



An  
Bord  
Pleanála

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

**Inspector's Report on  
Recommended Opinion  
306077-19**

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<b>Strategic Housing Development</b>	153 apartments, together with childcare facility, community use building and associated site works
<b>Location</b>	Devoy Park, John Devoy Road, Naas, Co. Kildare
<b>Planning Authority</b>	Kildare County Council
<b>Prospective Applicant</b>	Randelswood Holdings Ltd
<b>Date of Consultation Meeting</b>	January 22 <sup>nd</sup> 2020
<b>Date of Site Inspection</b>	January 15 <sup>th</sup> 2020
<b>Inspector</b>	L. Dockery

## **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 2.127 hectares, is located on the John Devoy Road, Naas, Co. Kildare. The site is located to the east of Phase 1 of the Elsmore residential development. The site is bound by the John Devoy Road to the west and by a residential complex within the Osprey hotel grounds to the north.
- 2.2 The site is currently greenfield in nature and is relatively level throughout. A stream is located along the roadside boundary.

## **3.0 Proposed Strategic Housing Development**

- 3.1 The proposed development comprises the construction of 153 residential units, a childcare facility, community building and associated site works.

The following details are noted:

Parameter	Site Proposal
Application Site	2.127 ha
No. of Units	153 units
Other Uses	Childcare Facility-172 m <sup>2</sup> Community building- 252 m <sup>2</sup>
Car Parking	206 spaces (surface level)
Vehicular Access	John Devoy Road – 2 access points
Part V	15 units
Density	72 units/ha

The breakdown of unit types is as follows:

Unit Type	1 bed	2 bed	3 bed	
Apt	60	74	19	153
<b>Total</b>	<b>60</b>	<b>74</b>	<b>19</b>	<b>153</b>
% Total	39%	48%	12%	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:

- ‘Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas’ (including the associated ‘Urban Design Manual’)
- ‘Sustainable Urban Housing: Design Standards for New Apartments’ (2018)
- ‘Design Manual for Urban Roads and Streets’ (2013)
- Urban Development and Building Heights, Guidelines for Planning Authorities (2018)
- ‘The Planning System and Flood Risk Management’ (including the associated ‘Technical Appendices’) (2009)
- Childcare Facilities – Guidelines for Planning Authorities 2001 and Circular PL3/2016 – Childcare facilities operating under the Early Childhood Care and Education (ECCE) Scheme.

#### 4.2 Local

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

Naas is identified as a ‘Large Growth Town 1’ in the operative County Development Plan.

Settlement Strategy, Section 3.4.6: All towns, villages, settlements, rural nodes (as appropriate) should be developed in a sequential manner, with suitable undeveloped lands closest to the core and public transport routes being given preference for development in the first instance. Zoning shall extend outwards from the centre of an urban area with strong emphasis placed on encouraging infill opportunities.

SO9: Sequentially develop lands within towns and villages in accordance with Development Plan Guidelines (DEHLG, 2007).

#### Naas Town Development Plan 2011-2017

- Naas Town Council was dissolved on 1st June 2014. Section 11C of the Planning and Development Act 2000 was amended and inserted by Section 28 of the Electoral, Local Government and Planning and Development Act

2013. This section provided that a Development Plan prepared by a dissolved town council shall continue to have effect to the extent provided by that plan, to be read together with the County Development Plan and shall be reviewed in accordance with Section 9 as that applies to the County Development Plan.

Zoning:

Objective C: New Residential – to provide for new residential development and other services incidental to residential development.

RPO1: To construct a distributor road from the Devoy Road at Áras Chill Dara to the South Ring Road (this road has since been constructed and forms the access to the site).

Rathasker Road to the east of the site is designated as an indicative walking / cycling route on Map 10.1.

A draft plan for Naas was published on the 18th April 2019, however, the Council resolved not to make this draft plan. A legal opinion was submitted with this planning application which states that Naas Town Development Plan 2011-2017 continues to apply. It is proposed to advance a new LAP at the earliest possible date.

## **5.0 Planning History**

09500072

Permission GRANTED for 84 apartments on this site

15510

Extension of duration of permission granted until July 2020 for 09500072

An application of note in the vicinity is:

ABP-305701-19

SHD application for 314 residential units on lands immediately to south of subject

site. Decision pending

## **6.0 Section 247 Consultation(s) with Planning Authority**

6.1 It is stated by the prospective applicant that pre-application consultations took place with the planning authority in relation to this current scheme on 20<sup>th</sup> December 2018.

## **7.0 Submissions Received**

### Irish Water

Confirmation of Feasibility issued for this site for 152 no. residential units. As noted in the CoF, subject to a valid connection agreement being put in place, the proposed connections to the Irish Water networks can be facilitated.

## **8.0 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.

### **8.1 Documentation Submitted**

8.1.1 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, a completed pre-connection enquiry feedback form from Irish Water, Statement of Consistency & Planning Report, Part V details, architectural drawings; Engineering drawings; Landscape Design Statement, AA Screening Report, EIA Screening Report, and Flood Risk Assessment.

I have considered all of the documentation submitted by the prospective applicant, relating to this case.

## 8.2 Planning Authority Submission

8.2.1 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 09<sup>th</sup> January 2020.

