



An
Bord
Pleanála

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

**Inspector's Report on
Recommended Opinion
TC0014**

Strategic Housing Development

Location	Barnhall, Leixlip, Co. Kildare
Planning Authority	Kildare County Council
Prospective Applicant	Ardstone Homes Ltd
Date of Consultation Meeting	02/10/2017
Date of Site Inspection	21//09/2017
Inspector	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 approximately 19 hectares is located in the townland of Barnhill, Leixlip, Co. Kildare, to the south-west of the town. Existing residential development, suburban in style, is located to the north-east and west of the site while the Wonderful Barn Complex with its open grounds are located to the south. Further south is the M4 motorway. The subjects site encloses the Wonderful Barn Complex on three side.

2.2 The site is irregular in shape and could be described as an inverted V with the apex representing the most northerly part of the site. The boundaries to the south are largely undefined. The subject lands are presently under grass and comprise primarily three field areas. It is relatively flat with a slight fall from north to south. Access to the site is from the Celbridge Road.

2.3 The primary development area is stated to be within the control of the applicant, Ardstone Homes Ltd while a residual area along the southern edge is within the control of Kildare County Council and are included so as to facilitate the delivery of a public parking area to the Wonderful Barn complex; provide a landscaped edge to

the public park and provision of/connection to services to facilitate the proposed development.

3.0 Proposed Strategic Housing Development

3.1 The proposed development comprises a 10-year permission for 394 residential dwellings, a childcare facility, provision for a roundabout, visitor carpark, public open space, pedestrian/cycle pathway and all associated site works at Barnhall, Leixlip, Co. Kildare.

3.2 The proposed residential units, largely two-storey in height, although there are some single storey units, comprise terrace, semi-detached and detached properties. All properties have two- off-street parking spaces. The breakdown of residential units is as follows:

- 29 x two-bed dwellings (7.4%)
- 200 x three-bed dwellings (50.2%)
- 165 x four-bed dwellings (41.9%)

3.3 The proposed crèche facility, with stated floor area of approximately 538 square metres, has capacity for 105 no. children and is located to the northern part of the site. A total of 39 units are proposed under the Part V provision. The stated density of development is 20.76 dwellings/hectare (gross) and 25.81 dwelling/hectare(net).

3.4 Access to the proposed development is via a new roundabout on the Celbridge Road (R404), which will facilitate a new vehicular access to both the application site and a dedicated entrance to the Wonderful Barn Complex. The proposal also includes for

a public carpark (55 spaces) to facilitate the Wonderful Barn Complex. The total number of parking spaces proposed is 860 spaces (788 housing and 72 visitors).

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’)
- ‘Design Manual for Urban Roads and Street’
- ‘The Planning System and Flood Risk Management’ (including the associated ‘Technical Appendices’)
- ‘Architectural Heritage Protection- Guidelines for Planning Authorities
- ‘Childcare Facilities – Guidelines for Planning Authorities’

4.2 Local

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

Leixlip is identified as a Growth Town II in the Core Strategy

The Wonderful Barn Complex, a designated Protected Structure (RPS No. B11-15) is located to the south of the subject site.

PSO 4 seeks to protect a number of views at Castletown House including ‘views between Castletown House and the Wonderful Barn’

The Leixlip Local Area Plan 2010 applies but has now expired. A Draft Leixlip Local Area Plan 2017-2023 has been prepared and was most recently on display until September 15th 2017.

The subject site is zoned 'Objective C (New Residential)' with a requirement to refer to the Wonderful Barn Action Area Plan in the operative LAP. Lands immediately to the south are zoned 'Objective F (Open Space and Amenity)'. Within the draft Lap, the subject site maintains its 'Objective C (New Residential/ Open Space & Amenity)' zoning and is also designated as a Key Development Area 1 (KDA1)- special objectives for KDA1 are specified in the draft Plan which inter alia includes for buildings of 2 storey in height (limited to an overall height of approximately 8 metres to accommodate medium to low density residential development in the order of 30 units/hectare; no apartments or flat roofs.

5.0 **Planning History**

5.1 It is noted that there is no recent history pertaining to the majority of the subject site. The most recent history pertains to 2007 and is as follows:

PL09.218895

Permission GRANTED for 451 no. units, retail units, crèche, junction upgrades and new access

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

6.1 It is stated by the prospective applicant that two pre-application consultations took place with the planning authority. In addition, discussions are stated to have taken place with Irish Water.

7.0 Forming of Opinion

7.0.1 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 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, scaled drawings (plans, sections and elevations), photomontages, letters of consent, a completed pre-connection enquiry feedback form from Irish Water, EIS Non-Technical Summary, Design Statement, Housing Quality Assessment, Planning Report, Statements of Compliance, Infrastructure Design Report, Site Services Layout, Tree Survey, Landscape Plan and Screening Report for Appropriate Assessment.

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 25th September 2017.

7.2.2 The planning authority's 'opinion' included the following matters: planning history; policy context; density; residential mix; design and layout; Part V; residential amenity; open space provision; architectural heritage and conservation; heritage and biodiversity; water services and drainage; flood risk assessment; schools and taking in charge.

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

7.3 Consultation Meeting

7.3.1 A Section 5 Consultation meeting took place at the offices of An Bord Pleanála on the 2nd day of October 2017, commencing at 2.00 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.

