

**STATEMENT OF RESPONSE
TO THE NOTICE OF
PRE-APPLICATION
CONSULTATION OPINION**

FOR A

**RESIDENTIAL DEVELOPMENT (THE
PADDOCKS) AT MORRISTOWNBILLER,
NEWBRIDGE, CO. KILDARE**

PREPARED BY



ON BEHALF OF

STENNOCK LTD.

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I. INTRODUCTION

A request to enter into pre-application consultations with An Bord Pleanála was submitted on 6th December 2017 following Section 247 consultation with Kildare County Council. A subsequent consultation meeting was held on 25th January 2018.

The Board issued a Notice of Pre-Application Consultation Opinion on 15 February 2018, which states that the Board is of the opinion 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.

Three issues to be addressed were identified as follows:

- Residential Density
- Road Layout & Parking Provision
- Foul & Surface Water Drainage

The Board also requested, pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the provision of the following specific information:

1. Planning Report providing a rationale for the public open space.
2. A noise report addressing potential impact from the adjoining railway line and proposed mitigation measures, if required.
3. Traffic Impact Assessment to include traffic generated by Phase 1, completion of the distributor road, and proximity to the train station.
4. Planning Report providing a rationale for the proposed car parking provision, to be supplemented by a Traffic Impact Assessment and Mobility Management Plan.
5. Site Specific Floodrisk Assessment
6. AA Screening Report to consider potential impacts on Pollardstown Fen SAC including hydrogeology.

The following sections provides a summary of the response to the above.

2. RESPONSE TO ISSUES RAISED IN THE BOARD'S NOTICE OF PRE-APPLICATION CONSULTATION OPINION

Residential Density

Further consideration/justification of the documents as they relate to the proposed residential density. This consideration should have regard to, inter alia, the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas', the relevant provisions of the Newbridge Local Area Plan 2013-2019 including Policy HL6 of same and the proximity of the site to Newbridge Town Centre and Railway Station. The further consideration of this issue may require an amendment to the documents and/or design proposals submitted relating to density and layout of the proposed development.

On foot of the Section 5 Pre-Application Consultation and Opinion the proposed scheme has been revised to increase the density and mix of residential units.

The number of residential units proposed has increased from 164 to 281 and now achieves a net residential density of 50 units per ha. A comparison table of the previous draft scheme and current is presented below:

	Scheme presented at Section 5 Pre-Application Consultation	Revised Scheme proposed for SHD Planning Application
Number of Units	164	281
Net Density	31	50
Percentage of Houses	95% (156)	41% (114)
Percentage of Apartments	5% (8)	59% (167)
Percentage of 1-bed units	5% (8)	14% (39)
Percentage of 2-bed units	12% (19)	47% (132)
Percentage of 3-bed units	83% (137)	39% (110)

In increasing the quantum, density and mix of residential units, regard is had to the following:

- Section 5.8 of the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (2009) which promote a minimum density of 50 units per ha within "Public Transport Corridors".
- Section 5.11 of the Guidelines which promotes density range of 35-50 units per ha for "Outer Suburban / 'Greenfield'" sites.
- Table 11 of the Newbridge Local Area Plan 2013-19 which also promotes a density range of 35-50 units per ha on "Outer Suburban/Greenfield" sites.
- Section 7.2.2 of the LAP which promotes higher residential density on the subject lands given its location within the existing transport corridor (railway line) and in order to "maximise the return on public transport investment."
- Policy HL 6 of the LAP which seeks to restrict apartment developments "generally to town centre locations or suitably located sites adjoining public transport connections", and which allow for higher density schemes "where they exhibit a high architectural design standard creating an attractive and sustainable living environment."

In relation to the calculation of the net site area, which is used to calculate the net density, we refer to Appendix A of the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' which states that the following can be excluded in the calculation of a net site density measure:

- major and local distributor roads;
- primary schools, churches, local shopping etc.;
- open spaces serving a wider area; and
- significant landscape buffer strips.

