

Statement of Response to ABP's Opinion

In respect of

**Proposed Strategic Housing Development at the Former
Magee Barracks Site, Hospital Street (R445),
Kildare Town, Co Kildare**

Prepared by

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On behalf of

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26th July 2019



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1.0 **INTRODUCTION**

- 1.1 Following An Bord Pleanála's decision to refuse permission, under Reg. Ref.: ABP-301371-18, on the 9th of July 2018, for the Phase 1 Strategic Housing Development at the Former Magee Barracks site, Kildare Town, Co. Kildare, we are now submitting a planning application to An Bord Pleanála containing revised proposals which seek to address the pre-application opinion from ABP and the reasons for refusal for the previous SHD application on the subject site (Reg. Ref.: ABP-301371-18) and other comments raised in the Board's decision and assessment of the development,.
- 1.2 The pre-application consultation opinion from An Bord Pleanála (ABP) in relation to the proposed strategic housing development at the Former Magee Barracks, Hospital Street (R445), Kildare Town, Co Kildare was received on the 10th of January 2019, case reference: ABP-302920-18. This report constitutes the Statement of Response to ABP's opinion on the pre-application proposals and includes a response to the items raised by Kildare County Council in their report on the pre-application proposals.
- 1.3 In addition, Appendix 1 includes an extract of the Response to the ABP Decision on the first SHD application on the subject lands, as submitted with the SHD Pre-Application submission, which demonstrates the series of changes incorporated to address the reasons for refusal and other relevant matters raised in the first SHD application. This previous decision is a material planning consideration in assessing the current proposals, as the decision on the previous application was made recently, the physical circumstances and material considerations that were relevant to it have not changed substantially since then, apart from the Building Height Guidelines issued by the minister in December 2018, which the scheme has been revised to ensure consistency with. It would therefore be rational and efficient to begin consideration of the current application with reference to the reasons for refusal under ABP Ref.: 301371-18.
- 1.4 The opinion from An Bord Pleanála states that *'the documents submitted with the request to enter into consultations require further consideration and amendment to constitute a reasonable basis for an application for strategic housing development'*.
- 1.5 The opinion further states that *'An Bord Pleanála considers the following issues need to be addressed in the documents submitted that could result in them constituting a reasonable basis for an application for strategic housing development'*. The issue listed is summarised under the heading residential density.
- 1.6 Section 2 of this report sets out how the applicant has responded to the issue raised by the Board in their Consultation Opinion through further consideration of residential density having regard to the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' as they relate to brownfield and inner suburban sites.
- 1.7 Article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017 states:
- '(5) At the conclusion of a pre-application consultation, the Board may do either or both of the following: (b) notify the prospective applicant that specified information should be submitted with any application for permission for the proposed development, including photographs, plans, maps, drawings or other material or particulars and, where the Board considers it appropriate, either or both—'*
- 1.8 The pre-application consultation opinion from An Bord Pleanála states pursuant to Article 285(5)(b) that specific information, listed in Section 3 below, should also be submitted with any application for permission

- 1.9 A response to each of the specific information items requested by ABP has been provided within response report; and the revised proposals are discussed throughout the planning application documentation, particularly within the Architectural Design Statement and Site Heritage/Sense of Place documents prepared by RKD Architects. The responses provided demonstrate how the subject application has been informed and amended in response to the pre-application consultation opinion received from ABP.
- 1.10 This Statement of Response, and the associated amendments to the scheme, in turn respond to the issues raised by the Planning Authority in their report on the pre-application proposals as summarised in Section 4. Please also refer to the separate Garland reports responding to KCC engineering items.

2.0 STATEMENT OF RESPONSE TO ISSUES RAISED

- 2.1 The following sets out how the applicant has addressed the 1 no. issue raised in the Board's Notice of Pre-Application Consultation Opinion, with reference to the accompanying documentation submitted, to ensure the subject application constitutes a reasonable basis for an application for strategic housing development.

1. Residential Density

'Further consideration is required in respect of the documentation relating to the residential density of 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' (including the associated 'Urban Design Manual') as they refer to brownfield and inner suburban sites, and to the need to develop at a sufficiently high density to provide for an acceptable efficiency in serviceable land usage on a site close to the town centre of Kildare and its services and facilities, including public transport facilities, referred to in the Board's decision on application ABP-301371-18. The site area for the calculation of the net residential density should be delineated and measured in accordance with appendix A of the guidelines. This would exclude the land occupied by the spine road and neighbourhood centre, but not the proposed areas of open space that would mainly serve the needs of the residents of the scheme or the linear spaces along the edges of the site (which would not constitute significant landscape buffers within the meaning of appendix A of the guidelines). If the prospective applicant considers that the proposed open space at Parade Park should be omitted from the net site area for the calculation of the net residential density of the proposed development, then a justification as to why it should be regarded as an open space serving a wider area would need to be submitted'.

Introduction

- 2.2 In relation to Issue No.1 – Residential Density, referred to in the pre-application consultation opinion from An Bord Pleanála, the site area for the calculation of the net residential density has been revised having regard to the requirements outlined by ABP and in accordance with Appendix A of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas.
- 2.3 The applicant has also significantly increased the density of the scheme through the provision of 4 no. apartment blocks to address the concerns raised by the Board regarding the need to develop at a sufficiently high density to provide for an acceptable efficiency in serviceable land usage on a site close to the town centre of Kildare and its services and facilities, including public transport facilities.
- 2.4 The proposed residential density now stands at 39.42 units per hectare which is considered appropriate having regard to the Guidelines for Planning Authorities on

- Sustainable Residential Development in Urban Areas as they refer to brownfield and inner suburban sites.
- 2.5 This item is discussed in detail and presented graphically in Section 2 (Page 14 - Residential Density – Calculation Comparison) of the Architectural Design Statement prepared by RKD Associates.
- 2.6 In relation to the previous reasons for refusal, the revised proposals address ABPs concerns regarding housing mix by providing a more varied and balanced unit mix including apartments, duplexes and houses of varying types and sizes, as demonstrated in the Statement of Housing Mix included within the Statement of Consistency. The revised design includes a greater variety of architectural design, mix of façade types, materiality and roof forms which helps to create visual variety within the site character areas.
- 2.7 In relation to concerns about the interaction with surrounding residential areas, the units on the periphery of the site are now proposed as traditional two storey housing which are more sympathetic to surrounding residential areas and respect the residential amenity of these adjacent properties.

Planning Policy

Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas

- 2.8 The Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas state the following in relation to brownfield sites:

“(B) ‘Brownfield’ sites (within city or town centres)

‘Brownfield’ lands, which may be defined as “any land which has been subjected to building, engineering or other operations, excluding temporary uses or urban green spaces”, generally comprise redundant industrial lands or docks but may also include former barracks, hospitals or even occasionally, obsolete housing areas. Where such significant sites exist and, in particular, are close to existing or future public transport corridors, the opportunity for their re-development to higher densities, subject to the safeguards expressed above or in accordance with local area plans, should be promoted, as should the potential for car-free developments at these locations”.

- 2.9 Brownfield sites are defined in the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas as *“any land which has been subjected to building, engineering or other operations, excluding temporary uses or urban green spaces”*.

- 2.10 The Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas states the following in relation to inner suburban sites:

“(D) Inner suburban / infill

The provision of additional dwellings within inner suburban areas of towns or cities, proximate to existing or due to be improved public transport corridors, has the revitalising areas by utilising the capacity of existing social and physical infrastructure. Such development can be provided either by infill or by sub-division:

(i) Infill residential development

Potential sites may range from small gap infill, unused or derelict land and backland areas, up to larger residual sites or sites assembled from a multiplicity of ownerships. In residential areas whose character is established by their density or architectural

form, a balance has to be struck between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of established character and the need to provide residential infill. The local area plan should set out the planning authority's views with regard to the range of densities acceptable within the area. The design approach should be based on a recognition of the need to protect the amenities of directly adjoining neighbours and the general character of the area and its amenities, i.e. views, architectural quality, civic design etc. Local authority intervention may be needed to facilitate this type of infill development, in particular with regard to the provision of access to backlands".

2.11 Thus, the Guidelines do not set a specific density for Brownfield sites or Inner Suburban sites. They do however acknowledge elsewhere that '*development at net densities less than 30 dwellings per hectare should generally be discouraged in the interests of land efficiency, particularly on sites in excess of 0.5 hectares*' and that the opportunity for the re-development of Brownfield Sites to higher densities, subject to the safeguards expressed above or in accordance with local area plans, should be promoted.

2.12 The proposal provides a net density of 39.42 which is considered to be in compliance with the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas as they refer to brownfield and inner suburban sites. We note the Inspector's Report in relation to the refused SHD application on the subject site (ABP-301371-18) which stated the following in relation to the previously proposed density of 34.3; which was based on a smaller site area:

"While there is potential for a greater density on site and this figure may be considered to be somewhat borderline, on balance I consider it acceptable in this Instance. I note recent decisions in the Kildare area cited by the applicant in their Statement of Response to An Bord Pleanala opinion and note the quality of development proposed with aims to satisfy LAP requirements and which includes for the provision of a neighbourhood park. Having regard to all of the above, I consider the density proposed to be borderline but acceptable in this instance".

2.13 The Guidelines note that a density standard must be carefully related to the area accommodating the development. The proposal provides a significant increase in density and unit mix to add the previous reason for refusal and ABP Opinion. It is considered that the proposed density is sensitive to the surrounding residential context, whilst being consistent with the guidelines objective to encourage '*more sustainable development through the avoidance of excessive suburbanisation and through the promotion of higher densities in appropriate locations*'.

Kildare Town LAP

2.14 Table 10 of the Kildare Town LAP sets out average density parameters for sites zoned for residential development within Kildare Town. A density parameter is not provided for Magee Barracks, having regard to the fact that a mixture of uses are envisaged on the site.

