

## **Appendix A**

***Bluett & O'Donoghue Submission***

# Kilkenny County Development Plan Variation No. 2

Submission  
to  
Kilkenny County Council

in respect of  
The O'Shea lands in Freshford



**BLUETT & O'DONOGHUE ARCHITECTS**

PLANNING PROJECT MANAGEMENT ARCHITECTURE

URBAN RURAL MARINE

Date: June 2011

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# BLUETT & O'DONOGHUE ARCHITECTS

PLANNING PROJECT MANAGEMENT ARCHITECTURE

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Our Ref: COS/MH/A420111-L1  
Reply to: Kilkenny  
Date: 27<sup>th</sup> June 2011

Mr. John McCormack,  
Director of Services,  
Planning Department,  
Kilkenny County Council,  
County Hall,  
John Street,  
Kilkenny.

Re: **Submission in relation to Variation No. 2, Kilkenny County Development Plan**  
Re: **O'Shea Lands, Freshford, Co. Kilkenny.**

Dear Mr. McCormack,

We wish to make a Submission in relation to Variation No. 2 of the County Development Plan on behalf of our client, Mr. Conn O'Shea, in respect of his lands in Freshford.

## 1. BACKGROUND

- 1.1 Mr. Conn O'Shea is the owner of a landholding of 3.5 hectares in Freshford which is zoned for residential development in the current Local Area Plan.
- 1.2 The landholding is divided into roughly equal parts by a watercourse which runs through the land and has circa 1.9 hectares lying south and west of the stream and circa 1.6 hectares lying to the east of the stream..... **Ref. Figure 1.**
- 1.3 A planning application for a residential estate of 86 dwellings on the complete landholding was refused Permission in June 2006.  
**(P06/681 refers).....Ref. Site Layout in Figure 2.**

The proposed development was deemed premature pending the upgrading of the water services infrastructure in Freshford.

The proposed scheme was also considered unsympathetic in terms of its scale, density and layout and the culverting and rerouting of the stream was deemed to be at variance with the Local Area Plan.

- 1.4 Following consultation with the Planning Authority, Mr. O'Shea submitted a new planning application in November 2007.  
**(P.07/1975 refers).....Ref. Site Layout in Figure 3.**

The revised scheme addressed the shortcomings of P.06/681. It retained the stream running through the site in its existing alignment and made it the principal amenity focus of the estate. The revised scheme also addressed the public road in a more appropriate manner and provided a wider mix of house types.

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Architects Recognised under E.U. Directive 384/85 E.E.C

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Prodomo Limited, T/A Bluett & O'Donoghue Architects

Undoubtedly, the revised scheme is more sympathetic to its context and is compliant with the relevant objectives of the Local Area Plan, in particular H2, H3 and H4 relating to design, social mix, pedestrian and cycle links and landscaping.

However, Mr. O'Shea decided to withdraw P07/1975 prior to a decision by the Planning Authority when it became apparent that the proposed servicing of the development by means of a temporary private effluent treatment plant would not have the support of the Planning Authority.

## 2. PLANNING AUTHORITY ZONING PROPOSAL

- 2.1 The Planning Authority proposes in Variation 2 to reduce the extent of the O'Shea lands zoned for residential development during the lifetime of the County Development Plan to the 1.2 hectare portion of the landholding west of the stream up to the public road.

The Planning Authority thereby proposes that the 1.6 hectare portion of the landholding east of the stream and the 0.7 hectare portion of the landholding south of the stream be zoned as "Phase 2" lands whereby development is prohibited during the lifetime of the current County Development Plan.

- 2.2 The impact of the Planning Authority's proposals on the revised scheme designed for these lands and subject of P07/1975 would be very significant.

Phase 2 zoning east of the stream would circumvent the construction of 38 no. houses (No's 21 – 58 in Figure 3), the associated green area and a children's playground.

Phase 2 zoning south of the stream would circumvent the construction of 16 no. houses (No's 59 – 74 in Figure 3) and the most substantial area of amenity space for the estate.

