



An
Bord
Pleanála

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

Inspector's Report on Recommended Opinion TC0017.

Strategic Housing Development	241 houses, a café, childcare facility and 3 retail units. Demolition of existing buildings (18,175 sq.m.)
Location	Former Magee Barracks, Kildare Town, County Kildare.
Planning Authority	Kildare County Council.
Prospective Applicant	Ballymount Properties Ltd.
Date of Consultation Meeting	6 October 2017.
Date of Site Inspection	28 September 2017.
Inspector	Stephen Rhys Thomas.

1.0 Introduction

Having regard to the consultation that has taken place in relation to the proposed development and also having regard to the submissions from the planning authority, 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 at the former Magee Barracks in the centre of Kildare Town, County Kildare. The southern portion of the large barracks site is accessed from Hospital Street (R445) and backs onto a number of existing housing estates, including: Magee Terrace, Campion Crescent, Ruanbeg, Rowanville and a newly constructed primary school. The remainder of Magee Barracks, the northern portion and two blocks along Hospital Street do not comprise part of this pre-application consultation.
- 2.1.2. The overall site is broadly level with a slight dip in the centre portion, the northern end rises sharply to an escarpment. There are a number of buildings associated with the former use of the site as a military barracks, accommodation blocks, officers' quarters, water tower, stores, kitchens etc. For the most part, all of the buildings are in a dilapidated state and suffer from fire damage and vandalism. There are large number of mature trees and hedging across the site. The parade grounds, of which there are two, are surfaced with tarmac punctuated with holes at regular intervals. The northern portion of the barracks, that does not form part of the consultation site, is agricultural grazing land.
- 2.1.3. The overall site cannot be easily viewed from the main thoroughfares, however, views of the barrack blocks can be had from Ruanbeg Estate and from housing at higher levels to the north. Ruanbeg Drive is notably lower than the site and lies approximately 3 - 4 metres below the level to the rear of the barrack blocks.

3.0 Proposed Strategic Housing Development

3.1.1. The proposed development of 241 houses comprises:

- 151 three bedroom semi-detached houses, 117 sq.m. type A.
- 17 four bedroom semi-detached houses, 143 sq.m. type B.
- 10 four bedroom detached houses, 143 sq.m. type C.
- 58 three bedroom terraced house, 117 sq.m. type E.
- 5 four bedroom houses, 143 sq.m. type F.

Other development includes:

- 3 retail units (138, 160 and 78 sq.m.).
- Café, 135 sq.m.
- Childcare facility, 480 sq.m.

The development includes the demolition of buildings on the former barracks site, a total floor area of 18,175 sq.m. The site will be accessed from a single vehicular entrance road from the R445.

The Phase 1 proposal (241 units) will result in a gross residential density of 22.3 units per Hectare (net density 30.66 units per Hectare), on a site of 10.8 Hectares. The public open space is 1.6245 Hectares (15%).

4.0 Planning History

Subject site:

PA reference 16/13 permission for a two storey school building. January 2016.

PA reference 13/635 and An Bord Pleanála reference PL09.243089 permission for a 2 storey national school. July 2014.

5.0 National and Local Planning Policy

5.1 Section 28 Ministerial Guidelines

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 S.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 Streets'
- 'The Planning System and Flood Risk Management' (including the associated 'Technical Appendices')
- 'Childcare Facilities – Guidelines for Planning Authorities'

5.2 Statutory Plan for the area

The operative plan for the area is the **Kildare Town Local Area Plan 2012-2018**.

The site is subject to zoning objective Z – 'Regeneration of Magee Barracks'.

The LAP outlines a number of policies and objectives that are specific to the regeneration of the Magee Barracks site, as follows:

Development Strategy 1. The Regeneration of Magee Barracks.

Development Strategy 7. Transportation Infrastructure and Development of Linkages - (vii) Develop an avenue at Magee Barracks connecting the Dublin Road and Melitta Road. (viii) Provide for connections between Magee Barracks and Melitta Road, Ruanbeg and Coolaghknock.

Section 7.6.2 provides a detailed **Design Brief** for Magee Barracks and comprises; drawings and guidance in relation to accessibility, permeability, enterprise/employment, amenity, site context and integration with the surrounding area.

Objective R 8: To establish a new neighbourhood centre within the Magee Barracks regeneration site with a suitable range of uses to meet the daily needs of residents/employees of the emerging new neighbourhood and the existing

surrounding residential area. This Neighbourhood Centre shall be of a size and function that ensures it complements rather than detracts or displaces retail or other activities from the town centre. The Neighbourhood centre may be anchored by a supermarket (net retail floorspace of up to 1,500m²) and have a limited range of non retail services, civic, community and commercial and leisure floorspace.