2.15 It is noted that the average densities proposed in the LAP for residential development in Kildare Town range from 10 – 20 units per hectare. Such densities are not consistent with Government Section 28 Guidelines.

Net Site Area/ Net Residential Development Area Calculation

2.16 The net site area calculation used at pre-application submission stage excluded from the residential development area the following areas, as illustrated in Page 14 of the Architectural Design Statement prepared by RKD Associates:

- Spine Road,
- Magee Gardens,
- Parade Park,
- Henry Howard Gardens,
- Linear Park,
- Neighbourhood Centre.

2.17 The total number of residential units proposed was 298 on a net residential development area of 76,975 sq.m providing a residential density of 38.7 units per hectare.

2.18 Having regard to Issue No.1 of the Board's Pre-Application Consultation Opinion which instructed that the net site area calculation should exclude "*the land occupied by the spine road and neighbourhood centre, but not the proposed areas of open space that would mainly serve the needs of the residents of the scheme or the linear spaces along the edges of the site (which would not constitute significant landscape buffers within the meaning of appendix A of the guidelines)*", the net site area calculation now only excludes the spine road and neighbourhood centre (Magee Square) as illustrated in Figure 2.1 below. Parade Park has not been excluded from the net site area. The net site area/ net residential development area has therefore increased from 76,975 sq.m to 95,139 sq.m.

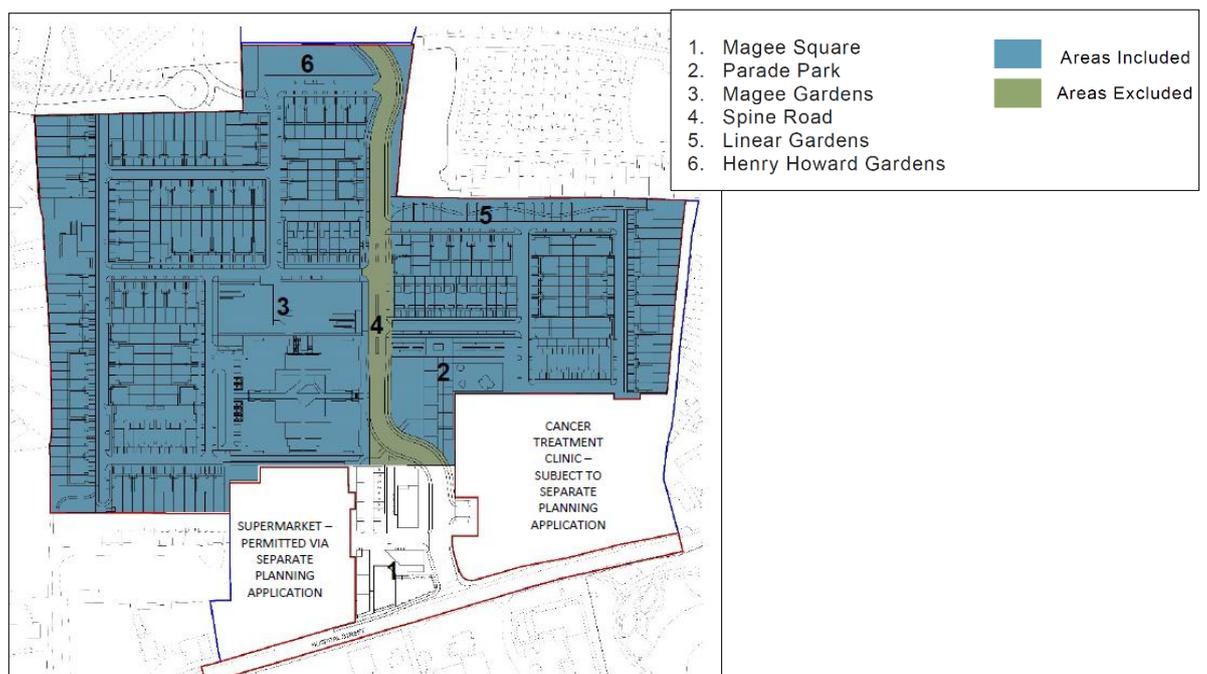


Figure 2.1: Net Site Area/ Residential Development Area

2.19 In summary it is considered that the calculation of the net residential density has been delineated and measured in accordance with Appendix A of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and in accordance with the requirements of the Board as outlined in Issue No.1.

Density

2.20 As noted above, the Board requested further consideration in respect of the documentation relating to the residential density of the proposed development. This related to the method of calculation of the net site area/net development area as discussed in detail above.

2.21 As a consequence of the revised calculation of net site area/net development area required by the Board, and to the need "*to develop at a sufficiently high density to*

provide for an acceptable efficiency in serviceable land usage on a site close to the town centre of Kildare and its services and facilities, including public transport facilities”, and having regard to the minimum densities provided for in the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' as they refer to brownfield and inner suburban sites, the revised proposals submitted now include 4 no. apartment blocks (south of Magee Gardens) which add variety to the overall unit mix and increase the proposed residential density on the subject site.

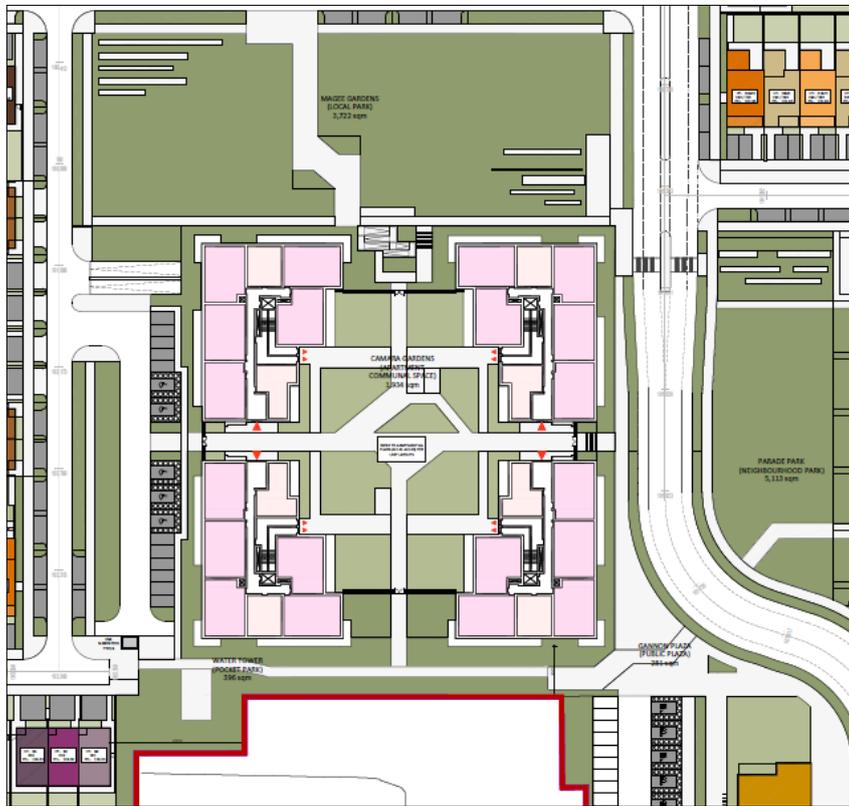


Figure 2.2: 4 no. apartment blocks introduced to add variety in unit mix, height and density

- 2.22 The total number of residential units proposed at pre-application stage was 298 on a net residential development area of 76,975 sq.m providing a residential density of 38.7 units per hectare.
- 2.23 The total number of residential units now proposed is 375 on a net residential development area of 95,139 sq.m providing an increased residential density of 39.42 units per hectare, and greater variety in unit mix, building height and typologies. The open space has also been slightly increased from 15.9% at pre-application stage to 16.5% currently.

SHD Submission	Site Area (hectares)	Residential Unit Total	Net Residential Development Area	Residential Density (units/hectare)
SHD1 ABP Decision Ref: ABP- 301371-18 (Refusal)	11.14 ha	264	76,975m ²	34.3
SHD 2 Pre-Planning Meeting with An Bord Pleanála	11.32 ha	298	76,975m ²	38.7
SHD 2 Current SHD Proposal (June 2019)	11.35 ha	375	95,139m ²	39.42

Table 2.1: Density Comparison

Conclusion

- 2.24 The design team have noted the Board's recommendation for further consideration of the documentation relating to the residential density of the proposed development. The site area for the calculation of the net residential density has been revised having regard to the requirements outlined by ABP and in accordance with Appendix A of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas.
- 2.25 The increased residential development area necessitates the inclusion of apartment blocks/units within the Phase 1 masterplan in order to generate an increased residential density in excess of 35 units per hectare (as noted herein the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas do not set a specific density for Brownfield sites or Inner Suburban sites). The provision of 4 no. apartment blocks centrally within the proposed development has significantly increased the density of the scheme and appropriately addresses the concerns raised by the Board regarding *"the need to develop at a sufficiently high density to provide for an acceptable efficiency in serviceable land usage on a site close to the town centre of Kildare and its services and facilities, including public transport facilities"*.
- 2.26 The proposed residential density now stands at 39.42 units per hectare providing 375 no. units on the subject site, an increase of 77 no. units on the pre-application proposals of 298 no. units.
- 2.27 In a like for like comparison of residential density from pre-application proposals to the current proposal (i.e. utilising the same net residential development area of 76,975 sq.m which was calculated at pre-application stage), a residential density of 48.72 units per hectare is provided, an increase of 10% on the pre-application density calculation of 38.7 units per hectare. Therefore, whilst the residential density has only increased marginally in numeric terms from pre-application stage to the current proposal, the increase in density in a like for like comparison is far greater.
- 2.28 The higher density elements (and taller buildings) including the apartments and duplex units are located centrally within the site, with the density and height falling towards the site boundaries in order to protect the residential amenity and respect the scale of the surrounding residential areas. Open Space has increased slightly from 15.9% to 16.5%.

