



An
Bord
Pleanála

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

**Inspector's Report on
Recommended Opinion
304410-19**

Strategic Housing Development	300 dwellings (142 houses, 158 apartments), creche and associated site works.
Location	Capdoo, Clane, Co. Kildare
Planning Authority	Kildare County Council
Prospective Applicant	Westar Investments Ltd
Date of Consultation Meeting	18 June 2019
Date of Site Inspection	27 May 2019
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 and the documentation received from the prospective applicant, 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 subject site, which has a stated area of circa 10.64 hectares, is located approximately 500m to the north east of the centre of Clane, Co. Kildare. It is an irregular shaped site, currently in agricultural use and level for the most part. It essentially forms a series of fields, separated by a mature tree lined hedgerow. The southern portions of the site abut Brooklands housing estate and Alexander Walk. To the north of the site lies arable farmland and the River Liffey makes up the eastern boundary.

3.0 Proposed Strategic Housing Development

3.1 The proposed development comprises the construction of 300 residential dwellings. The proposal also includes for provision of a childcare facility, new site entrances and pedestrian linkages. Dwellings are predominantly two storey in height with some three & four storey elements.

The following details are noted:

Parameter	Site Proposal
Application Site	10.64 ha (red line boundary)
No. of Units	300 dwellings

Other Uses	Childcare Facility-242m ² - capacity for 32 children
Car Parking	546
Vehicular Access	From Brooklands and Alexander Walk
Part V	30 units
Density	34.7 (nett) units/ha

The breakdown of unit types is as follows:

Description	Quantity	Mix (%)
1 Bed Apartment	5	1.67%
2 Bed Apartment	69	23.00%
1 Bed Maisonette	12	4.00%
2 Bed Maisonette	16	5.33%
2 Bed Duplex / Apartment	28	9.33%
3 Bed Duplex / Apartment	28	9.33%
2 Bed Mid Terrace	10	3.33%
3 Bed End of Terrace	6	2.00%
3 Bed House	54	18.00%
4 Bed House	72	24.00%
TOTAL	300	100%

4.0 National and Local Planning Policy

4.1 National

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 Section 28 Ministerial Guidelines are:

- 'Urban Development and Building Heights Guidelines for Planning Authorities' - 2018

- ‘Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities’ - 2018
- ‘Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas’ (including the associated ‘Urban Design Manual’) 2009
- ‘Design Manual for Urban Roads and Streets’ 2013
- ‘The Planning System and Flood Risk Management’ (including the associated ‘Technical Appendices’)
- ‘Childcare Facilities – Guidelines for Planning Authorities’ 2001

Other relevant national guidelines include:

- Framework and Principles for the Protection of the Archaeological Heritage Department of Arts, Heritage, Gaeltacht and the Islands 1999.

4.2 Local

The **Kildare County Development Plan 2017-2023** is the operative County Development Plan.

Clane is identified as a ‘Small Town’ in the Core Strategy - to develop as key local centres for services with levels of growth to cater for local need at an appropriate scale and to support local enterprise to cater for local demand. Housing unit allocation for Clane provides for 780 additional units over the period 2016-2023.

Clane Local Area Plan 2017 applies:

Zoning:

‘Objective C New Residential Infill’ which seeks to ‘provide for new residential development’.

A significant linear portion of the eastern area of the site, proximate to the River Liffey is zoned ‘Objective F2 Strategic Open Space’ with the objective ‘To preserve, provide for and improve recreational amenity, open space and green infrastructure networks’.

Objective C New Residential Infill - Residential use is ‘permitted in principle’

Site is identified as a 'Key Development Area 1' (KDA1), New Residential/Open Space & Amenity Lands at Capdoo Commons, south-east of Dublin Road. The subject site comprises a significant portion of KDA1.

Section 12.2.1 - Key Development Area 1 – Dublin Road

Vision:

The extension of the urban area of Clane through new residential development and open space and amenity, with a high quality permeable urban form, which protects natural heritage and delivers important connectivity to the River Liffey and to the future town park.

