



An
Bord
Pleanála

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

Inspector's Report on Recommended Opinion ABP-307465-20

Strategic Housing Development	313 no. residential units (113 no. houses, 200 no. apartments), creche and associated site works.
Location	Capdoo and Abbeylands, Dublin Road, Clane, Co. Kildare.
Planning Authority	Kildare County Council
Prospective Applicant	Westar Investment Limited
Date of Consultation Meeting	8 th October 2020
Date of Site Inspection	17 th September 2020
Inspector	Elaine Power

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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 approx. 500m east of Clane Town centre. The area is generally suburban in nature. The site is bound to the south and west by existing residential estates, Brooklands, Abbey Park and Alexandra Walk, to the north by agricultural lands and to the east by the River Liffey. The site has a stated area of 10.36 ha and is generally level with adjoining lands. It is irregular in shape and comprises several agricultural fields and field boundaries. There are significant number of mature trees and vegetation along the eastern boundary with the River Liffey.
- 2.1.2. Access to the site is from the adjoining residential estates via the R403 Celbridge – Prosperous Road.

3.0 Proposed Strategic Housing Development

- 3.1.1. It is proposed to construct 313 no. residential units, 113 no. houses, 156 no. apartments and 44 no. duplex / maisonette units.
- 3.1.2. The following details as submitted by the applicant are noted:

Parameter	Site Proposal
Application Site Area	Gross 10.36 ha / Net 7.8 ha
No. of Units	313 no.

Density	40 units per ha
Other Uses	346sqm ground floor Block F (50 no. childcare spaces) 256sqm communal amenity space ground floor Blocks B & C
Public Open Space	3.2ha of communal / public open space including a 1.88ha linear walkway River Liffey
Height	2 -storey houses 3- storey duplex units 4-storey apartments blocks
Car Parking	506 no. car parking spaces 226 no. houses (2 per house) 246 no. apartments / duplexes (1.23 per unit) 24 no. visitor spaces.
Bicycle Parking	314 no. spaces
Vehicular Access	Phase 1 & 2 via Abbey Park Phase 3 & 4 via Alexander Walk

3.1.3. The breakdown of unit types as follows: -

Unit Type	1-bed	2-bed	3-bed	4-bed	Total
Houses	-	20 no.	73 no.	20 no.	113 no.
Apartments	17. no	119 no.	20 no.	-	156 no.
Duplexes / Maisonettes	20 no.	24no.	-	-	44 no.
Total	37 no.	163 no.	93no.	20 no.	313
% Total	12%	52%	30%	6%	-

4.0 Policy Context

4.1. *Clane Local Area Plan 2017 – 2023*

Three separate zoning objectives apply to the development site. The majority of the site is zoned 'Objective C – New Residential Infill' with the associated land use objective '*to provide for new residential development*'. The eastern portion of the site adjoining the River Liffey is zoned 'Objective F2 – Strategic Open Space' with the associated land use objective '*to preserve, provide for and improve recreational amenity, open space and green infrastructure networks*'. A small section of the western part of the site is zoned 'Objective B – Existing Residential' with the associated land use objective '*to protect and enhance the amenity of established residential communities and promote sustainable intensification*'.

The Plan sets out 5 no. Key Development Areas (KDAs) to accommodate growth in Clane. The development site makes up a significant portion of 'KDA1 New Residential / Open Space & Amenity Lands at Capdoo Commons, south-east of Dublin Road'. The remainder of the lands within KDA1 are zoned 'SR Strategic Reserve'. LAP section 4.1 indicates that KDA1 has an estimated residential capacity of 161 no. units, to be developed at a density of 26 units/ha.

The LAP states the following vision for KDA1: *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.*

It also states that KDA1 is likely to accommodate lower to medium density residential development, 25-30 units per ha with a building height of 2-3 storeys. A minimum of 15% of the lands should accommodate public open space.

Relevant policy includes HC2 – Residential Density, Mix and Design: *It is policy of the Council to require that all new residential development provides for a sustainable mix*

of house types, sizes and tenures and that new development complements the existing residential mix.

4.2. **Kildare County Development Plan 2017 - 2023**

The settlement hierarchy identifies Clane as a small town. The function of a small town is 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. The Core Strategy allocates 2.4% of Kildare's housing growth to Clane over the period 2017-2023. Housing unit allocation for Clane provides for 780 additional units over the period 2016-2023.