- 2.29 The proposed density of 39.42 units per hectare is considered appropriate having regard to the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas as they refer to brownfield and inner suburban sites, and having regard to locational and development specific factors including:
- The designation of Kildare Town within the Self-Sustaining Growth Towns - Self-Sustaining Towns category of the settlement hierarchy set out in the Regional Spatial and Economic Strategy. The strategy also identifies Kildare Town as a Town / District Centre and a Key Service Centre in Co. Kildare;
 - Kildare Towns designation as a '*Moderate Sustainable Growth Town*' in the CDP which is the third tier in County Kildare's settlement hierarchy;
 - The location of the site within Kildare Town and the need to integrate sensitively with the surrounding residential context;
 - The significant total quantum of op space areas included within the net site area/net residential development area including Parade Park, Magee Gardens, Coolmoney Square, Henry Howard Gardens, Linear Park, Wickham Park, Water Town Park and Gannon Public Plaza; and,
 - The high quality design, mix of unit types and sizes and level of residential amenity provided in the proposed development.
- 2.30 It is considered that the proposed development will deliver an appropriate form of high quality residential development for this substantial underutilised site which is zoned for regeneration. The proposal provides much needed housing and neighbourhood facilities in this strategic location, in close proximity to Kildare town centre.
- 2.31 Given the surrounding residential context and market demand, and the need to achieve a viable redevelopment of this brownfield site which has remained vacant for over 15 years, it is considered that the proposed density is sufficiently high to provide for an acceptable efficiency in terms of serviceable land usage within Kildare Town.
- 2.32 The masterplan proposals contain a mix of uses including residential, retail (permitted supermarket and 3 no. proposed retail units) (employment generating), community (childcare facility and open space), educational (existing schools on former Magee Barracks lands) and a proposed Cancer Treatment Clinic (proton therapy) (employment generating) (currently on appeal) on the overall landholding, in compliance with the requirements of the regeneration zoning and the design brief contained within the Kildare Town LAP.
- 2.33 In summation, it is considered that the proposed density of 39.42 units per hectare makes efficient use of these brownfield, regeneration zoned lands, providing a high quality development with a variety of unit types, sizes and architectural finishes.

3.0 STATEMENT OF RESPONSE TO SPECIFIC INFORMATION REQUIRED

3.1 The following sets out how the applicant has addressed the Board's request for additional specific information in respect of the proposed development.

Item No.1 – A housing quality assessment which provides the specific information regarding the proposed apartments required by the 2018 Guidelines on Design Standards for New Apartments. The assessment should also demonstrate how the proposed apartments comply with the various requirements of those guidelines, including its specific planning policy requirements. A building lifecycle report for the proposed apartments in accordance with section 6.13 of the 2018 guidelines should also be submitted.

3.2 Please refer to the accompanying Residential Quality Audit prepared by RKD Architects which provides the specific information regarding the proposed apartments and duplex units required by the 2018 Guidelines on Design Standards for New Apartments and demonstrates compliance with the various requirements of the guidelines including the specific planning policy requirements (SPPR's). Section 2 of the accompanying Statement of Consistency also summarises how each of the relevant specific planning policy requirements (SPPR's) have been addressed.

3.3 A building lifecycle report for the proposed apartments has been prepared by NRG Consulting in accordance with section 6.13 of the 2018 Guidelines on Design Standards for New Apartments and accompanies this planning application.

Item No.2 – A report demonstrating compliance with the applicable standards set out in DMURS and the National Cycle Manual in relation to the proposed housing and the works to Hospital Street. Details should also be submitted as to the timing and responsibility of works to Hospital Street and of any consultations with the planning authority on the matter. Clarification should be provided if there are any outstanding issues regarding works to the street on which agreement has not been reached between the prospective applicant and the planning authority.

3.4 It is considered appropriate to break the above item down into different sections and a response to each is provided below.

DMURS / National Cycle Manual (NCM)

3.5 Please refer to the accompanying DMURS / NCM Statement of Consistency report prepared by Garland Consulting Engineers which demonstrates compliance of the proposed scheme with the applicable standards set out in DMURS and the National Cycle Manual in relation to the proposed residential development and the works to Hospital Street (R445). In addition, Garlands have prepared a Road Design and Choices Report to explain the rationale for the final design which has been subject to a series of alterations over the course of the preparation of this final SHD scheme for Phase 1.

3.6 In relation to DMURS compliance we wish to advise of the following features of the development:

- A hierarchy of link and local streets have been designed in an orthogonal layout to provide access to the proposed new residential community.
- The proposed road hierarchy has been developed in compliance with DMURS principles as it consists of a treelined main link street traversing the scheme and a network of local streets (Type A and B) which provide access to the housing and prioritise pedestrian and cyclist movements.

- The carriageway width of Hospital Street/R445 has been reduced with greater priority given to cyclists with segregated cycle lanes provided to both south and north of Hospital Street.
- Three new pedestrian crossing points have been added to the development street frontage along Hospital Street/R445.
- Internally the main link street through the site is designed to have radius bends to control speeds to 30km/h.
- The link street within the development will benefit from significant planting and segregated pedestrian and cycle routes on both sides of the street
- For internal residential zones the junction radii have also been designed in accordance with DMURS using radii of 1-3m.
- Footpaths across the development are no less than 1.8m in width and are generally 2m wide throughout with connections/tie ins to existing external networks.
- The proposed development provides for buildings fronting onto streets and the creation of a pedestrian and cycle friendly urban environment.
- Zebra crossings with flat top raised tables are provided at 2 no. locations at the crossing between Magee Gardens and Parade Park and at the crossing between Ruanbeg and Henry Howard Gardens.
- The site layout encourages permeability through appropriate block sizes and a looped system where all streets lead on to other streets. DMURS notes that permeable layouts provide more frequent junctions which have a traffic calming effect as drivers slow and show greater levels of caution. The site layout demonstrates that the proposal has adopted this principle by incorporating a permeable road network with junctions and road bends.
- Cul-de-Sacs have been kept to a minimum throughout the proposed development to encourage connectivity and permeability throughout the scheme. Linkages to surrounding areas including a link with the adjacent existing primary schools off Melitta Road; and pedestrian links with the adjacent Ruanbeg and Magee Terrace residential areas have also been proposed to encourage and improve connectivity in the wider area

3.7 In summary, following the tripartite meeting with the Board, the design team have incorporated further improvements into the scheme in respect to the street layout, pedestrian and cycle movement to ensure consistency with the requirements of DMURS and the NCM, the key changes can be summarised as follows:

- A traffic median located on the main link street between Phase C & Phase D which shall be planted with trees along its length, providing a safe refuge for pedestrians crossing from Magee Gardens with Parade Park. The median shall splay the traffic which shall curtail vehicle speeds along the route.
- Traffic islands have been included to reduce the width of the roadway at a number of locations throughout residential zones. These islands provide for additional tree planting which again provides for traffic calming, all contributing to creating people friendly streets and spaces.
- A curve has been introduced to the main link street in the northern section of Phase 1 as it approaches the boundary to the future Phase 2 development.
- Reduction in the overall width of the residential streets to provide for greater enclosure and an increased sense of place.

Timing and Responsibility of Works to Hospital Street

3.8 As part of the proposed Phase 1 development, upgrades will be undertaken to Hospital Street (R445) along the frontage of the development. The works proposed include the introduction of a MOVA traffic signal control system, a right turn lane on Hospital Street/R445, toucan and pedestrian crossings, upgrades to footpaths, segregated cycle lanes on Hospital Street/R445, tactile paving, dropped kerbs, road markings and

traffic signalling are considered sufficient to facilitate the proposed development and other proposed developments on the Magee Barracks site and will provide the necessary improvements to deliver this development within Kildare Town.

- 3.9 The above proposals are complementary to the proposals to provide traffic calming measures along the R445 Hospital Street as part of the Cherry Avenue Park development (subject to a current part 8 planning application).
- 3.10 The extent of details of the above works are illustrated in the accompanying Site Location Plan and Site Layout Plan. The applicant intends to deliver these road improvements to Hospital Street, along the full extent of the Magee Barracks site frontage, subject to agreement with the Planning Authority.
- 3.11 The extent of road improvement works on Hospital Street include lands outside of the applicant's land ownership (as illustrated in the accompanying Site Layout Plan prepared by RKD Architects) and a letter of consent for these works has been obtained from Kildare County Council and accompanies this planning application.
- 3.12 It is intended that these works to Hospital Street, along the entire Magee Barracks site frontage, will be commenced and completed prior to the occupation of the proposed development by the Applicant. Alternatively, should the Cancer Treatment Clinic application be commenced in advance, these works may be delivered under that permission which is currently at appeal, as discussed below.
- 3.13 The applicant does not propose to deliver any further road improvements beyond those included within the red line boundary, notwithstanding the request from the Planning Authority for the Magee Barracks redevelopment to deliver an additional c. 300 metres of road improvement works further to the east along Hospital Street, as discussed below.