Connectivity/Movement

Achieve vehicular, pedestrian and cyclist permeability throughout the development area, with access from existing residential developments to the south, and providing for future access in conjunction with future development of Strategic Reserve lands. Provide strong pedestrian and cycle links at desire lines to the future town park and River Liffey, extending existing riverside routes and considering pedestrian river crossings. Design all roads and streets in accordance with the Design Manual for Urban Roads and Streets.

Built Form

Provide passive surveillance of roads, cycleways, footpaths and open spaces. Address existing unsupervised edges, predominantly through the use of the perimeter block in built form. Create legible development with sense of place. Have regard to residential amenity of existing dwellings at the southern edge. Buildings 2 – 3 storey height with transition in scale from existing residential development. This KDA is likely to accommodate lower to medium density residential development in the order of 25-30 units per hectare.

Landscape and Spaces

Provide min. 15% of New Residential lands as public open space. Retain natural heritage and Green Infrastructure features, including area of woodland, through incorporation into areas of open space. Incorporate natural heritage and Green Infrastructure features in addressing flood risk and preparation of SuDs strategy.

5.0 **Planning History**

5.1.1. **Subject Site:**

PL 13-705 - Ext of duration 06/2674 nursing and convalescing centre and retirement complex.

PL 06-2674 and ABP ref PL09-231741 - nursing and convalescing centre and retirement complex that comprises the following(a)Two storey and single storey 90 bedroom nursing & convalescing home which incorporates reception foyer, 49 no bedrooms with en-suite oratory staff rooms, kitchen etc

5.1.2. **Section 247 Consultation(s) with Planning Authority**

It is stated by the prospective applicants in the submitted documentation that Section 247 pre-application consultations took place with the planning authority (27 September 2018 and 7 February 2019), minutes of meetings are submitted.

6.0 **Submissions Received**

Irish Water (IW)

Confirmation of Feasibility issued for this site for 300 no. residential units and childcare facility development. Advises that Irish Water must carry out capital works to the wastewater network. The project (Upper Liffey Valley Sewerage Scheme, Contract 2B) is on the IW Capital Investment Plan and is scheduled to be complete in 2021. Prior to the completion of this project 230 of the 300 houses can be accommodated. Subject to a valid connection agreement being put in place, the proposed connections to the Irish Water networks can be facilitated.

7.0 **Forming of 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 brief detail on each of these elements hereunder.

7.1 Documentation Submitted

- 7.1.1. The prospective applicant has submitted information pursuant to section 5(5)(a) of the Planning & Development (Housing) and Residential Tenancies Act 2016 and Article 285 of the Planning and Development (Strategic Housing Development) Regulations 2017. This information included, inter alia, completed application form, letters of consent, AA Screening Report, Arborist Report, Bat Survey, Construction Management Plan, Flood Risk Assessment, a completed pre-connection enquiry feedback form from Irish Water, Lighting Design Report, Minutes of the section 247 meetings, Part V proposal, Statement of Consistency Report, Planning Report and Housing Mix Statement; architectural drawings; Architecture Design Statement; Landscape Masterplan; Landscape Design Rationale; Traffic and Transport Assessment; Site Services drawings; Infrastructure Design Report; Environmental Report (contained in application form) and Schedule of Accommodation.
- 7.1.2. I have considered all of the documentation submitted by the prospective applicant, relating to this case.

7.2 Planning Authority Submission

- 7.2.1 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 note of their section 247 consultations with the prospective applicant and also submitted their opinion in relation to the proposal. These were received by An Bord Pleanála on 5 June 2019.
- 7.2.2 The planning authority's 'opinion' included the following matters: internal reports, proposal, planning history; site and surrounding area; heritage and landscape; policy context; principle of development; density; plot ratio; public open space provision; residential mix; space standards; Part V; qualitative assessment in relation to 12 criteria as indicated in Urban Design Manual (2009).
- 7.2.3 The following points are noted:
- Residential development is acceptable in principle at this location. Considered that proposed density at 35 units/ha is unsuitably high at this location and would represent overdevelopment of the subject site. Recommended that density be reduced accordingly to 25-30 units/ha.

