



An
Bord
Pleanála

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

Inspector's Report on Recommended Opinion ABP-312233-21

Strategic Housing Development

276 no. residential units (182 no. houses, 94 no. apartments), creche and associated site works.

Location

Site to the south and east of the R148, and abutting the junction 8 roundabout on the M4, Boycetown, Kilcock, Co. Kildare.

Planning Authority

Kildare County Council

Prospective Applicant

Teresa Monaghan.

Date of Consultation Meeting

12th of May 2022.

Date of Site Inspection

31st of April 2022.

Inspector

Karen Hamilton

Contents

1.0 Introduction	4
2.0 Site Location and Description.....	4
3.0 Proposed Strategic Housing Development.....	4
4.0 Planning History.....	5
5.0 Relevant Planning Policy.....	7
6.0 Section 247 Consultation(s) with Planning Authority.....	10
7.0 Prospective Applicant's Case.....	10
8.0 Planning Authority Submission.....	11
9.0 Irish Water.....	13
10.0 The Consultation Meeting.....	13
11.0 Assessment.....	14
12.0 Recommended Opinion	15

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 (c. 7.4ha) is located to the southwest of Kilcock town. The site comprises of agricultural fields and is bound to the north by the M4 Interchange, Junction 8. The site has frontage along the R148 to the north and the R148 to the east and slopes upwards from south to the north towards the motorway interchange. Development between Kilcock Town Centre and the subject site comprises mainly of residential developments. Pedestrian access is currently available into the town, along the R148.
- 2.2. A recent SHD application has been granted to the south of the site (ABP 306826-20) for 345 no residential units and a crèche. A spine road, listed as an objective of the development plan (MT025), traverses both the subject site and the adjoining site to the south, with future connection to the R148 at the north.
- 2.3. Boycetown Court, a residential estate, bounds the site to the northeast and comprises of two storey detached dwellings the former St Patricks Church, (a Protected Structure), also adjoins the site to the north of the site. The church has been converted to a private dwelling and a previous refusal on the site related to the impact of the proposal on this protected structure.

3.0 Proposed Strategic Housing Development

- 3.1. The proposed development would comprise of the demolition of a vacant cottage and the construction of 276 residential units (182 no. dwellings and 94 no. apartments), childcare facility (560.4m²), foul pumping station, 250m gravity sewer

along R148, new link road (including new bus stops) along with associated ancillary works at site to the south and east of the R148, and abutting the Junction 8 roundabout on the M4, at Boycetown, Kilcock, County Kildare.

3.2. Permission was recently refused for a similar development on the same site for the construction of 298 residential units (181 no. dwellings and 117 no. apartments), childcare facility and foul pumping station, with associated ancillary works on this site under Ref: ABP-311037-21.

3.3. **The applicant's submission highlights the changes to the layout since the previous refusal as follows:**

- Removal of an apartment block (23 units) and one dwelling.
- New Public Open Space (POS) to the south side of the new link road.
- Increase in the size of the POS 2 to the north of the link road.
- Improvement in design of POS 6 to the south of the link road.
- Increase public open space by 51m² with no landscape buffer included.
- Reduction in car parking.
- Enhancement communal open space provision including roof terraces.

4.0 Planning History

ABP 311037-21 (SHD application)

Permission refused for the demolition of a vacant cottage and the construction of 298 residential units (181 no. dwellings and 117 no. apartments), childcare facility and foul pumping station, with associated ancillary works and site works, for the following reason:

1. The proposed development, by reason of its inadequate qualitative and quantitative provision of public and communal open space, would conflict with the provisions of the Kildare County Development Plan 2017-2023 and the minimum standards recommended in the "Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities" published by the Department of Housing, Local Government and Heritage in December 2020. The proposed development would, therefore, result in a poor standard

of residential amenity for future occupants and would be contrary to the proper planning and sustainable development of the area.

PL09.246663 (Reg Ref 16/233)

Permission refused for 190 houses and crèche for the following reasons:

1. Deficiency in water services and public sewerage facilities and those constraints involved in the delivery.
2. Premature pending the necessary road infrastructure improvements in the area.
3. The site is located in a transitional zoning area, where it is necessary to avoid development which is detrimental to amenity and the proximity of the site to the former St Patricks Church (a Protected Structure (B05-08) to the undulating nature of the site and the proposed location of the dwellings in close proximity to the boundary. The layout of the scheme, as proposed, would impact significantly the character, setting and residential amenity of the occupiers of the Protected Structure (dwelling).