Works to Hospital Street and Consultations with the Planning Authority

- 3.14 A first party appeal against conditions no. 25, 26, 27 and 34 of the notification of decision of Kildare County Council (KCC) to grant permission for a Cancer Treatment Clinic (Proton Therapy) on a site located at the Former Magee Barracks, Hospital Street/R445, Kildare Town, Co. Kildare is currently with An Bord Pleanala. This appeal relates to the requirement by Kildare County Council that the applicant undertakes an additional c. 300m of road improvement works which are not required to facilitate the proposed development beyond the site frontage.
- 3.15 The Board did not reach a decision within the 18 week target date and at present there is no decision available from the Board on this particular appeal. We would direct ABP to the relevant appeal documents for a detailed explanation and discussion on the grounds of the appeal. The additional road works requested by KCC are detailed in a drawing accompanying this planning application (Garlands Drawing No. R1831-1036 Hospital Street Extended Future Designated Cycle Lane).
- 3.16 In relation to agreement between the prospective applicant and the planning authority, as set out in a recent Section 131 response (dated the 30th of April 2019) submitted by the applicant in respect to the above referenced first party appeal, whilst favourable discussions were undertaken between the applicant and KCC Roads Department in relation to the conditions associated with the Cancer Treatment Clinic, no formal agreement was reached with KCC in respect to revisions to the relevant conditions.
- 3.17 No formal correspondence on this matter has been received from KCC to date since meetings were undertaken on two separate occasions in on the 7th and 14th of February. Garland Consulting Engineers, along with the applicant, Mr. David Kennedy, met with Senior Engineer Mr. John Coppinger and Senior Executive Engineer Mr.

George Willoughby on both of these occasions. A verbal proposal was put forward by Kildare County Council at the second meeting and written confirmation of same was requested. Written confirmation has not, to date been received, despite Garlands following up on this on several occasions. Garland Consulting Engineers have been following up with KCC and seeking a decision on this matter, however, it has not been forthcoming.

- 3.18 As outlined comprehensively in the appeal documents submitted with the CTC appeal, it is maintained that it is unreasonable and unnecessary to require the occupation of the Cancer Treatment Clinic to be dependent on the completion of the substantial works to Hospital Street required under the grant of permission, and not included in the application red line boundary. We wish at this juncture to pre-emptively outline our objection to any such condition being attached to a grant of planning permission for this proposed SHD application.
- 3.19 The viability and deliverability of the proposed Cancer Treatment Clinic is threatened by the extent of roadworks / onerous conditions imposed by KCC on the decision to grant permission, which are considered to be in excess of the requirements of the development, and we wish to avoid similar punitive conditions threatening the delivery of much needed housing, retail and open space (and regeneration) of this parcel of the Former Magee Barracks.
- 3.20 As demonstrated in the accompanying Traffic Impact Assessment, on completion of the proposed development, the R445 Hospital Street / Development Access signalised junction will operate within capacity with queues and delays in the AM and PM peak hours in 2022, 2027 and 2037. Therefore, the proposed works associated with this application are more than capable of safely accommodating the traffic generated by the development.

Outstanding Issues / Agreement with the Planning Authority

- 3.21 Thus, as set out above it is apparent that at the time of this application agreement has not been reached with the Planning Authority on the delivery of the c. 300 metres of road improvements beyond the Magee Barracks site frontage, i.e. not included within the red line boundary of this application, which has been requested by the Planning Authority to be delivered as part of the Magee Barracks redevelopment.
- 3.22 It is respectfully submitted that the applicant should not be responsible for delivering these improvements, which are more appropriately delivered by the Planning Authority through a Part 8 application (as discussed in detail in the third party appeal of the Cancer Treatment Clinic). However, should the Board consider that it would be reasonable for the applicant to make a contribution towards these works, the applicant would be willing to accept the attachment of a special contribution towards the works to be agreed with the Planning Authority prior to commencement of development, provided the Council are required to design and implement the proposed works to Hospital Street beyond the site frontage.

Item No.3 – A report demonstrating compliance with the Guidelines for Planning Authorities on Urban Development and Building Heights issued by the minister in December 2018 in accordance with SPPR3 of those guidelines

- 3.23 Please refer to the accompanying report prepared by John Spain Associates and RKD Architects which demonstrates compliance with the Guidelines for Planning Authorities on Urban Development and Building Heights issued by the minister in December 2018 in accordance with SPPR3 of those guidelines.
- 3.24 The approach to building height and density is to locate the apartment buildings (3+1 storeys and 4+1 storeys) and duplex units are located centrally within the site, i.e.

separated from adjoining residential areas. The units on the periphery of the site are now proposed as traditional two storey housing which are more sympathetic to surrounding residential areas and respect the residential amenity of these adjacent properties.

- 3.25 The report should be read in conjunction with Section 03 of the Architectural Design Statement prepared by RKD Architects.

Item No.4 – A phasing scheme for the development which would indicate how open space and access for the proposed housing would be provided in a timely and orderly manner. The scheme should also specify what links would be provided to the adjoining parts of the town, including Magee Terrace, the Ruanbeg Estate, Melitta Road and the road serving the neighbouring schools, as well as when they would be provided and who would be responsible for their provision.

- 3.26 A phasing plan has been provided as part of the planning application drawings (RKD Drawing No. A1501 - PHASE 1 CONSTRUCTION SEQUENCING) and the phasing strategy is discussed within Section 03 of the Architectural Design Statement.

- 3.27 It is envisaged that the proposed development will be delivered over 4 no. phases as described below. The proposed development phasing is greatly informed by the open space and amenity strategy. Each phase would deliver an public open space component with active frontage residential accommodation. As such, each phase would be 'standalone' in terms of its open space provision.

Phase	Amenity + Connections to be delivered
A 73 Units	<ul style="list-style-type: none"> • Site Entrance (Hospital St) • Neighbourhood Centre + Creche • 'Magee Gardens' • Spine Rd (partial up to the south of Parade Park) • Temporary road to the south of Phase 4 to access the Phase 1 residential • House and duplex residential mix • To accommodate connectivity to Magee Terrace (pedestrian only) • Road connectivity to the separate Retail and Cancer Treatment planning applications.
B 92 Units	<ul style="list-style-type: none"> • Spine Rd (up to the boundary with Phase 2) • 'Coolmoney Gardens'. • 'Henry Howard Garden's. • House and duplex residential mix • Connectivity to the School • To accommodate connectivity to Ruanbeg (pedestrian only)
C 88 Units	<ul style="list-style-type: none"> • 'Parade Park' (plus interface with the Proton landscape proposal) Offers connectivity and interface with the separate Cancer treatment open space/park. • 'Linear Park' • House and duplex residential mix.
D 122 Units	<ul style="list-style-type: none"> • 'Camara Gardens' (communal open space) • Apartment Blocks (x4 No.) • Temporary Phase 1 access road to be replaced with new landscaped 'Green Connection'

Figure 3.1: Proposed Phasing

- 3.28 Phase A includes a temporary road to access this phase of development, public open space in the form of Magee Gardens and the neighbourhood centre and creche. This

phasing ensures the initial and up-front delivery of community facilities and services with subsequent phases of development providing additional residential units.

- 3.29 In relation to links to be provided to the adjoining parts of the town, including Magee Terrace, the Ruanbeg Estate, Melitta Road and the road serving the neighbouring schools, it is intended that Phases A and B will offer new connections to the adjoining neighbourhoods, developments and to Kildare Town. Phase A provides connections to the permitted supermarket and proposed cancer treatment clinic (currently under appeal) and to Magee Terrace. Phase B provides connections to the Ruanbeg Estate and the schools to the north east.
- 3.30 Phase C includes public open space (Parade Park) and additional houses and duplex units and Phase D includes the 4 no. apartment blocks and communal open space.
- 3.31 Please refer to the accompanying connections drawings prepared by BSM including the following:
- BSM Drawing No. 6362 309 Educate Together School Interface
 - BSM Drawing No. 6362 308 Magee Terrace Interface
 - BSM Drawing No. 6362 305 Ruanbeg Drive Interface
- 3.32 The applicant will provide for the connections up to the boundary with Magee Terrace and Ruanbeg, ensuring no ransom strips are created. It will then be the responsibility of Kildare County Council to deliver the connections. KCC expressed the preference that the connections would not be included within the red line, as KCC intend to deliver the proposed connections under their exempt development powers.
- 3.33 The proposed new pedestrian/cyclist connection to the Kildare Town Educate Together National School and Gaelscoil Mhic Aodha is illustrated in BSM Drawing No. 6362 309 (Educate Together School Interface). A letter of consent for the proposed connection has been obtained from the school. The connection will be provided by the applicant with details to be agreed with the school prior to commencement of construction of the proposed development.
- 3.34 The future Phase 2 proposals which will be subject to a separate planning application will provide the connection to Melitta Road as illustrated in the accompanying Masterplan drawing (RKD Drawing No. A1003 - SITE PLAN OVERALL MASTERPLAN). The applicant will be responsible for this future connection to Melitta Road as part of the Phase 2 proposals.
- 3.35 The proposed development comprises the first phase of the overall development of the applicant's c. 20.78 ha landholding at this location. The overall redevelopment proposals for the former barracks site include employment, retail and healthcare uses: a supermarket is permitted on lands west of the proposed neighbourhood centre, and a cancer clinic is proposed to the east (currently on appeal with ABP). It is expected that the supermarket development will progress first, with the Cancer Treatment Clinic development to be provided concurrently with the Phase 1 development subject to planning approval.

Item No.5 – Proposals for compliance with Part V of the planning act.

- 3.36 The applicant has entered into discussions with the Housing Department of Kildare County Council in respect to Part V. The applicant agrees to accept a condition on a grant of planning permission, if ABP are minded to approve the proposed development, which requires the applicant to enter into a Part V agreement with Kildare County Council as per their requirements prior to the commencement of development.