We refer to the area schedule prepared by Duignan Dooley Architects and the plan below which illustrates (in yellow) the areas excluded from the net site area, namely:

- The two link roads running north-south and east-west through the site providing connection to/from existing and planned residential estates and onward connections to public roads in the wider area (e.g. Station Road, Sarsfield Drive, Morrinstown Road, etc.). These link roads are specifically designated under Maps 2 and 7, and Policy SRO 8 (C)(i) and (ii) of the Newbridge LAP which refer to the following:
 - From the L7036 Morrinstownbiller Road (H) to the R416 Station Road at the entrance junction to the Department of Defence (I), through the lands zoned C4 & C5, utilising the existing section of street already constructed.
 - From the L7036 Morrinstownbiller Road at The Meadows at Cornelscourt (J) to the new street proposed under SRO 8 (c) (i) above (K), through the lands zoned C4, utilising the existing sections of street already constructed.
- The set back along the southern boundary of the site with the railway line as designated on Map 7 of the LAP. This area is zoned "I – Agricultural" and on which "park/playground" is Open for Consideration. This area is designated as a green landscape buffer strip to the railway line.

Exclusion of the link roads and the railway buffer, as per Appendix A, gives a net site area of 5.59ha. 281 units gives a net density of 50 units per ha, which is considered in accordance with national and local planning policy.



Roads Layout & Parking Provision

Further consideration/justification of the documents as they relate to the roads and layout and parking provision. This consideration should have regard to inter alia, to the 'Design Manual for Urban Roads and Streets', in particular the need to provide a clear hierarchy of streets and the recommendations of DMURS with regard to parking layouts. The further consideration of this issue may require an amendment to the documents and/or design proposals submitted relating to density and layout of the proposed development.

We refer to DDA Architects Drawing 16-010-P.1.006 which identifies the street hierarchy for the development comprising Link Streets, Side Streets and Homezones.

The development will consist of a clear navigable route of internal streets footpaths and cycle routes which will connect the development to the surrounding area. The layout and design of the proposed dwellings will ensure passive surveillance of all pedestrian footpaths within the site.

A major vehicular link already exists through the Meadows residential scheme to the north of the site connecting Morristownbiller Road with Station Road. A new major Link Road identified in the Newbridge LAP 2013 - 2019 as objective STO 8 (c), (i) and (ii) is proposed to connect from the adjoining lands to the east through the application site to provide further connectivity to the Morristownbiller Road through the agricultural lands west of the site, as well as a link road connecting to the link road through the Meadows.

The site layout plan aligns routes with desire lines to create a permeable interconnected series of streets that are both legible and easy to navigate around.

Further elaboration on how the proposed development accords with DMURS principles is contained in a DMURS Statement prepared by Kavanagh Burke Consulting Engineers.

Foul & Surface Water Drainage

Further consideration/justification of the documents as they relate to the proposed foul and surface water drainage. This consideration should have regard to (i) provision for surface water runoff from Phase 1 of the development and (ii) phasing and connection to the Upper Liffey Valley Regional Sewerage Scheme. The further consideration and/or design proposals submitted to density and layout of the proposed development.

We refer to the Drainage Design Report prepared by Kavanagh Burke Consulting Engineers. The report confirms that the waste and surface water drainage network is common to both the existing Phase 1 development (the existing Meadows scheme to the north) and the current proposal (Phase 2).

Due to the inextricable link between Phase 1 and Phase 2, the engineers carried out extensive research on site to establish the existing surface water layout including confirmation of the presence of any existing surface water attenuation systems. It was concluded after much investigation that the existing system was insufficient and was not suitable for the inclusion of a flow control device. The engineers have therefore allowed for the full Phase 1 runoff flow (199 l/sec) to discharge into the subject Phase 2 where a full new surface water attenuation system will be installed to cater for both the existing and proposed development. The single attenuation system will be the overall system for a) The Meadows development plus b) the Phase 2 39 no. houses that were the subject of the recent retention application (KCC Ref. 16/1013), plus c) the current subject development. As a result of this overall

design approach, all runoff from the entire development (The Meadows and The Paddocks), will be SuDS compliant on completion of the works.

In relation to foul drainage, the existing Phase 1 foul sewer and the proposed Phase 2 foul sewer will form one drainage network with one outfall location. Both phases of the development will be fully integrated regarding access roads, drainage and utilities. Regarding maintenance of the foul sewer in the context of taking in charge it is envisaged that the development proposed will be constructed to Kildare County Council & Irish Water standards throughout with the view to entering into the taking in charge process at the appropriate time in the future.

In relation to phasing and connection to the Upper Liffey Valley Regional Sewerage Scheme it is noted that the matter will be specifically addressed when correspondence with Irish Water advances in the Project Works Services Agreement (PWSA). Until the PWSA is advanced it is not yet known what the specific phasing requirements of Irish Water will be for this development.