- 2.3 While it is accepted that the land to the east of the stream makes for an obvious Phase 2 of the overall development and the design of the estate would facilitate this, the same cannot be said for the 0.7 hectare portion of the site to the south of the stream.

Without this parcel of land, the developable site (the 1.2 hectare portion up to the public road) would comprise a narrow "L" shaped parcel of land coming to a pinch point where the stream turns sharply to the east.

An efficient or attractive road layout would be difficult to achieve in this scenario and the requirement for a turning head further north would preclude a layout in which new houses could face towards the stream/amenity space.

### 3. ALTERNATIVE ZONING PROPOSAL;

- 3.1 *In the light of the considerations set out above, we ask the Planning Authority to retain the zoning for residential development for the 0.7 hectare portion of the O'Shea lands south of the stream, as outlined in red and marked "A" in Figure 4 attached.*
- 3.2 As justification for this request, we note that the road layout and the distribution of open space for the residential estate applied for under P07/1975 is heavily dependent on the inclusion of this part of the landholding in the scheme.

Furthermore, in the event of the zoning of the lands east of the stream as "Phase 2", the 0.7 hectare portion of the site would be ideally located to accommodate the children's playground which currently is earmarked for the eastern half of the scheme.

We submit that the stream is the natural boundary to take if the development of these lands is to be phased. The overall landholding would be divided into roughly equal parts and the natural attributes and amenity potential of the watercourse can be availed of to the maximum from the outset.

### 4. CONCLUSION;

- 4.1 Mr. O'Shea acknowledges that the Planning Authority must try to marry the Core Strategy of the Development Plan with the Regional Planning Guidelines.

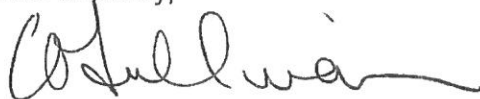
In seeking to address this objective, we understand that the Planning Authority has reviewed all extant Planning Permissions as one part of the process of identifying lands suitable for Phase 2 zoning.

We are concerned that because P07/1975 was withdrawn, it may not have been included in the review of planning applications and the Forward Planning Section may not be aware of the new scheme designed following the refusal of P06/681.

If such is the case, we request that some weight be given to the revised scheme particularly as it was initially viewed favourably by Council Officials and it was infrastructural deficiencies in the public mains that prompted the withdrawal of the application rather than any doubts about the layout or design of the scheme.

- 4.2 *To conclude, we trust the Planning Authority will accede to this submission that zoning for residential development on the O'Shea lands should include the 0.7 hectare portion of the lands south of the stream as indicated in Figure 4. This, in addition to the 1.2 hectare portion of the landholding adjoining the public road, would allow for the development of 1.9 hectares in total during the lifetime of the Development Plan.*