- 3.37 The applicant's Part V proposals are described and mapped in RKD Drawing No. A1502 - PHASE 1 PART V accompanying this planning application and described in detail in Section 3 of the Architectural Design Statement prepared by RKD.
- 3.38 It is proposed to provide 38 no. Part V residential units (10% of the total unit number) within Phase 1. A range of residential unit types are being proposed including houses, duplex units and apartments. The Part V units are distributed throughout the development (pepper-pot approach) in line with the requirements of the Housing Section of KCC. The 3 bed houses provided include semi-detached units and terrace units as requested by KCC. The maisonette type units requested by KCC to be included in the scheme were not considered to be appropriate for the proposed development in the context of the architectural design and urban design objectives which the applicant is seeking to achieve / deliver. The scheme contains adequate 1 and 2 bed units elsewhere to meet this requirement without providing maisonette units.
- 3.39 The Part V proposal comprises the following;
- 14 no. 1 bed apartment/duplex units;
 - 16 no. 2 bed apartment/duplex units;
 - 8 no. 3 bed houses.
- 3.40 For further details please refer to Part V drawing (RKD Drawing No. A1502 - PHASE 1 PART V), and Section 03 of the Design Statement prepared by RKD Architects illustrating the location within the scheme of the proposed Part V units (as set out above), cover letter provided by JSA and an estimate of costs provided by the applicant.
- 3.41 Having regard to KCC's preference for a unit type which does not form part of the proposed scheme (i.e. traditional maisonette type units), the applicant has also engaged with Cluid Housing in relation to the Part V units proposed. The application is accompanied by a letter from Cluid Housing expressing their interest in acquiring the Part V units to be provided on site.

Item No.6 – A Site Specific Flood Risk Assessment Report. The prospective applicant is advised to consult with the relevant technical section of the planning authority prior to the completion of this report which should describe this consultation and clarify if there are any outstanding matters on which agreement has not been reached with regard to surface water drainage.

- 3.42 A Flood Risk Assessment Report has been prepared by Garland Consulting Engineers and accompanies this planning application. The report concludes that the site of this proposed development is located in Flood Zone C (low risk) for all sources of flood risk.
- 3.43 The proposals for housing and commercial development on this site therefore achieve full compliance with the requirements of "The Planning System & Flood Management Guidelines" published by the Department of Environment, Heritage and Local Government in November 2009.

Item No.7 – Details of proposed boundary and surface treatments throughout the development, and of landscaping and planting.

- 3.44 Please refer to the accompanying proposed boundary drawings, landscaping drawings and landscape design rationale report prepared by BSM for the information requested in Item No.7.
- 3.45 BSM Drawing No. 6362 311 (Boundary Treatment Plan), BSM Drawing No. 6362 312 (Permanent Boundary Treatment to Adjoining Application Lands) and BSM Drawing

No. 6362 313 (Hospital Street Boundary Treatment) provides details of proposed boundary treatments.

3.46 BSM Drawing No. 6362 310 (Landscape Sections) and BSM Drawing No. 6362 302 (Overall Landscape Masterplan) provide details of the proposed landscaping and planting.

3.47 Surface treatments are detailed in Garlands Drawing No. R1831-1004 (Roads Layout).

Item No.8 – A Draft Construction Management Plan

3.48 A Construction and Environmental Management Plan prepared by Garlands Consulting Engineers, in consultation with Matt Hague of BSM, Project Ecologist, has been provided as part of the planning application documentation.

Item No.9 – A Draft Waste Management Plan

3.49 A Construction and Demolition Waste Management Plan and an Operational Waste Management Plan prepared by Garlands Consulting Engineers have been provided as part of the planning application documentation and informed the scheme design.

4.0 OTHER ITEMS

Response to Opinion of Kildare County Council

4.1 It is considered that a comprehensive review of planning policy particularly local planning policy has been provided in the accompanying Statement of Consistency, including the Kildare County Development Plan 2017-2023 and the Kildare Town Local Area Plan 2016-2022.

4.2 The report of the Planning Authority on the pre-application documentation submission was issued to the Board in accordance with section 6(4)(b) of the Act. A summary of the key issues identified in the Kildare County Council Opinion report is set out below, with responses to issues raised therein set out as required, a number of which have been addressed in preceding sections of this Statement.

4.3 Having regard to the opinion of Kildare County Council, an assessment of potential material contraventions of the CDP and LAP is included as Appendix 2 of the Statement of Consistency. Arising out of this assessment, a Material Contravention Statement has been prepared having regard to the proposed unit quantum and potential material contravention of the LAP and accompanies this planning application.

Core Strategy and Settlement Strategy

4.4 The report by KCC states that based on an assessment of the zoned lands in County Kildare, that there is a potential capacity surplus in Kildare Town of 2,027 units, the highest surplus of any town in the County. This figure represents c. 51% of the total capacity surplus units of the County as a whole.

4.5 The report states that '*it is considered that the proposed development on lands not designated specifically for new residential development would significantly alter the settlement strategy figures for Kildare Town to the detriment of currently zoned land within the town and to the wider Hinterland/County area and in this regard, is considered to run counter to the Core and Settlement Strategy policies and objectives of the Kildare County Plan 2017-2023*'.

4.6 The report concludes by stating:

'It is considered that the proposed development would materially contravene the provisions of the Kildare Town Local Area Plan 2012-2018 for failure to adhere to the provisions set out for the regeneration of a strategic site, would artificially distort the Core and Settlement Strategy figures set out in the Kildare County Development Plan 2017-2023 for future housing provision within Kildare Town, would in the absence of provision of a wider range of uses on site, lead to an increase in commuting levels from the town, contrary to the provisions of the Core Strategy and would therefore fail to accord with the proper planning and sustainable development of the area'.

4.7 Having regard to the opinion of KCC, we have undertaken further analysis of the potential for the proposed development to materially contravene the provisions of the Kildare County Development Plan 2017-2023 and the Kildare Town Local Area Plan 2012-2018. This analysis is detailed specifically in Appendix 2 (Assessment of Potential Material Contraventions) of the accompanying Statement of Consistency and compliance with local planning policy is also detailed in Section 3 of the Statement of Consistency.

4.8 Firstly, in relation to KCC's comments regarding Core Strategy and Settlement Strategy we note that the ABP Inspector, in their report on the previous scheme, stated the following:

'I refer the Bord to the 'Land Use Zoning Objectives Map' within the Kildare Town LAP which clearly shows the location of the subject site relative to Kildare town centre and relative to Phase 1/Phase 2 residentially zoned lands. I note that this Plan has been in place since 2012 so there has been ample time for developer's to apply for permission on such Phase1/Phase 2 zoned lands during that period and there has been relatively limited permissions granted on these lands during that time'.

'I do not concur with the assertion of the planning authority that the proposal represents a material contravention of the plan. The proposal is located adjacent to the town centre on lands zoned for a mix of uses, in which residential development is permitted in principle. The site is located in much closer proximity to the town centre than other Phase 1 /Phase 2 lands, some of which are located a considerable distance away from the town centre and I therefore consider that the development of this site for such uses is sequential in nature and could reasonably be seen as a natural extension to the town centre' (emphasis added).

And;

*'I note the policies and objectives within Rebuilding Ireland - The Government's Action Plan on Housing which also **fully support and reinforce the need for urban infill residential development such as that proposed** on sites in close proximity to quality public transport routes and within existing urban areas. I consider that this former Magee Barracks site is one such site'.*

4.9 We note therefore in relation to Core Strategy and unit quantum that the Board have accepted the principle of higher density development on the subject site on the previous application and indeed refused the scheme based on the density not being sufficiently high. ABP also considered that the revised proposals presented at pre-application stage required further consideration in relation to the method of calculation of net site area and density which has resulted in a further increase in density and unit quantum (298 to 375 no. units).

4.10 Having regard to the discussion below and herein and having regard to the opinion of ABP in this regard, we do not consider the proposed development would materially contravene the Kildare County Development Plan 2017-2023 in respect of the Core and Settlement Strategy. Firstly, the Board have accepted the principle of a high density residential development on this site under the first application (Reg. Ref.: ABP-

301371-18) and did not consider that the previous proposal of 264 no. units materially contravened the CDP. As noted, ABP required a higher quantum of development on the subject site and refused the proposal on lack of sufficient density. The Board have also advised in their pre-application opinion of the need for a revised density calculation which has necessitated an increase in unit numbers, further endorsing the need for appropriate density of residential development on the subject site. The Board also noted the site's location proximate to a train station and town centre, and that the site is an appropriate location for a significant quantum of residential development having regard to national planning policy, particularly the NPF.

- 4.11 In relation to this large quantum of undeveloped zoned lands and potential capacity surplus in Kildare Town, it is considered that the opportunity to regenerate a strategic brownfield site proximate to the town centre which will deliver significant residential development in addition to retail and childcare facilities and public space is compliant with proper planning and sustainable development. The existence of other less suitably located zoned lands in Kildare Town noted by ABP as being located a considerable distance away from the town centre, which have not been brought forward for development would not appear to be a justifiable reason for curtailing the development of a substantial brownfield regeneration site at a sustainable density.
- 4.12 The development of suitably located zoned lands adjacent to public transport and the town centre has the positive planning benefit that less sequentially suitable lands on the periphery of the town which proliferate urban sprawl and car-based travel are not required in the short term. This is considered positive having regard to best practice in planning and sustainable development.
- 4.13 This overall housing allocation and density on the former Magee site is seen to be appropriate having regard to the size and location of the site, which constitutes the best sequentially located site for residential development within Kildare Town. In conclusion we do not consider the proposed development would materially contravene the Kildare County Development Plan 2017-2023 in respect of the Core and Settlement Strategy.

Density

- 4.14 Kildare County Council consider that a higher net density could be achieved in parts of the site, with other regeneration uses elsewhere, notwithstanding the issues raised in the Opinion and previous report on the refused SHD.
- 4.15 In response to the opinion of ABP and KCC regarding density, a revised scheme has been proposed which introduces 4 no. apartment buildings centrally within the scheme and overlooking the primary open spaces, which addresses both the requirement for greater density and also KCC's comment regarding focusing density in certain parts of the site.