However we would re-iterate that at this stage Irish Water have formally confirmed that the applicant's proposed connection to the Irish Water network can be facilitated (subject to a valid connection agreement being put in place), and has issued a Statement of Design Acceptance, both of which are included as appendices to the report prepared by Kavanagh Burke Consulting Engineers.

3. STATEMENT OF RESPONSE TO SPECIFIC INFORMATION REQUIRED

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

Public Open Space

The Board requested a planning rationale for the proposed open space provision, with regard to the relationship between Phases 1 and 2 of the overall scheme and the need for public open space within the proposed development to serve development permitted under Phase 1.

We refer to the drawings and area schedules prepared by DDA Architects and note the following:

- 2 public open space areas totalling 0.77ha are proposed within the site as zoned Residential (C) under the Newbridge Local Area Plan. One is 0.64 ha and the other is 0.15 ha.
- The layout and extent of the larger open space was previously granted under permission Ref 16/1013 for the 39 houses built/under construction to date within The Paddocks. The location and extent of the main open space has also been determined by the need for a significant attenuation area underneath it that is required to serve both the Paddocks scheme (phase 2) and the Meadows scheme (Phase 1). This is elaborated further in the Drainage Design Report and drawings prepared by Kavanagh Burke Consulting Engineers.
- The second open space is located at the western end of the site and directly south of an existing open space in the adjoining Meadows scheme. The proposed open space aims to combine with same to provide an integrated landscaping. This open space was originally conceived and granted under the parent planning permission for the combined developments (KCC Ref. 05/2160). It is also specifically located with regard to the presence of a number of trees protected in the Newbridge LAP and which form part of a larger band of trees in the adjoining third party lands surrounding Morrisstown Biller House.
- A third open space area (c.0.58 ha) comprises the buffer area adjacent the railway line at the southern end of the site. This area is zoned Agriculture (I) in the LAP with "park" an open for consideration use.
- As detailed on the Area Schedule prepared by DDA Architects, the two main public open spaces represent 13% of the net site area. When the railway buffer open space is included the total gross public open space represents 17.5% of the gross site area (7.7 ha which includes the area of the 39 existing houses permitted under Ref. 16/1013).
- This provision accords with the *Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas* (Section 4.20) and the Kildare County Development Plan, 2017-23 (Section 17.4.7) which both state that residential development on greenfield suburban sites should be provided at 15% of the total site area.
- In combination with the existing open spaces within the Meadows scheme the total public open space provision is c.2.07 ha or just under 15% of the total gross site area (14.62 ha).
- We also note that communal open spaces are proposed around the proposed apartment blocks as detailed on the site plan and landscape masterplan. These spaces are not open to the general public. The quantum of communal open space accord with and exceed the minimum requirements of the *Sustainable Urban Housing: Design Standards for New Apartments (2018)* as per the table below:

TYPE	3 Bed	9sqm per unit. Area required	2 Bed	7sqm per unit. Area required	1 Bed	5sqm per unit. Area required	Total Communal Area Required	Total Communal Area Provided
Block A	4	36	36	252	10	40	328	505
Block B	4	36	32	224	10	40	300	381
Block C	5	45	21	147	7	28	220	323
Block D	4	36	14	98	8	32	166	285
Block E	0	0	8	56	4	16	72	250

In summary it is considered that the quantity and quality of public and communal open space to serve the proposed residential development is acceptable and in accordance with local and national policy.

Noise Report

The Board requested a noise report which addresses the potential noise impact from the adjoining railway line and clearly outlined proposed noise mitigation measures, if so required.

The current scheme was assessed by Traynor Environmental Ltd in terms of its noise exposure from the adjacent railway line. The development site has been found to be below the range of noise levels deemed to be significant and where the onset of mitigation measures would typically be considered for noise.

The assessment has determined that the internal noise environment within the sensitive areas of the development are predicted to be within the recommended criteria adopted from BS 8233 using a double glazing system, and an enhanced double glazing system at more sensitive locations within the site.

Traffic Impact Assessment

The Board requested a Traffic Impact Assessment, to include consideration of the traffic generated by Phase I of the development, traffic impacts as a result of the completion of the distributor road required under Policy SRO 8(c)(i) of the Newbridge Local Area Plan 2013-2019 and the proximity of the site to Newbridge Railway Station.

A Traffic Impact Assessment prepared by TPS Consulting Engineers is included with the application and which provides for the above considerations.

Parking

The Board requested a planning report providing a rationale for the proposed car parking provision with regard to (i) the location of the site adjacent to Newbridge Station. (ii) development plan parking standards and (iii) parking provision for the crèche, to be supplemented by a Transportation Impact Assessment and Mobility Management Plan.