Chapter 2 – Core Strategy, Chapter 3 – Settlement Strategy, Chapter 4 – Housing, Chapter 6 – Movement and Transport, Chapter 14, Landscape, Recreation and Amenity and Chapter 17 – Development Management Standards are considered relevant. In addition, the relevant policies of the Plan are set out below: -

Policy MDO 1 Require that new residential developments provide for a wide variety of housing types, sizes and tenures.

Policy DL 1 Promote a high quality of design and layout in new residential developments and to ensure a high-quality living environment for residents, in terms of the standard of individual dwelling units and the overall layout and appearance of the development.

Policy HC 1 Support the development of sustainable communities and to ensure that new housing development is carried out in accordance with Government policy in relation to the development of housing and residential communities.

Policy WC 3: To control development that will adversely affect the visual integrity of distinctive linear sections of water corridors and river valleys and open floodplains.

Policy WC 8: To contribute towards the protection of waterbodies and watercourses, including rivers, streams, associated undeveloped riparian strips, wetlands and natural floodplains, from inappropriate development. This will include buffers of free development in riverine and wetland areas, as appropriate.

4.3. ***Regional Spatial and Economic Strategy for the Eastern and Midland Region, 2019 - 2031***

It is a key principle of the strategy to promote people's quality of life through the creation of healthy and attractive places to live, work, visit and study in. Clane is a town located within the core region, with a role in supporting the sustainable growth of rural areas.

Section 4.3 notes that towns in the lower tiers should provide for commensurate population and employment growth, providing for natural increases and to become more economically self-sustaining, in line with the quality and capacity of public transport, services and infrastructure available. It is considered appropriate that population targets for these towns be defined in the core strategies of development plans.

4.4. ***National Planning Framework (2018)***

The National Planning Framework addresses the issue of 'making stronger urban places' and sets out a range of objectives which it considers would support the creation of high quality urban places and increased residential densities in appropriate locations while improving quality of life and place. Relevant Policy Objectives include

- National Policy Objective 4: Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.
- National Policy Objective 13: In urban areas, planning and related standards, including in particular building height and car parking, will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.
- National Policy Objective 33: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

- National Policy Objective 35: Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

4.5. **Section 28 Ministerial Guidelines**

The following is a list of section 28 Ministerial Guidelines considered of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, 2018
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Area, 2009
- Urban Development and Building Heights Guidelines, 2018
- Urban Design Manual, A Best Practice, 2009
- Design Manual for Urban Roads and Streets, 2013
- The Planning System and Flood Risk Management Guidelines, 2008
- Childcare Facilities – Guidelines for Planning Authorities 2001 and Circular PL3/2016 – Childcare facilities operating under the Early Childhood Care and Education (ECCE) Scheme

5.0 **Section 247 Consultation(s) with Planning Authority**

5.1. It is stated by the prospective applicant that an informal pre-planning consultation meeting took place with the Planning Authority in relation to the proposed development on the 24th April 2020 and a formal meeting took place on the 15th May 2020. A summary of the consultants is outlined below: -

- Enclosed / undercroft car parking areas are undesirable as they could lead to anti-social behaviour and residents parking on the street.
- A harder street edge along the eastern boundary with the linear park would be appropriate.

- Car parking should be provided in accordance with Development Plan standards.

Full details of the meetings are included in the planning authority's submission.

6.0 Planning History

Subject Site

Strategic Housing Development ABP - 305905-19: Permission was refused in March 2020 for the construction of 305 no. residential units comprising 112 no. houses, 20 no. maisonette units, 139 no. apartments and a creche. The apartments were provided in 4 no. blocks varying in height from 3-4 storeys. The works included the provision of a 1.88 ha linear park adjacent to the River Liffey and 3 no. new vehicular / pedestrian accesses. The reason for refusal related to the poor-quality design and layout of the scheme.

Reg. Ref. 06/2674: Permission was granted in 2009 for a nursing and convalescing centre and a retirement complex on the eastern portion of the site. A duration of extension to permission was granted under **Reg. Ref. 13/705** which extended the permission until July 2019.