7.3.2 The main topics raised for discussion at the tripartite meeting were based on the Agenda that issued in advance and contained the following issues:

- Development strategy for the site to include density, housing mix/type, connectivity and crèche location
- Part V
- Wastewater Infrastructure constraints

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

- density proposed in the context of the Sustainable Residential Development Guidelines
- housing mix proposed which is predominately three/four bed detached/semi-detached dwellings
- housing type, in particular along main spine access road and greater variation in same was also addressed
- connectivity both from the site through adjoining residential properties to the town centre and main transport modes (train stations/bus stops) and also connectivity through the site from established residential areas into the Wonderful Barn complex
- location of crèche away from the main access to the proposed development

- 7.3.4 In relation to Part V provision, An Bord Pleanála sought further elaboration/discussion/consideration in relation to the location of the proposed Part V units, primarily located in the north-east portion of the site, together with the mix of units proposed in this regard.
- 7.3.5 In relation to wastewater infrastructure constraints, An Bord Pleanála sought further elaboration/discussion on the infrastructural constraints on the network at this location, the solutions proposed and the impacts that may have on the delivery of the proposed development.
- 7.3.6 In relation to any other matters, An Bord Pleanála representatives sought further elaboration/discussion on proposed boundary treatments, noise assessment given proximity to motorway, quantity of open space provision, layout of some dwellings and provision of TIA in accordance with LAP. The prospective applicant was also advised of the need to submit a number of reports, as outlined in the conclusion of the 'Planning Authority's Opinion'.
- 7.3.7 Both the prospective applicant and the planning authority were given an opportunity comment and respond to the issues raised by the representatives of ABP. Those comments and responses are recorded in the 'Record of Meeting TC0014' 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.

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 further consideration and/or possible amendment of the documents submitted are required at application stage in respect of the following elements: proposed density, housing mix/type, Part V provision and wastewater infrastructure constraints, details of which are set out in the Recommended Opinion below.
- 7.4.4 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.
- 7.4.5 I would also recommend that the prospective applicant be notified, pursuant to article 285(5)(b) of the 2017 Regulations, that specified information (as outlined hereunder) be submitted with any application for permission that may follow. I believe the specified information will assist the Board at application stage in its decision making process. I am also recommending that a number of prescribed bodies (as listed hereunder) be notified by the prospective applicant of the making of the application.

8.0 Recommended Opinion

The Board refers to your request pursuant to section 5 of the Planning and Development (Housing) and Residential Tenancies Act 2016. Section 6(7)(a) of the Act provides that the Board shall form an opinion as to whether the documents submitted with the consultation request (i) constitute a reasonable basis for an application under section 4 of the Act, or (ii) require further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, An Bord Pleanála is of the opinion that the documentation submitted **requires further consideration and**

amendment to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála.

In the opinion of An Bord Pleanála, the following issues need to be addressed in the documents submitted to which section 5(5) of the Act of 2016 relates that could result in them constituting a reasonable basis for an application for strategic housing development:

1. Further consideration of the documents as they relate to the density proposed in the proposed development. This consideration and justification should have regard to, inter alia, the minimum densities provided for in the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (May 2009) in relation to such sites. This consideration should also address the mix of unit types. Should the further consideration of the density result in an increase in building height, the documentation at application stage should include a justification for any height proposal that exceeds the provisions of the statutory plan for the area in this regard. In such a scenario, the documentation should address, inter alia, impacts on the existing surrounding residential developments and the adjacent protected structure, the Wonderful Barn complex. Further consideration and/or justification for the location of the crèche should also be addressed. The further consideration of these issues may require an amendment to the documents and/or design proposals submitted.
2. Further consideration/justification of the documents as they relate to the Part V provision proposed in the subject development. This consideration and justification should address the location of proposed Part V units, together with the mix proposed (having due regard to the requirements of the planning authority as indicated in their report dated 18th September 2017). The further consideration of this issue may require an amendment to the documents and/or design proposals submitted.
3. Further consideration/clarification of the documents as they relate to the wastewater infrastructure constraints in the network serving the proposed development. The documentation at application stage should clearly indicate the nature of the constraints, the proposals to address the constraints and the

timelines involved in addressing these constraints relative to the construction and completion of the proposed development.

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

1. A site layout plan indicating pedestrian and cycle connections through the adjoining residential development to transport modes (train stations/bus stops) in the vicinity. Connections from surrounding areas through the subject site to the Wonderful Barn complex should also be indicated.
2. An Architectural Heritage Impact Assessment considering the location of the subject site relative to the Wonderful Barn Complex, a Protected Structure, together with photomontages showing the proposed development relative to existing Protected Structures and showing proposed development relative to protected views in the vicinity.
3. A detailed landscaping plan which clearly shows the proposed treatment of boundaries and retention of existing trees or hedgerow, where applicable
4. A noise impact assessment, which addresses the potential noise impact from the M4 motorway and clearly outlines proposed noise mitigation measures, if so required.
5. Additional photomontages showing proposed development relative to existing residential development in the vicinity
6. A site layout plan showing, which if any, areas are to be taken in charge by the planning authority
7. A Transport Impact Assessment in accordance with the provisions of the Draft Leixlip Local Area Plan
8. The capacity of the proposed roundabout of the Celbridge Road (R404) serving the proposed development should be clearly demonstrated and, if applicable, should have regard to other additional zoned lands in the vicinity.

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. Department of Culture, Heritage and the Gaeltacht (in the interests of nature conservation and architectural heritage protection)
3. Transport Infrastructure Ireland
4. National Transport Authority
5. An Taisce-the National Trust for Ireland (in the interests of nature conservation and architectural heritage protection)
6. Heritage Council (in the interests of nature conservation and architectural heritage protection)
7. Failte Ireland (in the interests architectural heritage protection)
8. An Comhairle Ealaíonn (in the interests of architectural heritage protection)
9. Irish Aviation Authority (in the context of the site location relative to Weston Aerodrome)

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.

Lorraine Dockery
Senior Planning Inspector

12th October 2017