As per the area schedule prepared by DDA Architects we note that a total of 460 car parking spaces are proposed as part of this development. These are to be provided as follows:

- 228 off-street parking spaces for the 114 houses at a rate of 2 per unit.
- 167 spaces for the 167 apartments at a rate of 1 per unit.
- 12 spaces for the crèche.
- 53 visitor/car club/disabled parking spaces.

The parking provision for the houses accords with Table 17.9 of the Kildare County Development Plan 2017-23. 5 no. on-street visitor spaces for the residential area are also proposed. These are in addition to the 20 no. visitor spaces permitted around the central open space under Ref. 16/1013 for the 39 houses. In total this equates to a total visitor parking ratio of 1 space per 5 houses which is considered reasonable.

The apartment parking provision reflects that promoted in the *Sustainable Urban Housing: Design Standards for New Apartments (2018)*. Section 4.12 of the Guidelines refer to “Intermediate Urban Locations” as suburban locations served by good public transport where planning authorities must consider a reduced overall car parking standard on schemes with densities of 45 units per ha or more.

In this instance a standard of 1 space per unit is proposed having regard to the proximity to the railway station. The apartments are also served by an additional 29 visitor spaces and 8 car club (e.g. Go Car) spaces, and 11 disabled parking spaces. The total provision of 215 is a significant reduction on the 292 spaces that would apply if the Development Plan standard of 1.5 spaces per unit and 1 visitor space per 4 units was applied.

In addition a Mobility Management Plan is submitted with the application which outlines how sustainable transport modes as an alternative to private car use will be promoted to new residents.

The crèche parking provision of 12 spaces accords with the Development Plan standard of 0.5 space per staff member plus 1 per 4 children.

Given the proximity to the railway station and relative distance from the town centre it is considered that the parking provision for the proposed development is appropriate and in accordance with current planning policy.

Floodrisk

The Board requested a Site Specific Flood Risk Assessment. An assessment prepared by JBA Consulting is submitted with the application and which concludes that the site is located within Flood Zone C and has a low floodrisk.

Morristown Biller House

The Board requested an assessment of potential impacts on Morristown Biller House, to include impacts on the shared boundary including tree protection and visual impacts.

Morristown Biller House (in ruins) is located on third party land c.200m west of the western boundary of the proposed development. As acknowledged at the ABP consultation neither the House nor its curtilage or attendant grounds is not designated a Protected Structure in the Kildare County Development Plan or Newbridge Local Area Plan. Furthermore the property is not included in the

National Inventory of Architectural Heritage (NIAH) as a building of Local, Regional or National Importance, nor in the Record of Monuments and Places (RMP) established under Section 12 of the National Monuments (Amendment) Act 1994.

Nevertheless the setting of this House and the mature and robust small woodland surrounding the House is acknowledged and respected within the proposed design for the residential scheme.

The small woodland within the grounds of Morrinstown Biller House are identified in the LAP for protection (Table 16, Maps 5 and 6 of the LAP refer). The trees are identified as a “stepping stone” within the Green Infrastructure Network – an isolated habitat patch located in built-up areas or intensive farmland that allow animals and plants to jump between core habitat areas.

The wooded area extends to the western boundary with the subject lands and a number of individual trees are located on the shared boundary. These are noted on the Tree Survey submitted as part of this application. With the exception of a very poor quality stand-alone Ash tree in a state of advanced decline, proposed to be removed, the existing mature trees will be retained and will form part of the landscaping for the public open space proposed at the western boundary.

The public open space is itself proposed at that location with deference to the setting of the House and protected trees, and also to complement and complete the existing public open space adjoining in the Meadows residential scheme (originally granted and completed under KCC Ref. 05/2160). Further details are provided in the Landscape Masterplan and Strategy submitted with this application.

In relation to the House itself a separate report has been prepared by DDA Architects which examines further the potential impacts including visual impacts. The report concludes the following:

- The existing mature trees within the grounds of Morrinstownbiller House screens the proposed development from Morrinstownbiller House.
- A separation distance of approximately 200m between the proposed development boundary and Morrinstownbiller House (in ruins) will protect the setting of the house.
- The provision of landscaped open space within the proposed development and the augmentation of the existing boundary will mitigate any impact on Morrinstownbiller House.
- The Proposed Development is at a lower level than Morrinstownbiller House which further mitigates against any visual impact on the House.

