that topic. The site is in flood risk zone C and so is suitable for residential development under the flood risk management guidelines. As accepted by the inspector on the previous application, the proposed development would be in keeping with the provision of the county development plan and local area plan, as residential development is acceptable under the zoning of the site and 16% of the site would be provided as open space.

### 6.3. Planning Authority Submission

The submission from the planning authority stated that the core strategy in the development plan allocated a target of 1,527 units to Kildare town, but that sufficient land was zoned for 2,027 units there. The current site is not included in the latter



figure and the addition of 298 further homes would be to the detriment of other zoned land around the town. The local area plan for the town seeks a mix of uses on this site including employment and retail uses, and its development in accordance with a masterplan that would integrate it with the rest of the town. The design brief indicates around 160 homes could be provided on the barracks site.

With regard to the proposal, the planning authority advise that higher net density of residential development could be provided on some of the site allowing other uses on the rest of it. The proposed housing mix may not fully meet the needs of smaller households. The layout and design were notably suburban. The proposed Part V allocation was mainly apartments and did not reflect the range of house types across the scheme. The proposed open space was generally acceptable. The submission stated that the proposed development would materially contravene the local area plan by providing too much housing on the site with a lack of other supporting uses for the town.

An internal report from the Roads Section of the council recommended that details of traffic calming works along Hospital Street should be submitted as part of a proposed development with costs shared between various developers with 50% allocated to the current proposal. It also recommended that a full link road to Melitta Road should be built in phase 1 of the proposed development. The report from the Housing Section recommended that Part V units be spread through the scheme and should reflect the range of house types in the development. There is also a reference to a report from the Water Services Section which states that a hydraulic assessment of the available water network capacity is required.

#### **6.4. Other submissions**

A submission from Irish Water stated that a confirmation of feasibility in respect of 401 units had been issued for this site without requirements for upgrades to its networks.

A submission from the Department of Culture, Heritage and the Gaeltacht stated that the mitigation requested by the department during the previous application should be carried out for any future application.

## 6.5. The Consultation Meeting

A section 5 consultation meeting took place at the offices of the board at 1430 on Wednesday, 11<sup>th</sup> December 2018 between representatives of the board, the planning authority and the prospective applicants about the proposed development. A record of the meeting was made and is available. The main topics discussed at the meeting were –

- i. The preponderance of residential use in the proposed development, having regard to the provisions of the Kildare County Development Plan, 2017-2023, the Kildare Town Local Area Plan 2012-2018 and the draft RSES for the Eastern and Midland Regions.
- ii. Housing mix, having regard to reason no. 1 of the board's decision on ABP-301371-18.
- iii. Residential Density, having regard to reason no. 2 of the board's decision on ABP-301371-18.
- iv. Residential amenity, including compliance with the 2018 Guidelines on the Design Standards for New Apartments and reason no. 2 of the board's decision on ABP-301371-18.
- v. Access and layout, having regard to the provisions of DMURS, the need for connections to the existing fabric of the town and the note on the board's direction on ABP-301371-18.
- vi. Design
- vii. Phasing
- viii. Water supply and drainage
- ix. Any other issues

With regard to items i), ii) and iii) the planning authority noted its recommendation to refuse the previous application for reasons which the board did not adopt. It stated that there was an excess of land zoned for residential development in Kildare town, even without considering the existing site, and there was a lack of employment in the town. The council stated its concern that the current proposal would provide a

higher proportion of residential use on the Barracks site. Kildare would be one of the 'other towns' under the draft RSES. The prospective applicant stated that it had not been successful in attracting more commercial uses for the site which had been vacant for 20 years. The proposed density is as high as could be provided without changing the character of the scheme to one of predominantly apartments which was unlikely to be viable in the housing market in the town. With regard to housing mix the planning authority stated that maisonettes could be provided within the curtilage of some of the proposed pairs of semi-detached houses. The local demand for housing meant that duplex units tended to be acquired for social housing even if offered by the developer on the private market. The prospective applicant stated that the proposed one-bedroom apartments would be own-door units, and that the Part V units could be pepper-potted throughout the scheme.

With regard to item iv) the prospective applicant stated that the requirements of the design guidelines for apartments had been met.

With regard to item v), the prospective applicant stated that a signalised junction and cycle paths would be provided along Hospital Street and the carriageways along it would be narrowed in the vicinity of the proposed access. The design speed of roads within the site is 30kph. The planning authority stated that Hospital Street was currently a wide fast road. There are three other developments pending in the vicinity that would use this street, including one sponsored by the council, and the respective developers should co-operate on works to improve the street with works up to a point east of the bend. A proposed allocation of the costs has been provided. The council was recommended delivery of the spine road as far as Melitta Road as the part of the first phase, as well as access to the Ruanbeg Estate. The council was satisfied with the design details of the roads proposals. The prospective applicant stated that a requirement to design and build a spine road to the Melitta Road would be unduly onerous in the absence of designs or proposals for houses on the northern part of the landholding. The prospective applicant would be liable for costs imposed on three of the four developments envisaged along Hospital Street, and the financial strain of upgrading a significant length of that street would have an impact on the viability of the schemes. The board's representatives stated that the details submitted with any application should provide clarity as to the extent and nature of agreement and/or dispute between the prospective applicant and the

council regarding the provision and funding of supporting infrastructure outside the housing estate in order to allow the board to make a decision on any outstanding matters.