Surrounding Sites

Strategic Housing Development ABP-304632-19: Permission was granted in 2019 for the construction of 366 no. residential units (184 no. houses, 182 no. apartments) and a creche. The works included a new Link Road connecting the R407 to Capdoo Park and the R403 beyond, incorporating cycle tracks and footpaths on both sides of the carriageway, together with a new roundabout on the R407. The site is located on the R407 (Celbridge / Kilcock Road) approx. 600m north west of the subject site.

7.0 Submissions Received

Irish Water: Notes that it is feasible for 230 no. units to connect to the Upper Liffey Sewerage Scheme. Upon completion of upgrades in 2022 the remaining 75 no. units could be accommodated.

8.0 **Forming of the Opinion**

8.1. 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 submission and the discussions which took place during the tripartite consultation meeting. I shall provide a brief detail on each of these elements hereunder.

8.2. ***Documentation Submitted by Applicant***

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.

The information submitted included the following: SHD application form cover letter, Pre-Planning Statement, Statement of Consistency with DMURS; Design Statement, Traffic Impact Assessment, Arboricultural Report, Appropriate Assessment Screening Report, Bat Report, Flood Risk Assessment, Infrastructure Design Report, a Landscape Design Rationale and Part V cost details.

Section 5(5)(b) of the Act of 2016 requires the submission of a statement that, in the prospective applicant's opinion, the proposal is consistent with both the relevant objectives of the development plan or local area plan concerned, and the relevant guidelines issued by the Minister under section 28 of the Act of 2000. This statement has been submitted, as required.

I have reviewed and considered all of the documents and drawings submitted.

8.3. ***Planning Authority Submission***

In compliance with section 6(4)(b) of the Act of 2016 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 29th July 2020.

Kildare County Council's written opinion includes a description of the proposed development, a description of the site, planning history, policy context, departmental reports and an assessment of the proposed development. The content of the report is summarised as follows:

Overview: Principle of the development of these lands is generally considered to comply with the land use zoning objectives for the site.

Settlement Strategy: It is noted that Variation 1 of the development plan sets out a revised strategy for the county in accordance with the Regional Spatial and Economic Strategy and the National Planning Framework. The provision of 313 no. residential units significantly exceeds the overall housing target of 145 no. units, as set out for Clane until 2023. The development would also consume almost all of the allocation for Clane (337 no. units) by 2026. This would be detrimental to lands that may be sequentially closer to the town centre, services and public transport. A revised proposals consistent with the LAP in terms of quantity of units, is considered more appropriate.

Density: The LAP sets out a design brief for the subject site with a density range of 25-30 units per ha. Having regard to the sites location, on the edge of the town, the characteristics of the receiving environment the proposed density of 40 units per ha would result in overdevelopment of the site.

Plot Ratio: Having regard to the location of the site, on the periphery of Clane and the LAPs vision to consolidate the urban area of Clane and the relative connectivity of the site the proposed plot ratio of 0.34 is generally acceptable and should not be increased.

Public Open Space Provision: The proposal includes a 3.2ha of public open space which equates to 31% of the site. The linear walk along the River Liffey includes new walkways and cycle routes with recreational features and is considered acceptable.

Residential Mix: A Statement of Housing Mix has not been submitted, which is required in accordance with Policy MDO3.

Quantitative Standards: Not all the units reach the minimum storage standards. The number of car parking spaces assigned to the apartment units, creche and visitor spaces is not in accordance with development plan standards.

Part V: Clarification required regarding storage standards and boundary treatments. It is considered that open spaces to the side and rear of units should be eliminated. It is noted that the applicant is willing to enter into an agreement with the planning authority in respect of Part V.

Creche: In accordance with the Childcare guidelines there is a requirement for 84 no. childcare spaces. It is proposed to provide 50 no. spaces. Notwithstanding the omission from the 1-bed units from calculations, which is considered reasonable, there is a requirement for 75 no. childcare spaces.

The report also includes a quantitative assessment of the proposed development under the 12 no. criteria set out in the Urban Design Manual Best Practice Guidelines, 2009.

The Planning Authority considered that the following matters require further consideration: -

- Settlement Strategy
- Density
- Height and siting of apartment blocks B-E
- Detailed design of houses, laneways, bin storage, boundary treatments
- Housing Mix statement is required
- Surface level car parking reduced by the introduction of undercroft spaces
- Visitor car parking to be dispersed throughout the scheme

9.0 The Consultation Meeting

9.1. A Section 5 Consultation meeting took place via a Conference Call on the 8th October 2020, commencing at 14.30. 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.