Given the above it is considered that the proposed development will not negatively impact the character and setting of Morrinstown Biller House nor the protected woodland in its grounds.

Appropriate Assessment Screening

The Board requested an AA screening report, to consider potential impacts on Pollardstown Fen SAC (site code 000639) including hydrogeology.

A new AA Screening Report, prepared by Whitehill Environmental, is provided and which concludes that all impacts of the proposed development, including potential hydrological impacts upon the ground-water dependant habitats and species of Pollardstown Fen have also been considered and have been found to be unlikely.

Part V

The Board requested Part V proposals (with regard to relevant national guidance).

The relevance legislation regarding Part V Social Housing is contained within the Planning and Development Act 2000 (as amended) and the Planning & Development Regulations, 2001 (as amended).

Under Section 96 of the Act the options for compliance with Part V are as follows:

- I. The transfer, to the Planning Authority of the ownership of part(s) of the land (10%) subject of the application, to be reserved for the provision of social housing.
- II. the building and transfer, on completion, to the ownership of the Planning Authority, or to the ownership of persons nominated by the, of houses on the land which is subject to the application for permission of such number and description as may be specified in the agreement,
- III. the transfer to the ownership of the Planning Authority, or to the ownership of persons nominated by the Authority, of houses on any other land within the functional area of the Planning Authority of such number and description as may be specified in the agreement
- IV. the grant to the Planning Authority of a lease under the Housing Acts 1966 to 2014 of houses on the land which is subject to the application for permission, or on any other land within the functional area of the Planning Authority, of such number and description as may be specified in the agreement
- V. a combination of a transfer of land and one or more of the options listed above, or a combination of 2 or more of any of the others.

Article 22(2)(e) of the Regulations outlines the details to be included as part of any residential planning application subject to Section 96 of the Act. It states the following:

“in the case of an application for permission for the development of houses or of houses and other development, to which section 96 of the Act applies, details as to how the applicant proposes to comply with a condition referred to in sub-section (2) of that section to which the permission, if granted, would be subject, including-

- (i) *details of such part or parts of the land which is subject to the application for permission or is or are specified by the Part V agreement, or houses situated on such aforementioned land or elsewhere in the planning authority’s functional area proposed to be transferred to the planning authority, or details of houses situated on such aforementioned land or elsewhere in the planning authority’s functional area proposed to be leased to the planning authority, or details of any combination of the foregoing, and*
- (ii) *details of the calculations and methodology for calculating values of land, site costs, normal construction and development costs and profit on those costs and other related costs such as an appropriate share of any common development works as required to comply with the provisions in Part V of the Act”*

As evident in the pre-consultation submission the applicant has engaged with the Housing Department of Kildare County Council from the outset of the project to agree Part V through the transfer to the Planning Authority of the ownership of units on site, to be reserved for the provision of social housing.

Following the significant revisions to the scheme arising out of the ABP consultation the applicant has re-engaged with the Housing Department and has agreed a revised quantum and location of Part V units within the scheme.

The applicant's proposal will provide 21 no. units comprising 4 no. 1-bed apartments, 8 no. 2-bed apartments, 5 no. 2-bed houses and 4 no. 3-bed houses. The location of these units are shown on DDA Architects Drawing I6-010-P.I.010 in accordance with Article 22(2)(e) of the Regulations.

Furthermore, in accordance with the Regulations, the applicant has provided a costings spreadsheet with the cost of each unit based on the following attributable costs:

- Land Costs (including Land price, stamp duty & Cost of acquisition),
- Design & planning fees (including architecture, engineering, landscaping, planning, QS, surveys, planning application fees, levies, fire, archaeology, Homebond, etc.)
- Construction & Infrastructure costs (including for share of common development works, services connections, etc.)
- Finance Costs
- Marketing and sales costs
- Other costs (e.g. audit, project management, contingencies)
- Profit
- Cash Flow (banks loans, etc.)

Correspondence from Kildare CoCo Housing Department confirming outline agreement with the Part V proposal is also attached.

The applicant is agreeable to the attachment of a condition to a grant of planning permission that requires the applicants to enter into an agreement with the County Council as per its requirements prior to the commencement of development.

4. CONCLUSIONS

This report sets out how the various issues raised in the ABP Opinion in relation to the proposed development have been addressed in the revised design as now proposed.

As noted above significant alterations to the quantum, density and mix of residential units have been made resulting in a high quality and sustainable residential development that is consistent with the proper planning and sustainable development of the area and which accords with all relevant national, regional and local planning policy.