Objective RR 1: To encourage and facilitate the appropriate and sustainable re-use and regeneration of the Magee Barracks site for uses that are appropriate to its strategic location within the town creating a built environment that reflects both the military history of the site and the existing urban fabric.

Kildare County Development Plan 2017-2023, is the operative development plan.

Kildare Town is a designated Secondary Economic Growth Centre and a Moderate Sustainable Growth Towns (table 2.2) with a surplus capacity for residential development. Table 3.4 sets out the Development Capacity of County Kildare and Kildare Town shows a capacity surplus of 2,027 units over 134 Hectares of zoned land. Table 4.2 shows indicative density levels derived from Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas.

The Development Plan includes chapters on relevant topics including housing, urban design, infrastructure, movement/transport, landscape and development management standards.

6.0 Forming of the 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 a brief detail on each of these elements hereunder.

6.1 Documentation Submitted

The prospective applicant is required to submit certain information pursuant to section 5(5)(a) of the Planning & Development (Housing) and Residential Tenancies

Act 2016 and Regulation No. 285 of the Planning and Development (Strategic Housing Development) Regulations 2017.

The information submitted included: OS location map, complete application form, site layout plans, a landscape masterplan, AA screening report, environmental report, architectural conservation report, tree and hedgerow – site survey assessment, landscape design rationale report, architectural design statement, planning report/cover letter, engineering drawings and services report, consultations with statutory authorities drainage and water services report, site specific flood risk assessment report, traffic impact assessment, statement of consistency with planning policy report, part V requirements and costs and a completed pre-connection enquiry feedback form from Irish Water.

I have reviewed and considered all of the above mentioned documents and drawings.

6.2 Planning Authority Submission

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 copy of their record of the section 247 consultation with the prospective applicant and also submitted their opinion in relation to the proposal. These were received by An Bord Pleanála on the 25/09/2017.

The planning authority's 'opinion' included, *inter alia*, the following: reference to relevant planning histories; a description of the site and surrounding area; an assessment of the proposed development in the context of County Development Plan and the Kildare Local Area Plan 2012-2018; details of the prospective development including density; housing mix and compliance with CDP housing mix policy; demolition of existing buildings and their heritage value; layout; pedestrian connections; leftover backland sites; Part V compliance, traffic, transport and parking; open space provision; colour palette and materials; boundary treatments; service walls and bin storage; visual impact and overshadowing; commercial development and childcare facilities, environmental report and AA screening and drainage. The planning authority concluded that the principle of the development is consistent with the strategic planning policies of the County Development Plan and the strategic objectives of the statutory development plan for the area. The planning

authority went on to highlight that two key frontage sites along the R445 are to be developed independently of the housing development, it would be preferred if the frontage sites were developed in tandem with housing development.

The planning authority's opinion concluded with a list of matters that require further consideration and amendment. These related to: phasing of the development in the context of key frontage sites and isolated housing development and bringing housing closer to the public road edge, retention of key buildings on site such as the Officer's Mess, Part V amendment to account for more one and two bed units and cost allocation, greater housing mix preferred, rationale for total number of units in excess of LAP and CDP estimations, clearly annotated drawings to describe accordance with various policies and objectives of LAP and CDP, additional pedestrian linkages, detailed amendments to aspects such as building finishes and bin storage, greater clarity in relation to public open space calculations, more information with regard to visual impacts and overshadowing, details of green roof maintenance, revised details of technical aspects (such as roads/transportation, archaeology, cultural heritage, construction management, and landscape) and more evidence of historical connections with the former barracks in design principles.

The planning authority's submission also included internal reports from the Heritage Officer, Transportation Department, Environment Section, Housing Department and Water Services Department.

There were two formal pre-application consultation meetings held between the prospective applicant and the planning authority pursuant to s.247 of the Planning & Development Act 2000 (as amended). These were held on the 25/04/2017 and 23/06/2017. The planning authority have submitted the reports of the consultation meetings. Issues raised at that meetings included, inter alia, the following: background to new hospital and Lidl site, demolition of existing buildings and structures, pedestrian linkages, traffic, cycling and urban design considerations, water services, compliance with LAP guidelines and concern at the quantum of housing proposed and greater mix of house types and size.

All of the documentation submitted by the planning authority has been reviewed and considered by the undersigned as part of the opinion forming.

6.3 Consultation Meeting

A section 5 Consultation meeting took place at the offices of An Bord Pleanála on the 5 October 2017, commencing at 12pm. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting.

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

1. Archaeology and Architectural Heritage.
2. Density.
3. Residential unit mix.
4. Phasing, with reference to LAP objectives.
5. Open space provision, interface with existing residential estates and permeability.
6. Part V.
7. EIA.
8. Any other matters.

In relation to Archaeology and Architectural Heritage issues, ABP representatives sought further elaboration/discussion on the following: the retention and reuse of the Officer's Mess building and water tower structure as indicated in the Kildare LAP, impact of the development on the potential for archaeology in the vicinity.