Unit Mix/Housing Mix

- 4.16 The report by KCC on the pre-application proposals states that half the units are 3 bed units and only 29% of the units are 1 or 2 bed units. KCC consider that the proposed housing mix may not fully address the requirement for smaller household sizes and remains a predominantly 3 and 4 bed suburban scale development.
- 4.17 Having regard to the requirements of Kildare County Council, a revised housing mix has been developed which increased the proportion of 1 and 2 bed units to 45.9% (12.3% and 33.6% respectively), with the proportion of 3 bed units reduced to 36.3%.

Refused proposal	Pre-App Proposal	Revised proposal
1 bed - 12 - 4%	1 bed - 28 – 9.4 %	1 bed - 46 – 12.3 %
2 bed - 26 - 10%	2 bed - 59 – 19.8 %	2 bed - 126 – 33.6 %
3 bed - 198 - 75%	3 bed - 149 – 50 %	3 bed - 136 – 36.3 %
4 bed - 28 - 11%	4 bed - 62 – 20.8 %	4 bed - 67 – 17.9 %
Total: 264	Total: 298	Total: 375

Table 4.1: Revised Housing Mix

- 4.18 It is considered that the proposed development provides for a range of house types, sizes and orientations within the overall design and has been further strengthened in this regard through the introduction of 4 no. apartment buildings providing a mixture of apartment sizes. It is considered that this variety of housing provides for significant choice for prospective future residents. We do not consider the revised proposals would materially contravene the Kildare County Development Plan 2017-2023 in respect of housing mix.
- 4.19 The proposed housing mix has been determined having regard to the demographic and social analysis outlined in **Appendix 2** of this Response and local market knowledge of housing demand in the town; in addition to national planning policy and the Boards decision in relation to the previous SHD application on the subject site. Please refer to the Statement of Housing Mix provided in Section 3 of the accompanying Statement of Consistency for further details.

Local Area Plan Design Brief / Framework Plan for Magee Barracks

- 4.20 The report by KCC states the following in relation to the LAP:

'It is considered that the proposed development would materially contravene the provisions of the Kildare Town Local Area Plan 2012-2018 for failure to adhere to the provisions set out for the regeneration of a strategic site'.

- 4.21 It notes this opinion has had regard to the provisions of the Design Brief for the lands set out in the Kildare Town Local Area Plan 2012-2018. The opinion from KCC states that *'it is considered that the prospective development represents a poor reflection of the strategic importance of the site due to the lack of a wide range of appropriate uses within the application site. Notwithstanding the separate concurrent permission/applications on the landholding for a medical treatment facility and a retail discount store, it is considered that there has been little consideration of the vision set out in the Design Brief to provide for an appropriate mix of employment, education and community uses within the application site.'*

Whilst there may be the creation of a new integrated community quarter through the proposal and the existing educational facilities adjacent, it is considered that the lack of significant employment generating land uses, to reduce the need for commuting should be more acutely considered on this strategic regeneration site, to allow for the site to more fully integrate into the town's urban fabric'.

- 4.22 We note the Inspectors Report on Reg. Ref.: ABP-301371-18 states the following in relation to the Design Brief/ Framework Plan for Magee Barracks;

'This brief is largely indicative in nature'.

*'I note that this application provides for a degree of commercial activity, with three retail units, a childcare facility and cafe/gallery uses proposed. I also note the location of two schools within the overall site. Finally, I note that a large area of Phase 1 commercial lands are located immediately opposite the R445 from the subject site. **Taking the overall land parcel as a whole, and considering adjacent zonings, I am satisfied***

with the degree of commercial development being presently proposed and I do not concur with the assertion in some of the submissions received that Kildare will become purely a commuter town if this proposed development is permitted'.

'The overall masterplan objectives are being fulfilled by the provision of educational, commercial, community and residential uses on the overall site and its immediate environs.

'Therefore having regard to all of the above, I am satisfied that the proposal as provided for in this current application is acceptable in principle; is not a material contravention of local policy and is in accordance with the provisions of the National Planning Framework with regards to the sustainable development of such regeneration sites' (Emphasis Added)

- 4.23 In response to the concern raised by KCC regarding adherence to the indicative Design Brief/ Framework Plan for Magee Barracks set out in the Kildare Town Local Area Plan 2012-2018, we have set out in detail the areas where the proposed development complies with the LAP in the accompanying Statement of Consistency. Deviations from the indicative framework set out in the LAP are considered to occur where the LAP is inconsistent with recent national planning policy (including the National Planning Framework, the Regional Spatial and Economic Strategy for the EMRA, the Urban Development and Building Heights Guidelines and the Apartment Guidelines 2018) in relation to sustainable densities, integration of land use and transportation and the need to regenerate at appropriate densities our town centres, brownfield lands and lands with good public transport provision. In particular the LAP is not considered to accord with the requirement to develop at a sufficiently high density to provide for an acceptable efficiency in serviceable land usage on a site close to the town centre of Kildare and its services and facilities, including public transport facilities, and having regard to the sites appropriate location sequentially within Kildare Town.
- 4.24 In relation to the Design Brief/ Framework Plan for Magee Barracks set out in the LAP, we note the LAP states that the indicative framework plan set out therein is ***'provided for illustration purposes only, demonstrating how the site organisation can be used to provide a new street pattern, sympathetic to the historic core using a mix of building uses and types to create a vibrant new area'***.
- 4.25 The proposed development differs from the illustrative masterplan provided in the LAP; however, it is considered that the proposed scheme retains the key principles set out in the LAP as detailed herein, including the provision of a street pattern which is sympathetic to the core of the town. The proposed also provides for a mix of building types and uses, thereby ensuring the creation of a lively new neighbourhood.
- 4.26 The proposed masterplan for the overall Magee Barracks site contains a mix of uses including residential, retail (permitted supermarket and 3 no. proposed retail units) (employment generating), community (childcare facility and open space), educational (existing schools on former Magee Barracks lands) and a Cancer Treatment Clinic (proton therapy) (employment generating – currently on appeal) on the overall landholding, in compliance with the requirements of the design brief for a mix of uses.

Employment Uses

- 4.27 In relation to employment the permitted supermarket will provide for employment/commercial within the former Magee lands. The proposed neighbourhood centre will provide a modest level of employment within the Phase 1 development. The major employment use within the Magee lands is to be provided via the proposed Cancer Treatment Clinic (currently on appeal with ABP). This large-scale, high value employment use will benefit Kildare town economically and in terms of direct and indirect employment creation.

Community Uses

- 4.28 In relation to community uses, firstly we note that c 3.62 ha (8.95 acres) of the Former Magee Barracks Site has been provided to the Department of Education, prior to our client purchasing the lands, for the provision of two no. primary schools. Both of the schools have now been completed. This c. 8.95 acres provides a significant portion of the 10 acres of open space and community facilities referenced in the Local Area Plan.
- 4.29 The applicant proposes to provide c. 3.2 ha / 8.09 acres of open space on the overall masterplan lands. Thus, when taken with the school site, the requirement of “*about 10 acres*” of open space and community facilities on the overall Magee Barracks site will be significantly exceeded.
- 4.30 In addition, the Phase 1 application will include a childcare facility of circa 680 sq.m, neighbourhood centre facilities (3 retail units and a café including gallery/exhibition space) and a public square (Magee Square).
- 4.31 In summary the design proposed for the Magee lands complies broadly with the employment and community uses set out in the LAP, while also providing a considerably greater quantum of housing (totalling 375 no. units in Phase 1) as required to address the reason for refusal on the previous scheme and pre-application opinion from ABP.

Public Open Space

- 4.32 The report of KCC notes that the location of the open spaces is generally acceptable. The report of the Parks Section raises issues regarding passive surveillance of the pocket park adjacent to Magee Terrace. In response, the units have been orientated towards Wickham Park as illustrated in Figure 4.1 to provide passive surveillance.



Figure 4.1: Passive Surveillance of Wickham Park

Stormwater/Surface Water

- 4.33 As discussed in the accompanying Water Services Design Report prepared by Garlands Consulting Engineers, there is a capacity restriction on the downstream M7 carrier pipe to which storm flows from this catchment are discharging.
- 4.34 The proposed low flow rate of 2l/s from the overall site will ensure that there is limited impact on the carrier drain. A study has recently been carried out by Kildare Road Design Office to determine the available capacity which can be reserved for storm

flows from development in the catchment. The publication of this study is yet to be released however, correspondence with Mr. John Grealish from Kildare County Council National Roads Office (KCC NRO) confirmed that the KCC NRO had no objections to the proposed peak flow discharge. The previous design and submission of this application concluded a peak flow discharge to the network in question to be 27 l/s. This has since been significantly reduced by means of alternative SUDS measures (infiltration as described above) across the Magee Barracks development.

5.0 CONCLUSION

- 5.1 This document outlines how the items outlined in the pre-application consultation opinion from An Bord Pleanála in relation to a proposed strategic housing development at the Former Magee Barracks, Hospital Street (R445), Kildare Town, County Kildare, have been addressed in full by the applicant and design team prior to lodgement of the application to ABP.
- 5.2 The proposed residential density now stands at 39.42 units per hectare providing 375 no. units on the subject site, an increase of 77 no. units on the pre-application proposals of 298 no. units.
- 5.3 In a like for like comparison of residential density from pre-application proposals to the current proposal (i.e. utilising the same net residential development area of 76,975 sq.m which was calculated at pre-application stage), a residential density of 48.72 units per hectare is provided, an increase of 10% on the pre-application density calculation of 38.7 units per hectare.
- 5.4 In relation to unit mix, it is considered that the proposed development provides for a range of house types, sizes and orientations within the overall design and has been further strengthened in this regard through the introduction of 4 no. apartment buildings providing a mixture of apartment sizes. It is considered that this variety of housing provides for significant choice for prospective future residents.
- 5.5 The density, unit mix, layout and design changes incorporated into the final scheme are considered to result in improvements to the overall proposed development and ensure that a high-quality scheme is presented to the Board for approval.
- 5.6 This response document also addresses the specific information requested by An Bord Pleanála and identifies the source or location of the response within the planning submission documentation.
- 5.7 The relevant prescribed authorities identified in the pre-application consultation opinion from An Bord Pleanála have also been notified of the submission of the planning application in accordance with Section 8(1)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016.
- 5.8 It is respectfully submitted that the proposed development has addressed the 1 no. issue raised in the opinion provided by An Bord Pleanála, is consistent with the proper planning and sustainable development of the area, and is consistent with all relevant national, regional and local planning policies and guidelines.