9.2. 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. Settlement Strategy
2. Design Approach
3. Car Parking
4. Public Open Space
5. Childcare Provision
6. Water Services
7. Any Other Matters.

Item 1

In relation to the Settlement Strategy set out in the Kildare County Development Plan 2017 - 2023, ABP representatives sought further elaboration / discussion / consideration on the following:

- Variation no. 1 to the Development Plan and its impact on the development
- Material contravention of the Local Area Plan

Item 2

In relation to the Development Strategy, ABP representatives sought further elaboration / discussion / consideration on the following:

- Rationale for the proposed character areas
- Rationale for the building height
- Rational for the density and layout
- Rational for the housing mix
- Consideration of the proposed elevational treatments and external materials / finishes

Item 3

In relation to the proposed level of car parking associated with the apartment units ABP representatives sought further elaboration / discussion / consideration on the following:

- Justification / rationale for the level of car parking proposed
- Consideration of undercroft / basement level car parking

Item 4

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

- Consideration of linkages to adjoining lands
- Consideration of passive surveillance of areas of open space

Item 5

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

- Justification / rationale for the size and capacity of the proposed childcare facility.

Point 6

In relation to the Water Services, ABP representatives sought further elaboration / discussion / consideration in relation to:

- Report of Irish Water to An Bord Pleanála dated 5th August 2020
- Issues raised in the Report of Drainage Division of planning authority dated 15th July 2020.

The prospective applicant and the planning authority were given the opportunity to comment and respond to the issues raised by the representatives of ABP. Those comments and responses are recorded in the 'Record of Meeting 307465' 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.

10.0 Conclusion and Recommendation

- 10.1. 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.
- 10.2. 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 Section 28 Ministerial Guidelines, and local policy, via the statutory plan for the area.
- 10.3. 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: **constitutes a reasonable basis for an application** under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.
- 10.4. 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.

11.0 Recommended Opinion

- 11.1. 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.

11.2. 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 would constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála.**

11.3. 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. Notwithstanding that the proposal constitutes a reasonable basis for an application demonstrate / justify the suitability of the proposed site to accommodate the proposed height and residential density with regard to the provisions of the current Kildare County Development Plan, and any variation that may be in place at the time of making the application, and relevant national and regional planning policy including the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual'); The 'Design Standards for New Apartments – Guidelines for Planning Authorities' (2018) and the 'Urban Development and Building Heights – Guidelines for Planning Authorities' (2018).
2. A report that addresses and provides a clear design rationale for the proposed design, scale and character of key buildings/street frontages, materials and finishes of the proposed development including specific detailing of finishes and frontages for the proposed apartment blocks, and the maintenance of same. Particular regard should be had to the requirement to provide high quality and sustainable finishes and details which seek to create a distinctive character for the development.
3. A report detailing the extent, location and visual dominance of car parking proposed, having regard to the location of the site and its proximity to public transport services.

4. A site layout plan indicating what areas, if any, are to be taken in charge by the planning authority.
5. A report that addresses and provides a justification for the proposed housing mix.
6. A report that address and provides a clear rationale for connectivity and permeability within and through the site.
7. Childcare Demand and Concentration Report, which identifies demand for childcare places likely to be generated by the proposal and the capacity of the childcare facility previously granted on the subject site and existing facilities in the vicinity to cater for such demand.
8. School Demand and Concentration Report, which identifies demand for school places likely to be generated by the proposal and the capacity of existing schools in the vicinity to cater for such demand.
9. Address issues raised in the report of Irish Water to An Bord Pleanála dated 5th August 2020 and in the Report of Drainage Division of planning authority dated 15th July 2020.
10. A phasing plan for the proposed development which includes the phasing arrangements for the delivery of the public open spaces and Part V provision.
11. A material contravention statement, in respect to any and all elements of the development that may materially contravene the Development Plan objectives or policies applicable to the site, whether, core strategy, density, housing typology, car parking, open space or other.

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. Kildare County 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.

Elaine Power
Planning Inspector

28th October 2020