Of note is that Irish Water recommended a refusal for this permission pending the completion of the Kilcock rising main as the proposed upgrade was not scheduled under the IW Draft Investment Programme 2017-2021.

Site to the south SHD ABP 306826-20

Permission granted for a SHD of 345 no. residential units and crèche with access from the Brayton Park to the south to the edge of the site.

Condition of note relevant for this proposal includes:

- C3 - The proposed link road required to comply with roads objective MT025, between Bawnogues to the M4 interchange, shall be designed and constructed in accordance with the NRA, Design Manual for Roads and Bridges.

Irish Water issued a design of acceptance for 345 no dwellings subject to the applicant undertaking any additional upgrades required for those projects scheduled for completion in Q4 2021.

North of the site on the opposite side of the R148

PL09.226889 (Reg Ref 06.2152)

Permission granted for 50 no single storey industrial units with access off the R148.

This permission has expired although the entrance is referenced on some of the submitted documentation.

5.0 Relevant Planning Policy

5.1. Section 28 Ministerial Guidelines.

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual')
- Design Standards for New Apartments – Guidelines for Planning Authorities' (updated 2018)
- Spatial Planning and National Roads Guidelines (DoECLG), 2012
- Design Manual for Urban Roads and Streets'
- The Planning System and Flood Risk Management' (including the associated 'Technical Appendices')
- Childcare Facilities Guidelines for Planning Authorities'
- Urban Development and Building Heights – Guidelines for Planning Authorities', (2018)

5.2. Kildare County Development Plan 2017-2023 (as amended)

Variation No 1 of the CDP: Kildare County Council adopted a Variation to the Kildare County Development Plan 2017-2023 (Variation No.1) in June 2020.

The changes in Variation no 1 reflect the changes in the national and regional policy and the information relevant to Kilcock is summarised below:

- Kilcock a large scale strategic and economic development area of the MASP.
- Kilcock is a self-sustaining town with high levels of population growth and a weak employment base.
- Table 3.3- Settlement Hierarchy – Population and Housing Unit Allocation 2020-2023
 - Seven settlement types are listed for the County of which five include zoned lands.

- Kilcock is designated as a Self-Sustaining town which is one of 6 towns within the third tier of the settlement hierarchy.
- The NDF 2026 Pop Growth in housing units for Kilcock is 562.
- Dwellings target 2020-2023 is **241**.

Density

- LUDO 1- ensure densities in line with the national guidance for sustainable residential developments
- LUD 1- Promote residential densities appropriate to its location and surrounding context.
- Table 4.1- Guidance on appropriate locations for new residential developments.
 - Outer Suburban or Greenfield at the edge of large towns should make efficient use of lands.
 - Edge of sites within small towns should be in the range of 20-35.
- Table 4.2- Indicative Density Levels
 - Large towns (>5,000) outer suburban/ greenfield- 30-50 units per ha

5.3. Kilcock Local Area Plan 2015-2021

The site is located on lands zoned for both residential and open space as detailed below:

- Objective C – New residential, where it is an objective “*To provide for new residential development in the Braganstown area of the town. This zoning provides for new residential development and other services incidental to residential development*”.
- Objective F3 – Open Space where it is an objective “*To preserve a buffer zone from the Motorway*” with the planting of forestry encouraged.

Residential & Design

- Map 3 - Urban Design Framework Plan provides an indicative layout for the future development of these lands.
- Section 7.4.4 - Expansion Areas is directly relevant to the site.

- Figure 28 provides an indicative layout for Bawnogues and Enfield Road Expansion Lands.
- Table 10 – the site is identified as Site Ref. 1 of the LAP where 23ha of land is identified for approximately 690 units within a maximum density of 30 units per hectare.
- Map 3- list of sites for residential development.

Site Specific Roads Objective

- Map 7 of the Transport Objectives Map
- **MT0 25-** Site-specific objective: “To facilitate the future construction of and protection of route- ‘From the Bawnogues to the M4 interchange’
- Car parking Standards as per Sections 6.4.6 and 19.4.1 of the development plan.

Water

- SI 21- To require site surface water attenuation measures of a development is likely to cause flooding or potentially destructive storm surges in existing water courses.
- SIO 19- To ensure that no surface either temporary or permanently is permitted to discharge to the canal or its feeders without written consent from Waterway Ireland.