Appendix 1 – Statement of Response to An Bord Pleanála's decision to refuse permission under Reg. Ref.: ABP-301371-18

Introduction

Following An Bord Pleanála's decision to refuse permission, under Reg. Ref.: ABP-301371-18, on the 9th of July 2018, for the Phase 1 Strategic Housing Development at the Former Magee Barracks site, Kildare Town, Co. Kildare, revised proposals were prepared and discussed with both Kildare County Council and An Bord Pleanála during the pre-application process.

We are now submitting a planning application to An Bord Pleanála in relation to revised proposals which seek to address the pre-application opinion from ABP and the reason for refusal for the previous SHD application on the subject site (Reg. Ref.: ABP-301371-18).

As set out within the pre-application submission documents previously submitted, the updated proposals seek to address the Board's 2 no. reasons for refusal, additional notes included in the Board's Direction and relevant points raised in the Inspector's Report, in addition to the issues raised by Kildare County Council.

The response below summarises how the pre-application proposals addressed the reasons for refusal. These proposals have been subject to further change and improvements following receipt of the ABP opinion.

ABP Decision

In advance of addressing the reasons for refusal, we note a number of key issues that were considered by the Board which are of relevance to the future development of the subject lands.

- The Board's assessment concludes that the development of the Former Magee Barracks site can be seen as sequential in nature and *'could reasonably be seen as a natural extension to the town centre'*.
- The Inspector's Report acknowledged the suitability of the site for substantial residential development and accepted the applicant's rationale for deviation in certain instances from the requirements of the current Local Area Plan. The Board's Order and Direction did not raise any issues relating to non-compliance with the LAP.
- The Inspector's Report did not concur with the assertion made by the Planning Authority that the proposal represented a material contravention of the Local Area Plan and agreed that the proposal was sequential in nature and could be seen as a natural extension to the town centre.
- The Inspector accepted the arguments put forward regarding the quantum of open space and community facilities already in place on the overall Magee Barracks lands (including 2 no. schools), and acknowledged the facilities being provided by the proposed SHD application and adjacent applications (Cancer Treatment Clinic) also contribute to this quantum. The Inspector therefore accepted the applicant's interpretation in relation to the requirements of the LAP being fulfilled in this regard (i.e. a quantum of 10 acres of open space and community uses).
- The Inspector was satisfied with the level of commercial development proposed and does not share Kildare County Council's concerns about the level of employment generating uses. The Inspector considered that the overall masterplan objectives were being fulfilled in terms of use mix by the *'provision of educational, commercial, community and residential uses on the overall site and its immediate environs'*.
- The Inspector's Report notes that there is potential for a higher density than 34.3 units/ha on the site. The Board's Order also referenced the requirement for higher densities in the second reason for refusal.
- The Inspector noted the many positive features of the development including the historic and military references, quality and quantity of public open space, the

connectivity and linkages provided, and the quality of the built environment and character areas.

- The Inspector accepted the body of evidence put forward by the applicant in relation to the demolition of the officer's mess and water tower and considers the demolition of the buildings acceptable in principle in this instance. The Inspector also welcomed the interventions proposed to reflect the historical significance of the site.
- The Inspector agreed with the design approach to maintain the main route through the lands as a street rather than a frontage free road.

Response to Reasons for Refusal

The Board's decision to refuse permission for the previous Phase 1 SHD proposal primarily related to concerns in respect to the overall mix of unit types (i.e. lack of overall unit mix and requirement to include more apartments) and the density not being sufficiently high for this centrally located brownfield site within Kildare Town.

The second reason for refusal also raises a concern in relation to proximity of the proposed 3 storey residential buildings to existing residential properties. The decision also notes that some of the apartments / duplexes are not fully in compliance with the Apartment Guidelines 2018 in respect of storage areas and floor to ceiling heights.

The Board's Direction also includes a note requiring that any new scheme should include an internal street layout which complies with the requirements of DMURS in respect to roads, cycleways and footpaths.

Reason for Refusal No. 1:

'The proposed development, which is characterised predominantly by three and four bed semi-detached housing, would be contrary to the section 28 Ministerial Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and the accompanying Urban Design Manual issued by the Department of the Environment, Heritage and Local Government in May 2009, and would contravene Policy MD 1 of the Kildare County Development Plan 2017-2023, which seek to ensure that a wide variety of adaptable housing types, sizes and tenures are provided in the county. Criterion number 4 of the Urban Design Manual recognises that a successful neighbourhood will be one that houses a wide range of people from differing social and income groups and recognises that a neighbourhood with a good mix of unit types will feature both apartments and houses of varying sizes. The National Planning Framework issued by the Department of Housing, Planning and Local Government, recognises the increasing demand to cater for one and two person households and that a wide range of different housing needs will be required in the future'.

Response:

This reason for refusal related to the overall unit mix and the predominance of 3 and 4 bed semi-detached housing. The reason for refusal refers to the need for a range of house types in order to create a successful neighbourhood.

In order to respond to An Bord Pleanála and Kildare County Councils concerns regarding unit mix and to determine an appropriate housing mix for the proposed site, we have undertaken further analysis of demographic profiles in Kildare Town which is outlined in **Appendix 2** below. The findings of this analysis have assisted in informing the revised housing mix proposed herein.

The revised proposals address this reason for refusal by providing a more varied and balanced unit mix including apartments and houses of varying types and sizes. The revised unit mix significantly reduces the proportion of 3 bed units to 36.3%, with the proportion of 1 and 2 bed units increased to 45.9% (12.3% and 33.6% respectively).

Policy MD 1 of the Kildare County Development Plan 2017-2023 states in relation to mix of dwelling types that;

'It is the policy of the Council to ensure that a wide variety of adaptable housing types, sizes and tenures are provided in the county in accordance with the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and the accompanying Urban Design Manual to support a variety of household types.'

The proposed unit mix is considered to provide a wide variety of housing types and sizes and will facilitate a variety of tenures in compliance with Policy MD 1 of the Kildare County Development Plan 2017-2023.

It is considered that the revised housing mix and layout proposals will cater for a wide range of people from differing socio-economic groups and that the variety of unit types and sizes proposed, (including 190 no apartments ranging from 1-3 bed duplex/apartment units) will help to contribute to the creation of a successful neighbourhood, in compliance with criterion number 4 of the Urban Design Manual.

The revised design includes a greater variety of architectural design, mix of façade types, materiality and roof forms which helps to create visual variety within the site character areas.

Please refer to the attached Design Statement prepared by RKD Architects for further detail regarding how the revised proposals address this reason for refusal.

Reason for Refusal No. 2

'Having regard to the location of the site close to the town centre of Kildare and to public transport and proximate to social and educational facilities, it is considered that the proposed residential development would not be developed at a sufficiently high density to provide for an acceptable level of efficiency in the use of serviced lands and would accordingly be contrary to National Policy as set out in the section 28 Ministerial Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas. Furthermore, it is considered that the positioning of the proposed three storey apartment/duplex units on the periphery of the lands adjoining established single storey and two storey houses would be an inappropriate design response to the site and would seriously injure the residential and visual amenities of these properties.'

In addition to the above, some proposed apartments/duplexes are not fully in compliance with the section 28 Ministerial Guidelines for Planning Authorities Sustainable Urban Housing: Design Standards for New Apartments (2018) in relation to minimum storage areas and floor to ceiling heights. The proposed development would, therefore, be contrary to the section 28 Ministerial Guidelines and contrary to the proper planning and sustainable development of the area'.

Response:

Refusal reason no. 2 has two distinct parts which are addressed below as part (i) and (ii).

(i) This reason for refusal related to the density of development and the positioning of three storey units on the periphery of the lands.

The revised site layout and unit mix provides an indicative unit total of 375 with a net residential density of 39.42 units to address the refusal reason from An Bord Pleanála and comply with National Housing Policy which emphasises the need for greater densities and more compact urban growth.

The additional apartment units are located centrally within the site, i.e. separated from adjoining residential areas. The units on the periphery of the site are now proposed as

traditional two storey housing which are more sympathetic to surrounding residential areas and respect the residential amenity of these adjacent properties.

(ii) Some apartments / duplexes do not comply with the Apartment Guidelines 2018 standards in respect of minimum storage area and floor to ceiling heights.

Please refer to the accompanying Residential Quality Audit and the relevant architectural drawings prepared by RKD Architects which demonstrate the compliance of all apartments / duplex units in the revised scheme design with the relevant standards contained in the 2018 Apartment Guidelines.

Note from the Board's Direction

'The Board concurred with concerns expressed by the Planning Authority and the National Transport Authority in relation to the internal road layout and considered that in any future planning application for residential development on the site, the layout of the roads, cycleways and footpaths should be fully compliant with the Design Manual for Urban Roads and Streets'.

Response:

The note included in the Board's Direction related to concerns with the internal road layout and compliance with DMURS and referred to concerns expressed by the NTA and the Planning Authority in this regard.

The revised site layout proposes an amended internal road network which ensures compliance with DMURS and the National Cycle Manual. Please refer to the accompanying Statement of Response prepared by Garland Consulting Engineers for further detail.