- Concerns regarding height and location of proposed apartment buildings in excess of three storeys planned for NW corner of the site. There are also issues with the design and provision of amenity space around the apartments. These elements should be omitted - reduction in number of units at this location would reduce density accordingly.
- The character of some streets could be improved, and the private amenity spaces associated with units 231-252 could be configured better.
- Greater clarity on the location, design and size of the proposed childcare facility is required.
- Clarification of how residential density was arrived at.
- Extent of hedgerow and tree removal is greater than anticipated in KDA Design Brief.
- The location of the duplex apartments requires greater clarity with respect to the future development potential of lands to the north.
- Additional information required in relation to Part V housing proposals.
- Foul and surface water supply and flooding, required to be addressed.
- Additional information required in relation to transportation.
- Specific concerns of the Parks Department relate to trees and hedgerows, landscape masterplan, play areas and integration with the pathways along the River Liffey.

7.2.4 I have reviewed and considered all of the documentation submitted by the planning authority relating to this case.

7.3 Consultation Meeting

A Section 5 Consultation meeting took place at the offices of An Bord Pleanála on the 18 June 2019, commencing at 2.30 pm. 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 and contained the following issues:

1. Development Strategy – access/connectivity, layout, density, unit mix, typology and phasing
2. Residential Amenity
3. Public Open Space Strategy – integration and retention
4. Car Parking – design and layout
5. Infrastructural constraints- foul and surface water drainage
6. Any other matters

In relation to development strategy, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- Details of the potential for pedestrian cyclist connections and securing good linkage between existing and proposed development.
- The layout of the proposal was queried with respect to the number of back to back cul-de-sacs. In addition, queries were raised in relation to the design of turning heads and their intrusion in to planned public open space.
- Building height was briefly discussed in relation to new guidance on taller buildings and the local planning policy environment (LAP).
- The extension of the River Liffey Walk was queried in relation to when it would be delivered and that the technical landscape specifications of the planning authority should be established in advance of an application.
- The provision of apartments/taller buildings and higher residential densities should be provided with a rationale, if it departs from LAP advice.

In relation to residential amenity, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- The areas of public open space and communal open space associated with the proposed apartments was queried in terms of usefulness and usability.
- The linear area of communal open space to the rear of duplex apartments was also queried in terms of workability and amenity, given its constricted nature and northerly aspect.

In relation to public open space, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- The integration of planned public open spaces was queried in relation to ensure a logical visual and physical connection, particularly adjacent to proposed apartments and abutting Brooklands Estate.
- The design of public open spaces was queried in relation to the intrusion of turning heads and parking areas.
- The retention of mature trees and hedging, where appropriate would be beneficial to the overall design of the scheme, but the long-term maintenance of some areas of open space was queried.

In relation to car parking, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- The overall amount of car parking provided was queried, in terms of changing car use; the level of visitor car parking provided that intrudes into areas of public open space was discussed.
- The provision of car parking and long lengths of street around the apartments required clarification.

In relation to infrastructural constraints, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- The status of the Upper Liffey Valley Contract 2B was clarified and how it might impact on the phasing strategy proposed.
- The importance of ensuring that the surface water management strategy proposed is adequate and accords with the overall landscape masterplan was emphasised, together with updated information in relation to flood risk.

In relation to other matters, An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- Clarification in relation to AA and EIAR requirements and the possibility of material contraventions, if any, in terms of public notices were discussed.

7.4 Conclusion and Recommendation

- 7.4.1 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.
- 7.4.2 I have examined all of the information and submissions before me including the documentation submitted by the prospective applicants, 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 section 28 Ministerial Guidelines and local policy via the statutory plans for the area.
- 7.4.3 Having regard to all of 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.
- 7.4.4 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. Car Parking

Further consideration/amendment of the documents as they relate to the provision and design of car parking within the proposed development. The documentation submitted at application stage should provide a robust rationale for the amount of car parking that is proposed. This should have due regard to the pattern of demand for travel that is likely to arise from the occupation of the proposed development, as well as to the likely demand from households to have access to private transport even where it does not provide the primary mode for travel to work or school.