Flooding

Map 8- Flood Risk Map

The site is located on lands where it is a requirement for any development to be accompanied by a Site-specific flood risk assessment to indicate the following:

- Indicate and quantify the loss of floodplain storage from any development proposal,
- Provide compensatory storage located within or adjacent to the proposed development,
- Indicate measures to ensure water vulnerable elements will not be flooded,
- Ensure existing flood paths for flood waters will not be compromised.

6.0 Section 247 Consultation(s) with Planning Authority

- 6.1. The submission from the PA includes minutes of meetings 3 no S247 meetings in relation to the previous SHD application on the site. The meetings are dated the 12th of September 2017, the 17th of May 2018 and the 27th of June 2018.
- 6.2. The issues were summarised in the Inspector's Opinion (ABP 307214). No additional S 247 meetings were held.

7.0 Prospective Applicant's Case

7.1. Statement of Material Contravention

The applicant considers the proposed development material contravenes the Kildare County Development Plan 2017-2023 (KCDP) on core strategy, building height, density and location of apartments, as detailed below. The

• **Housing Targets** (Core Strategy)

Table 3.3 of the Kildare County Development Plan 2017-2023 (KCDP) includes the population and housing allocation for Kilcock from 2020-2023. The dwelling target for Kilcock from 2020- 2023 is 241. There are a number of extant permissions permitted since 2020 and the housing target has been exceeded.

• **Building Height**

Section 17.2.1 of the KCDP however does address building height: s.17.2.1 Building heights: In general, heights should respect the local streetscape. In towns, varied building heights are supported across residential, mixed use and town centre areas to support consolidation and to create a sense of place, urban legibility and visual diversity

• **Residential Density**

Under Map 13 'Residential Sites' the subject site is identified as Site 1, along with adjoining lands to the east and south-east. Table 10 refers to a density of 30 units per hectare for this site.

The proposed density is 38.1 uph.

• **Location of Apartments outside the Town Centre**

Policy QH 19 seeks to restrict apartment developments generally to town centre locations or suitably located sites adjoining public transport connections. Apartments will not be permitted where there is an over concentration of this type of development. Higher density schemes will only be considered where they exhibit a high architectural design standard creating an attractive and sustainable living environment

8.0 Planning Authority Submission

8.1. 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, the planning history of the site, the relevant planning policy relating to the proposal and their opinion on the key issues arising. These were received by An Bord Pleanála on 24th of January 2022 and are summarised below:

8.1.1. Core Strategy

- 241 units are allocated to Kilcock
- The proposed development of 276 would exceed the identified growth.
- The variation provides an allowance of up to 20%.

8.1.2. Changes to Layout

- The changes to the proposed development are noted.
- No detailed drawings have been submitted to assess the overall development.

8.1.3. Quantitative Assessment

- The density, plot ratio, public open space, residential mix and Part V are noted.

8.1.4. Qualitative Assessment

- Insufficient consideration is given to the overall area of the permitted adjacent SHD.
- Detailed drawings are required.

- It was not considered at application stage that there was a variety of design proposed in the overall scheme.
- No elevational drawings have been submitted although it is noted that the design remains relatively unchanged
- There are concerns regarding Block A and the landmark building.
- Applicant should ensure separations distances.
- The overall design, as per previous, lacks a sense of place and is a substandard design
- It is queried if the 5 storey are appropriate for this site.
- Nature Based solutions should be provided.

8.1.5. Environment Section: No objection subject to the submission of additional information on the waste management

8.1.6. Water Services: No objection subject to additional information on the upgrades to the network, confirmation of works with IW and subject to a similar drainage and SuDS strategy from the previous application.

8.1.7. Transport Section: Further comments in relation to the following:

- Layouts and dimensions should be as required in the previous application SHD 311037
- Detailed design to incorporate a 4-arm roundabout at the entrance to the proposed roads objective MTO 25 on the R148.
- Detailed road layout and design to comply with DMURS
- The reduction in carparking is noted and should be accompanied by colour coding
- Recessed bus stops along the proposed link road.
- The previous submitted noise report was inadequate and inconclusive.
- Revised auto track drawings.
- Revised independent Road Safety Audit.
- Construction Management Plan should ensure HGVs avoid Kilcock town.

8.1.8. Housing Section: Further comments in relation to the following:

- Details of land purchase.
- A breakdown of the Part V dwellings on the site layout
- Floor plans etc of the Part V units.

8.1.9. Parks Section: Further information required in respect of the protection of the trees and hedgerows, landscaping plans, boundary treatments and the treatment of the public open spaces.