The internal access road has been redesigned with provision introduced for cycle facilities on both sides of the primary internal roadway/street as well as crossings reflecting Section 4.7 of the National Cycle Manual. The primary internal roadway will be defined at its edges by the proposed cycle lanes. Curves and central islands have been introduced in compliance with DMURS to slow vehicle speeds and create a more pedestrian and cyclist friendly layout.

The revised internal road network has led to amendments to the entrance to the proposed Cancer Treatment Clinic site and the proposed Lidl site. The entrances to the Lidl site and Cancer Treatment Clinic site are now staggered as opposed to the previous crossroads entrance arrangement in order to avoid potential confusion at the junction regarding driver priority.

In relation to the design of the local streets within the proposed development, a road width of 5m has been chosen in compliance with DMURS which states; *'The standard carriageway width on Local streets should be between 5-5.5m (i.e. with lane widths of 2.5-2.75m)'*. A minimal width of 5m on local streets can influence drivers to reduce speeds providing a safer environment for pedestrians in accordance with DMURS.

The horizontal alignment of the street has been revised adjacent to Parade Park with the introduction of gentle curves around the park as opposed to the previous more orthogonal section. This change to the horizontal alignment at this location provides traffic calming whilst avoiding any consequent loss in permeability and legibility, in accordance with DMURS. The site layout retains its grid type orthogonal layout which was considered acceptable by An Bord Pleanála and aimed to reflect the historic use of the site as a military barracks which contained formal parade grounds and a grid type layout.

The R445/Hospital Street is identified as a cycle route in the NTA's 'Greater Dublin Area Cycle Network Plan' (2013). In compliance with the Cycle Plan and to facilitate the future provision of this cycle route in its entirety, the carriageway of the R445 provides fully segregated cycling facilities on both sides of the street. The cycle routes comply with the National Transport Authority design criteria set out in the National Cycle Manual.

The proposed development will provide a series of pedestrian and cycle routes throughout the site providing linkage to Gaelscoil Mhic Aodha primary school and Kildare Town Educate Together School to the north and onward to Melitta Road. These links and routes for pedestrians and cyclists will provide excellent levels of permeability and accessibility for the new neighbourhood whilst also improving the permeability of the wider area.

Open Space Provision

We note that the Board were generally satisfied with the formal layout and open space provision, which sought to reference the military history of the site, in the previous scheme proposed for the site. We have therefore sought to retain these aspects of the scheme and provide for passive surveillance in key areas through appropriate design of residential units.

The Development Plan states that the minimum public open space requirement for greenfield sites is 15%, with a requirement of 10% of the overall site area for other sites. The proposed Phase 1 development includes a public open space provision of c. 16.5 % of the total Phase 1 lands. The overall masterplan for the Magee lands, which we note is indicative for the Phase 2 lands, including the Cancer Treatment Clinic site, provides a total of 3.2 hectares (8 acres) of open space.

Response to Issues Raised in the Inspector's Report

The issues below were raised in the Inspector's Report. We note that the inspector provided only one reason for refusal and the Board subsequently added the second reason relating to density.

We note that the majority of these issues do not arise in the reasons for refusal or the Notes to the Board's Direction. We have nonetheless set out how they will be addressed where relevant for completeness.

Item	Issue	Response
Unit Mix - Section 10.3.6 to 10.3.7, and 12.2.	<p>The Inspector considers the lack of appropriate mix of dwelling type/sizes to be the biggest failing of the proposed development.</p> <p>Variations to 3 bed units and other variants provided do not satisfy the need for greater mix/type – irrespective of minor changes to floor plans/elevations.</p> <p>E1 and E2 are considered to be essentially the same bar one being mid terrace and the other end of terrace.</p> <p>The inspector considers that the proposed development does not cater for a good population mix or for persons at varying lifecycle stages.</p> <p>Surrounding residential developments cater well for the 3 and 4 bed requirements, variety is required in this proposal.</p> <p>The Inspector concludes that the applicant's response to the issue of unit mix is inadequate stating that the</p>	<p>The mix of 1 and 2 bed units has been increased through the provision of additional apartments.</p> <p>The dominance of 3 bed semi-detached units has been reduced significantly.</p> <p>The revised unit mix is as follows;</p> <ul style="list-style-type: none"> • 1 bed - 46 – 12.3 % • 2 bed - 126 – 33.6 % • 3 bed - 136 – 36.3 % • 4 bed - 67 – 17.9 % <p>Total Units: 375 Units Residential Density: 39.42 Units/Hectare</p> <p>The revised unit mix ensures that one bed units will be made available on the open market.</p>

	<p>provision of four different types of 3 bed unit is not the same as providing a greater unit mix.</p> <p>Notes that only 4% of units are one bed and all are allocated to Part V/ no units available on the open market. Only 10% are two bed. Notes that 75% are 3 bed units and 86% are three bed or greater and that almost 63% are semi-detached with a floor area range of 109-135 sq.m.</p> <p>This is considered an inadequate response and would cater for a homogenous population with little variety.</p> <p>Notes that the NPF requires varying housing needs to be met and in the future smaller units will be required based on household size projections.</p> <p>The inspector notes that consideration was given to omitting units by condition however concluded that this was inappropriate in this instance given the scale of re-examination required. Unit Type/Mix needs a complete re-assessment.</p>	
Compliance with Apartment Guidelines, Storage Space, Floor to Ceiling Heights - Section 10.4.5	Inspector notes that storage and ground floor to ceiling heights are not fully in compliance with the Apartment Guidelines	The revised proposals comply in all respects with the Apartment Guidelines. The updated Residential Quality Audit demonstrates compliance with relevant standards for all residential units.
Discrepancies in TIA	The Inspector notes minor discrepancies in car parking and bicycle parking numbers.	Discrepancies have been addressed in the revised proposals.
Unit Type E1	Noted as Mid-terrace units	Discrepancies in labelling have been addressed in the revised submission documents.

EIAR Section 11.2.2, 11.3.2, 11.3.8	<p>KCC comments regarding consideration of alternatives – indicative layout set out in LAP</p> <p>Address displacement of vermin from the site during demolition works.</p> <p>Notes that LVIA does not include views from Rowanville or Magee Terrace.</p>	<p>The updated EIAR examines a layout guided by the strategic vision set out in the LAP in the alternatives section of the EIAR.</p> <p>The Construction Environmental Management Plan deals with potential displacement of vermin.</p> <p>The updated LVIA includes views and assessment of the revised layout from Rowanville and Magee Terrace</p>
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Conclusion

It is respectfully submitted that the revised proposals provide an appropriate response to the decision by An Bord Pleanála to refuse permission, under Reg. Ref.: ABP-301371-18, and sufficiently address the reasons for refusal, and all other relevant matters, including the additional notes included in their Direction and relevant points raised in the Inspector's Report. The response in turn has regard to the relevant issues set out in the KCC Chief Executive's Report on the previous application, and also address the issues raised by KCC and ABP on the pre-application proposals.

The layout and design changes incorporated into this revised proposal are considered to result in improvements to the previous proposed development, providing a more efficient use of zoned lands and a more varied housing mix.

It is respectfully submitted that the proposed development is consistent with the proper planning and sustainable development of the area, and is consistent with all relevant national, regional and local planning policies and guidelines.

Appendix 2 - Demographic Profile

In order to respond to An Bord Pleanála and Kildare County Councils concerns regarding unit mix and to determine an appropriate mix for the proposed site, we have undertaken further analysis of the demographic and social profile of Kildare Town outlined below. The Statement of Consistency also includes a rationale for the proposed unit mix, which has been significantly revised since the refusal for the first SHD scheme.

Demographic Profile

Population and Age Profile

In terms of demographics, out of a population of 9,874 Kildare Town has a population of 4,464 between the ages of 20-49 which equates to 45%. This is higher than the state average of 42% in this age cohort.

This demographic profile would point to the need to cater for 2 – 4 bed units for those households with families, those looking to start families, and in the medium term for those currently in their mid-20s as starter homes in the future.

The NPF notes national trends of an ageing population with smaller household sizes, however these trends are less pronounced in Kildare Town. In terms of people at retirement age and people potentially looking to trade down, Kildare Town has a population of 958 persons over the age of 65, which equates to 9.7%. This is considerably lower than the stage average of 13.3%.

This points to a lower proportion of trading down or right sizers in Kildare Town than the state average, and consequently a potential lower demand for 1 bed units suitable for trading down.

Household Size

In terms of household size, 54% of households in Kildare are 3 person or greater. This is higher than the state average of 47.9%. This points to the need to cater for larger household sizes in Kildare Town.

Household Type

In terms of household type, the percentage of 1 person households in Kildare Town is 20.7%. This is lower than the state average of 23.4%. This points to a potential lower demand for 1 bed units in Kildare Town.

Revised Unit Mix

Having regard to the demographic and social profile outlined above, a revised housing mix was developed which increased the proportion of 1 and 2 bed units to 10.7% and 21.1% respectively, and significantly reduced the proportion of 3 bed units from 75% to 49.3%.

The proposed mix of unit types and sizes will provide much greater variety, increase residential density and maintain the viability of the proposed residential development.

Refused proposal	Pre-App Proposal	Revised proposal
1 bed - 12 - 4%	1 bed - 28 – 9.4 %	1 bed - 46 – 12.3 %
2 bed - 26 - 10%	2 bed - 59 – 19.8 %	2 bed - 126 – 33.6 %
3 bed - 198 - 75%	3 bed - 149 – 50 %	3 bed - 136 – 36.3 %
4 bed - 28 - 11%	4 bed - 62 – 20.8 %	4 bed - 67 – 17.9 %
Total: 264	Total: 298	Total: 375