In relation to Density issues, ABP representatives sought further elaboration/discussion on the following: residential density in the context of the Sustainable Residential Development Guidelines and the densities proposed in the Kildare LAP.

In relation to Residential unit mix issues, ABP representatives sought further elaboration/discussion on the following: justification for the housing mix proposed which is predominately three and four bedrooms and the requirements of meeting Kildare County Council's Part V needs.

In relation to Kildare LAP Phasing Objectives issues, ABP representatives sought further elaboration/discussion on meeting relevant objectives of the Development Brief. Specifically; the delivery of an appropriate density of residential units in the context of Section 28 guidelines, and key road linkages.

In relation to open space provision, interface with existing residential estates and permeability issues, ABP representatives sought further elaboration/discussion on the following: connections to public open space at existing housing estates and provision of pedestrian access to schools.

In relation to EIA issues, ABP representatives sought further elaboration/discussion, specifically the archaeological potential of the site and the detailed requirements of the EIA Directive.

In relation to Part V issues, ABP representatives sought further elaboration/discussion on potential agreement between the prospective applicant and the planning authority regarding Part V units, including the requirement to provide suitable information on a variation of unit types and provision of 1 and 2 bed units.

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 TC0017' 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.

7.0 **Conclusion and Recommendation**

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 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 s.28 Ministerial Guidelines, and local policy, via the statutory plan for the area.

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: density; heritage; public open space: design, layout and unit mix; and part V, details of which are set out in the Recommended Opinion below.

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 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.

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

An Bord Pleanála 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. Residential Density

Further consideration is required with respect of the documentation relating to the residential density of the site. 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' (including the associated 'Urban Design Manual') as they refer to Brownfield sites. Particular regard should be had to the need to develop at a sufficiently high density to provide for an acceptable efficiency in serviceable land usage given the proximity of the site to Kildare Town Centre and to established social and community services in the immediate vicinity. The further consideration of this issue may require an amendment to the documents and/or design proposals submitted relating to density and layout of the proposed development.

2. Heritage

Further consideration is required with respect of the documentation relating to the heritage aspects of the site. This consideration and justification should have regard to 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual') with specific reference to sustainable residential development and the enhancement and protection of the built heritage in terms of the site's historical context. The further consideration of this issue may require an amendment to the documents and/or design proposals submitted.

3. Public Open Space

Further consideration should be given in relation to the design rationale/justification outlined in the documents as it relates to the open space proposed particularly in the context of the surveillance of the open spaces (pocket parks), addressing level changes (Ruanbeg Drive), the usability of the active open space on the site and the

integration with adjacent public open spaces (Ruanbeg and Magee Terrace) in the context of the landscaping proposals. The further consideration of this issue may require an amendment to the documents and/or design proposals submitted.

4. Design, Layout and Unit Mix

Further consideration of 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 also reference to the Design Manual for Urban Roads and Streets. In addition to density which is addressed above, the matters of unit mix, the configuration of the layout, design and alignment of roads, the creation of a high quality urban extension to Kildare Town and the creation of character areas that reference the historical connections of the site should be given further consideration. Further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

5. Part V of the Planning & Development Act, 2000 (as amended).

Further consideration is required in respect of the documentation relating to obligations under Part V of the Planning and Development Act 2000 (as amended). The further consideration should have regard to the requirements of the Housing Section of Kildare County Council in relation to this matter.

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:

1. Details of consultation undertaken with the Department of Education and Skills and/or relevant School's Boards of Management in respect of access to the adjacent school site.
2. A bat survey report, which should address concerns relating to all relevant bat species.
3. Justification to be provided of the survey and testing proposed as part of the EIAR process in respect of archaeology.

4. A Construction and Demolition Waste Management Plan should be provided.
5. A phasing plan for the proposed development should be provided.
6. A site layout plan clearly indicating what areas are to be taken in charge by the Local Authority.

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. The Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs, (in relation to archaeological protection and historical interest)
2. The Heritage Council (in relation to archaeological protection and historical interest)
3. An Taisce — the National Trust for Ireland (in relation to archaeological protection and historical interest)
4. Transport Infrastructure Ireland (in relation to surface water drainage and transport)
5. National Transport Authority (in relation to transport)
6. Irish Water

PLEASE NOTE:

Under section 6(9) of the Planning and Development (Housing) and Residential Tenancies Act 2016, neither the holding of a consultation under section 6, nor the forming of an opinion under that section, shall prejudice the performance by the Board, or the planning authority or authorities in whose area the proposed strategic housing development would be situated, of any other of their respective functions under the Planning and Development Acts 2000 to 2016 or any other enactment and cannot be relied upon in the formal planning process or in legal proceedings.

Stephen Rhys Thomas
Planning Inspector

24 October 2017