9.0 Irish Water

9.1. Irish Water Submission dated 14th of April 2022 confirms that a Confirmation of Feasibility was issued on the 14th of May 2019 relating to the subject of feasible connections.

9.2. While no significant issues were identified this consultation is now almost 3 years old and the applicant should re-engage with Irish Water.

10.0 The Consultation Meeting

10.1. A Section 5 Consultation meeting took place at the via Microsoft teams on the 12th of May 2022 at 10:00am. Representatives of the prospective applicant, Kildare County Council and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting.

1. Previous Reason for refusal (ABP 311037), *inter alia*, open space provision
2. Design and Layout
3. Any Other Business

10.2. In relation to the Previous **Reason for refusal**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- The previous refusal for refusal (ABP 311037) and the proposed changes to the open space layout.
- The increase in public open space area and the need to ensure functional open space with passive surveillance.

10.3. In relation to the **Design and Layout**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- The lack of documentation submitted and the absence of any visuals to illustrate the proposed changes to the overall layout.
- The potential impact of the proposed changes on the urban design and any frontage along the proposed spine/link road.
- The need to comply with the 12 criteria in the Urban Design Manual.
- The potential reduction in car parking and the overall implications on the design and layout.

10.4. In relation to **Any Other Business**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- Part V proposals.
- The need for a material contravention of the development plan.

11.0 **Assessment**

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 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.

Conclusion

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.

12.0 Recommended Opinion

12.1. 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.

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.

1. Development Strategy

Further Consideration and/or justification of the documents as they relate to the development strategy for the site in particular the architectural approach and overall layout of the proposed development in relation to:

- The design and interface of the proposed development as it relates to the proposed spine road through the site (Objective MT025). Particular regard should be given to the requirement to create a high-quality design response to the site with a strong urban edge, high quality materials and finishes and appropriate interface with the public realm to ensure satisfactory pedestrian and cyclist movements.
- The layout of the public open space to ensure the provision of functioning open space areas integrating and complimenting the existing designated public open space at the north west of the site and providing high quality public realm throughout the proposal.

- The treatment of corners and street frontages to be considered further with the provision of a variation of building heights, double fronted units to ensure an appropriate public realm and strong urban edges/streetscapes are created, blank walls and side gables avoided, and better passive surveillance provided for.
- A suburban development which can reflect compliance with the 12 criteria in the Urban Design Manual.

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. Submission of details demonstrating compliance with the particular requirements of the National Cycle Manual, including sections 1.9 and 4.9 of the cycle manual.
2. A visual impact assessment that comprises a photomontage report with key viewpoints from locations around the vicinity of the site. Additional CGIs of the development when viewed along both sections of the R148, the proposed spine road through the site and adjoining permitted and existing residential development, should be provided.
3. A childcare demand analysis and the likely demand for childcare places resulting from the proposed development.
4. A Noise Impact Assessment and the justification for any setback along the motorway and those policies in the development plan.
5. Landscaping proposals including an overall landscaping masterplan for the development site. 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. Report should address measures to protect existing trees and hedgerows to be retained.

6. Submission of all boundary treatments around the perimeter and within the site. Proposals will integrate any existing and/or proposed treatments on the adjoining residential developments.
7. Submission of an Arboricultural Assessment, Tree Constraints Plan and Tree Survey.
8. A Traffic and Transport Assessment which addresses the concerns of the Transport Section having regard to the car parking ratio proposed.
9. Where the applicant considers that the proposed strategic housing development would materially contravene the relevant development plan or local area plan, other than in relation to the zoning of the land, a statement indicating the plan objective(s) concerned and why permission should, nonetheless, be granted for the proposed development, having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act 2000. Notices published pursuant to Section 8(1)(a) of the Act of 2016 and Article 292 (1) of the Regulations of 2017, shall refer to any such statement in the prescribed format. The notice and statement should clearly indicate which Planning Authority statutory plan it is proposed to materially contravene.
10. The information referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018 should be submitted as a standalone document.

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. Irish Rail
3. Kildare County Childcare Committee

4. Transport Infrastructure Ireland.
5. National Transport Authority
6. Minister for Culture, Heritage and the Gaeltacht (built heritage)
7. Heritage Council (built heritage)
8. An Taisce — the National Trust for Ireland (built heritage)

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.

Karen Hamilton
Senior Planning Inspector

18th of May 2022