The documentation should also take proper account of the advice concerning car parking and cycle parking design provided for in the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities – 2018 and the design and layout of car parking outlined in the Design Manual for Urban Roads and Streets. Visitor car parking and car parking associated with apartments requires particular attention to ensure residential amenity is not compromised. Further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

2. Open space

Further consideration/amendment of the documents as they relate to the provision of high quality, safe and usable public open space. Particular attention is drawn to; the configuration and location of open spaces (public and semi-private), especially in

relation to proposed apartments and duplex apartments; amalgamation and interconnectivity of open spaces and rationale for same; the potential for passive supervision and usability of open spaces and play areas; the design of the streets, associated on-street parking, turning heads and the creation of building edges/street frontages that reflect a clearly defined street hierarchy within the scheme; the location and design of bin and bicycle storage also requires greater consideration. The application of the principles of the Design Manual for Urban Roads and Streets and the advice provided by the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual') is strongly advised. Further consideration of these issues may require amendment to the documents and/or design proposals submitted.

3. Infrastructural Constraints

Further consideration/clarification of the documents as they relate to wastewater infrastructure constraints in the network serving the proposed development in particular as it relates to Contract 2B of the Upper Liffey Valley Sewerage Scheme. The documentation at application stage should clearly indicate phasing proposals to address the constraints such as they and the timelines involved in addressing the constraints relative to the construction and completion of the proposed development. (The prospective applicant may wish to satisfy themselves that an application is not premature having regard to the information sought above).

4. Surface Water Management and Flood Risk Assessment

Further consideration of the documents as they relate to surface water management for the site. This further consideration should have regard to the requirements of the Drainage Division as indicated in their report dated 21 May 2019 and contained in Appendix B of the Planning Authority's Opinion. Any surface water management proposals should be considered in tandem with a Flood Risk Assessment relating to groundwater and pluvial flood risk, in addition appropriate 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'

(including the associated 'Technical Appendices'). 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 arising from this notification:

1. A detailed residential density calculation that should have regard to, inter alia, the methodology for the calculation of densities provided for in the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (May 2009) in relation to such Outer Suburban/Greenfield sites. Particular regard should be had to appendix A of the guidelines that sets out how to measure residential density.
2. A report and map that details pedestrian and cycle facilities connecting the proposed development with nearby centres, existing transport services and existing amenities and facilities.
3. Landscaping proposals including an overall landscaping masterplan for the development site and a site layout plan indicating the full extent of tree retention and removal if proposed. This plan should show how new public open spaces will successfully integrate with existing open space areas and amenity walks, such as the 'Liffey Walk'. Details of proposed tree protection measures during construction. Details pertaining to the quantity, type and location of all proposed hard and soft landscaping including details of play equipment, street furniture including public lighting and boundary treatments should be submitted. Sections should be submitted at key locations where the public open spaces interface with proposed residential units.

4. A site layout plan clearly indicating what areas are to be taken in charge by the Local Authority. Streets should be shown up to the boundaries of the site and facilitate future access.
5. A detailed phasing plan for the proposed development, to include the delivery of housing and public open space.
6. Waste management details
7. Details in respect of the proposed residential units including a schedule of Accommodation and Quality Assessment Report that has regard to Specific Planning Policy Requirements set out in the Sustainable Urban Housing: Design Standards for Apartment Guidelines, Guidelines for Planning Authorities 2018 as they pertain to the proposed development. A Building Life Cycle Report in respect of the proposed apartments.
8. Construction and Demolition Waste Management Plan

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. Irish Water
2. Transport Infrastructure Ireland
3. Inland Fisheries Ireland
4. County Kildare Childcare Committee

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
Senior Planning Inspector

01 July 2019