With regard to item vi) the prospective applicant described the scale and materials used in the proposed development, as well as the rationale for its layout. The planning authority stated that they were not satisfied with the design and layout of the duplexes around the open spaces, or the extent to which the heritage of the site was addressed. More coherence was required in respect of materials.

With respect to item vii) the prospective applicant stated that the applications for permission for the supermarket and clinic on the adjoining sites on the landholding were outstanding. The planning authority expressed concern that the Part V units should be allocated proportionately to each phase rather than being concentrated in the latter phases.

With regard to item viii) the council referred to the Water Services report on the previous application and stated that matters from it remained to be addressed. The council was not aware of constraints on the Irish Water networks. The route of the pipe to which the Ruanbeg sewer discharges is unclear. Clarification is required on site investigations, and infiltration should be maximised. TII would need to confirm capacity in the surface water drainage system serving the M7. The prospective applicant responded that it was in frequent contact with the council on these issues, only partial infiltration was proposed on site.

## **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 elements that 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

The Board 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. Further consideration is required in respect of the documentation relating to the residential density of the proposed development. This consideration and justification should have regard to, *inter alia*, the minimum densities provided for in the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual') as they refer to brownfield and inner suburban sites, and to the need to develop at a sufficiently high density to provide for an acceptable efficiency in serviceable land usage on a site close to the town centre of Kildare and its services and facilities, including public transport facilities, referred to in the Board's decision on application ABP-301371-18. The site area for the calculation of the net residential density should be delineated and measured in accordance with appendix A of the guidelines. This would exclude the land occupied by the spine road and neighbourhood centre, but not the proposed areas of open space that would mainly serve the needs of the residents of the scheme or the linear spaces along the edges of the site (which would not constitute significant landscape buffers within the meaning of appendix A of the guidelines). If the prospective applicant considers that the proposed open space at Parade Park should be omitted from the net site area for the calculation of the net residential density of the proposed development, then a justification as to why it should be regarded as an open space serving a wider area would need to be submitted.

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. The Minister for Culture, Heritage and the Gaeltacht, (in relation to archaeological protection and historical interest)
2. The Heritage Council (in relation to archaeological protection and historical interest)
3. An Taisce — the National Trust for Ireland (in relation to archaeological protection and historical interest)
4. Transport Infrastructure Ireland (in relation to surface water drainage and transport)
5. National Transport Authority (in relation to transport)
6. Irish Water

Pursuant to article 285(5)(b)(i) and (ii) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that the following specific information should be submitted with any application for permission:

1. A housing quality assessment which provides the specific information regarding the proposed apartments required by the 2018 Guidelines on Design Standards for New Apartments. The assessment should also demonstrate how the proposed apartments comply with the various requirements of those guidelines, including its specific planning policy requirements. A building lifecycle report for the proposed apartments in accordance with section 6.13 of the 2018 guidelines should also be submitted.
2. A report demonstrating compliance with the applicable standards set out in DMURS and the National Cycle Manual in relation to the proposed housing and the works to Hospital Street. Details should also be submitted as to the timing and responsibility of works to Hospital Street and of any consultations with the planning authority on the matter. Clarification should be provided if there are

any outstanding issues regarding works to the street on which agreement has not been reached between the prospective applicant and the planning authority.

3. A report demonstrating compliance with the Guidelines for Planning Authorities on Urban Development and Building Heights issued by the minister in December 2018 in accordance with SPPR3 of those guidelines
4. A phasing scheme for the development which would indicate how open space and access for the proposed housing would be provided in a timely and orderly manner. The scheme should also specify what links would be provided to the adjoining parts of the town, including Magee Terrace, the Ruanbeg Estate, Melitta Road and the road serving the neighbouring schools, as well as when they would be provided and who would be responsible for their provision.
5. Proposals for compliance with Part V of the planning act.
6. A Site Specific Flood Risk Assessment Report. The prospective applicant is advised to consult with the relevant technical section of the planning authority prior to the completion of this report which should describe this consultation and clarify if there are any outstanding matters on which agreement has not been reached with regard to surface water drainage.
7. Details of proposed boundary and surface treatments throughout the development, and of landscaping and planting.
8. A draft construction management plan
9. A draft waste management plan.

**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.



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Stephen J. O'Sullivan  
Planning Inspector,  
8<sup>th</sup> January 2019