8.2.2 The planning authority's 'opinion' included the following matters: pre-application consultation, description of development, site location and surroundings, policy context, history, principle of development, apartment mix, proposed layout, design and visual impact, height, development management standards, Social Infrastructure Assessment and internal reports. The following points are noted:

- Residential development on lands zoned 'New Residential' would in principle accord with the provisions of the Kildare CDP and Naas Town Development Plan
- Consistent with core strategy/settlement strategy
- Justification for density proposed (Naas Town Dev Plan looks for 30-50 units/ha). But also state that higher density could be considered if quality design and justification given
- Possibility of higher development, given heights existing in locality
- Visual Impacts- serious concerns re: design – dominated by perimeter parking/ elevational treatment with external stairs
- Building line should create a strong urban edge
- Visual Impact- opportunity to demonstrate a high density residential development and contribute to public realm
- Definitive contemporary approach to design and finishes could be considered for this site- concerns re multiplicity of external stairs
- Low wall and high railings along perimeter- gated development not acceptable; appearance of closed, impermeable development
- Connectivity through to adjoining SHD application to the south
- Location of crèche building in close proximity to existing residential development- amenity impacts

- Unit mix- would prefer greater no of 2/ 3 bed units; concern at extent of 1 bed units
- Shadow analysis required for internal courtyard/ north facing balconies
- Transportation concerns re: proximity of proposed entrance to existing vehicular access of Kildare CoCo offices
- Justification for reduced parking
- Detailed requirements of Transportation, Water Services and Parks Sections,

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

### 8.3 Consultation Meeting

8.3.1 A Section 5 Consultation meeting took place at the offices of An Bord Pleanála on the 22<sup>nd</sup> day of January 2020, commencing at 11.30 am. 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.

8.3.2 The main topics raised for discussion at the tripartite meeting were as follows:

- Development strategy for the site to include layout/design strategy, density, height, unit mix, connectivity/permeability, Part V proposals, open space provision
- Residential Amenity
- Drainage
- Transport and parking
- Any other matters

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

- Creation of an urban edge along public roadway; need to provide a high quality development that sets the benchmark for other developments within this emerging area of Naas



- Layout as proposed dominated by roads and car parking; suburban in nature due to setbacks proposed with perimeter railings
- Density proposed in the context in the context of the Sustainable Residential Development Guidelines
- Height of proposed development given locational context
- Unit mix and the prevalence of one bed units
- Connectivity achievable in the surrounding area, including lands to the south, to nearby shops and services, to existing public transport links; principle of gated development at this location
- Elevational treatments, in particular external stairs and extent of render finish; materials/finishes
- Open space provision and the desire to ensure that it is functional and usable; interface between private and communal open space areas; landscaping; waste management
- Part V in relation to issues raised within PA Opinion

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

- Regard to be had to existing and future residential amenity

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

- Drainage matters as detailed in Appendix B, Drainage Report (dated 18/12/2019) of PA Opinion

8.3.6 In relation to transport and parking, An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- Location of access points onto Devoy Road
- Car and bicycle parking provision

- Other matters raised within Appendix B, Transportation Report of PA Opinion

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

- Submission of schedule of floor areas; submission of ecological surveys; landscaping/boundary treatments; submission of CGIS/visualisations/cross sections; waste management; Building Lifecycle Report and Appropriate Assessment

#### 8.4 Conclusion and Recommendation

8.4.1 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.

8.4.2 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.

8.4.3 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.

8.4.4 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.

## 9 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. Design, Layout and Unit Mix

Further consideration/justification of the documents as they relate to the layout of the proposed development particularly in relation to the 12 criteria set out in the Urban Design Manual which accompanies the above mentioned Guidelines and the Design Manual for Urban Roads and Streets. The matters of the creation of a defined urban edge along the Devoy Road; connectivity with adjoining lands and the provision of quality, usable open space all within a high quality scheme should be given further consideration. The provision of internal roads and car parking along the northern and western boundary of the site may militate against the creation of a strong urban edge at this location. This further consideration should examine areas of the site where increased height and density may be appropriate, for example the areas fronting Devoy Road. The further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

## 2. Elevational Treatment/Finishes

Further consideration and/or justification of the documents as they relate to the elevational treatment/expression and finishes of the proposed development, having regard to the context of the site within an emerging quarter of Naas and the desire to ensure that the proposed development makes a positive contribution to the character of the area over the long term. An architectural report and urban design statement should be submitted with the application. In addition, a report that specifically addresses the materials and finishes of the proposed structures including specific detailing of finishes, openings, the treatment of balconies, railings, landscaped areas and boundary treatments, having regard to the long term management and maintenance of the proposed development should be submitted. The finish and design of the external access stairs should be further examined. Furthermore, particular regard should also be had to proposals for the treatment of the interface between the proposed buildings and public realm/areas of communal open space. Additional CGIs/visualisations/cross sections should be submitted in this regard. The further consideration of these issues may require an amendment to the documents and/or design proposals submitted at application stage.

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. Ecological Surveys
2. Waste management details
3. A schedule of floor areas for all proposed units
4. Daylight and Sunlight Analysis

5. CGIs/visualisations
6. Building Lifecycle Report
7. Social Infrastructure Audit
8. Additional documentation relating to appropriate flood risk assessment that demonstrates the 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 associated 'Technical Appendices')
9. Additional drainage details, as set out in Appendix B of PA Opinion, dated 18/12/2019
10. Additional transportation details, as set out in Appendix B of PA Opinion, dated 16/12/2019.

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. National Transport Authority**
- 5. 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.

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Lorraine Dockery  
Senior Planning Inspector

10<sup>th</sup> February 2020