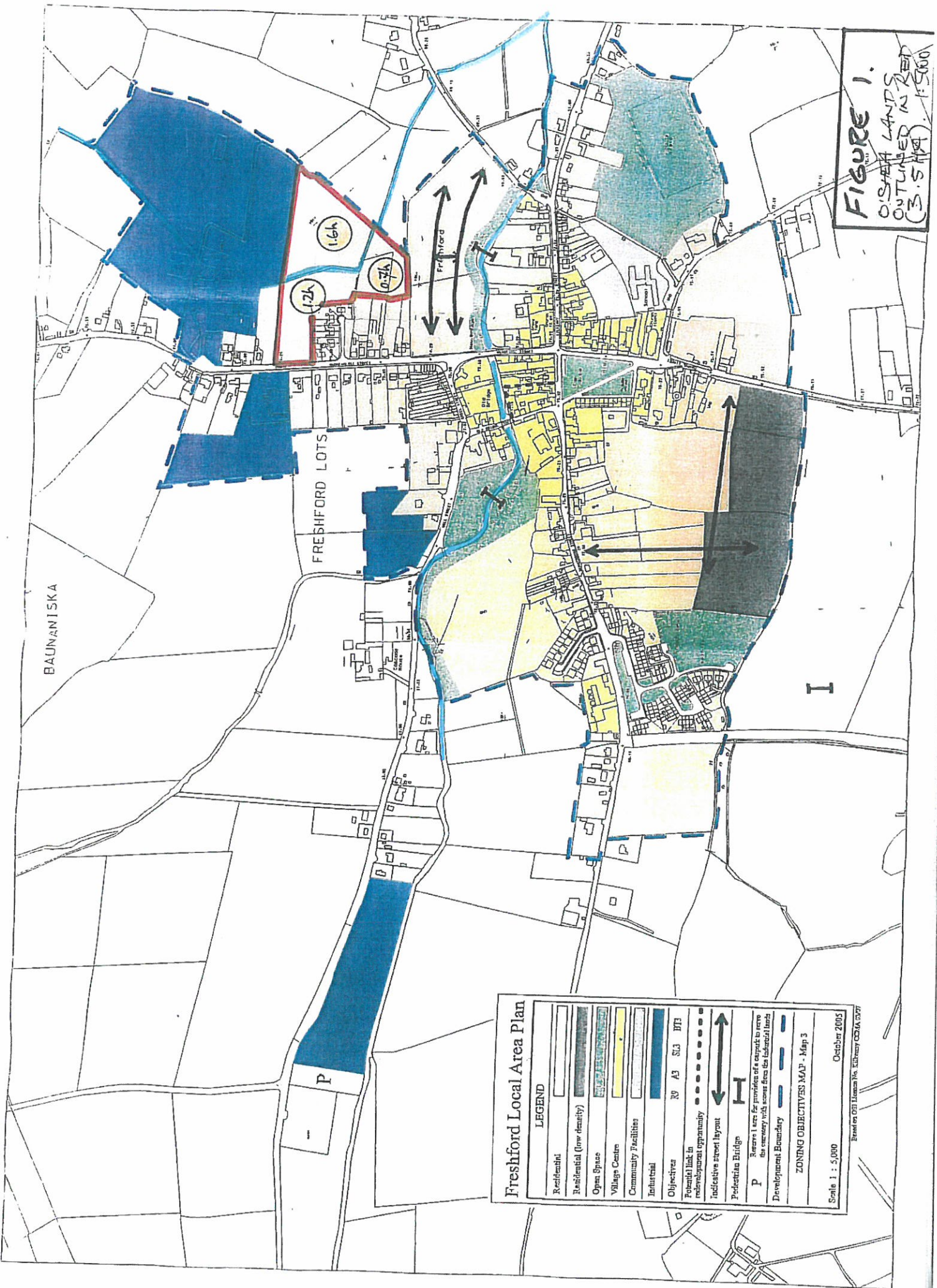
Yours sincerely,



27/6/2011

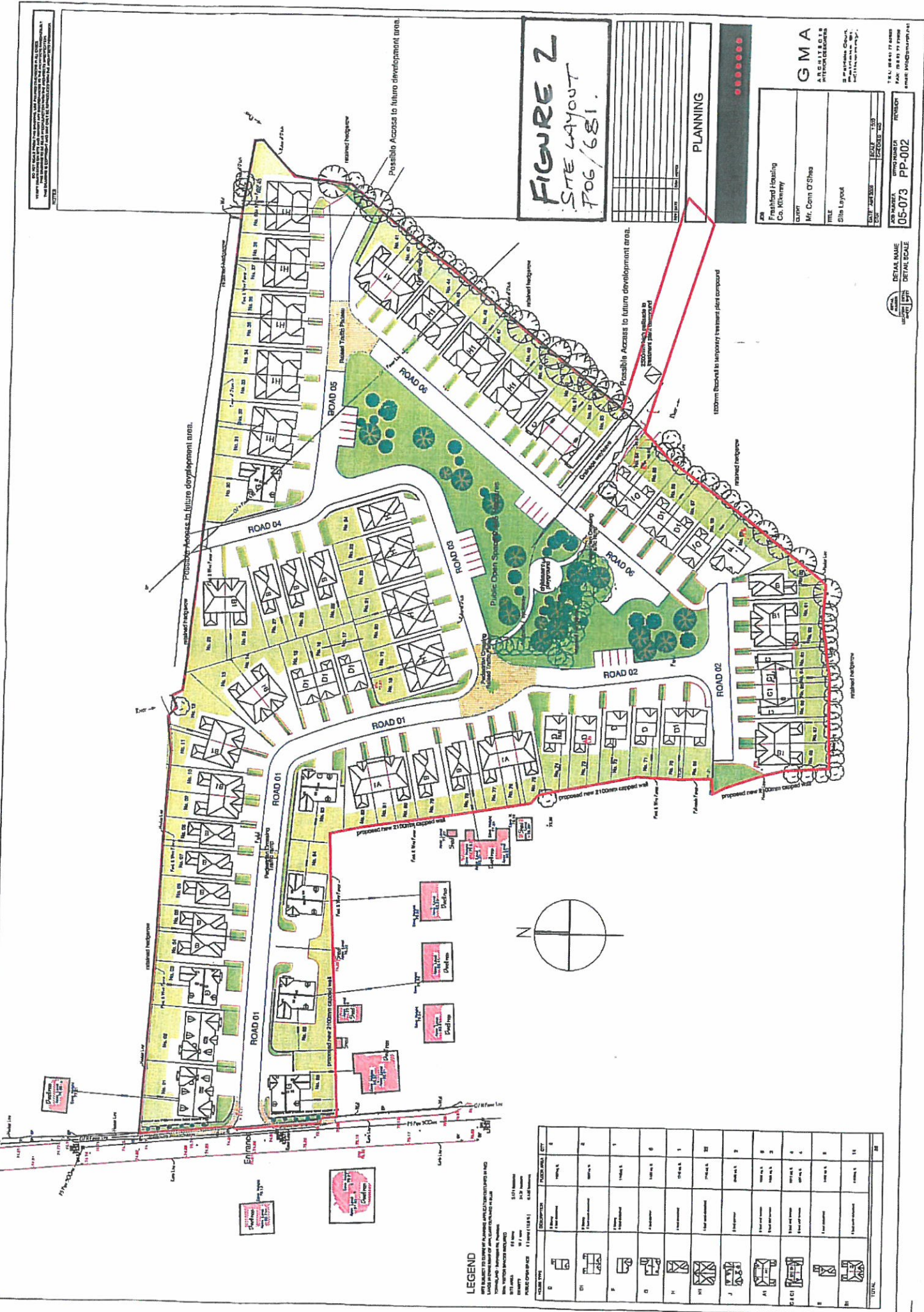
Cormac O'Sullivan MRIAI MIPI MRTPI  
Bluett & O'Donoghue Architects

**FIGURE 1.**  
 O-SHAFT LANDS  
 OUTLINED IN RED  
 (3.5) 1:5000



**Freshford Local Area Plan**

LEGEND	
Residential	[Blue box]
Residential (low density)	[Light blue box]
Open Space	[Yellow box]
Village Centre	[Green box]
Community Facilities	[Light green box]
Industrial	[Grey box]
Objectives R9 A3 S13 RT3	[Blue box]
Potential link to redevelopment opportunity	[Dashed line]
Indicative street layout	[Arrow]
Pedestrian Bridge	[H symbol]
P Reserve 1 sets for provision of a easement to serve the cemetery with access from the Industrial Lurch	[P symbol]
Development Boundary	[Dashed line]
ZONING OBJECTIVES MAP - Map 3	
Scale 1 : 5,000	October 2005
Printed on 100% Recycled Paper, 300gsm, 100% Recycled Ink	



# FIGURE 2 SITE LAYOUT 706/681.

## PLANNING

**GMA**  
GMA GROUP  
2001  
Mr. Colin O'Shea  
Site Layout

DATE: 10/20/2009  
SCALE: 1:500  
PROJECT: 706/681

NO. DRAWING: 05-073  
REVISION: PP-002

### LEGEND

NOTE: ALL DIMENSIONS ARE IN METERS UNLESS OTHERWISE STATED.  
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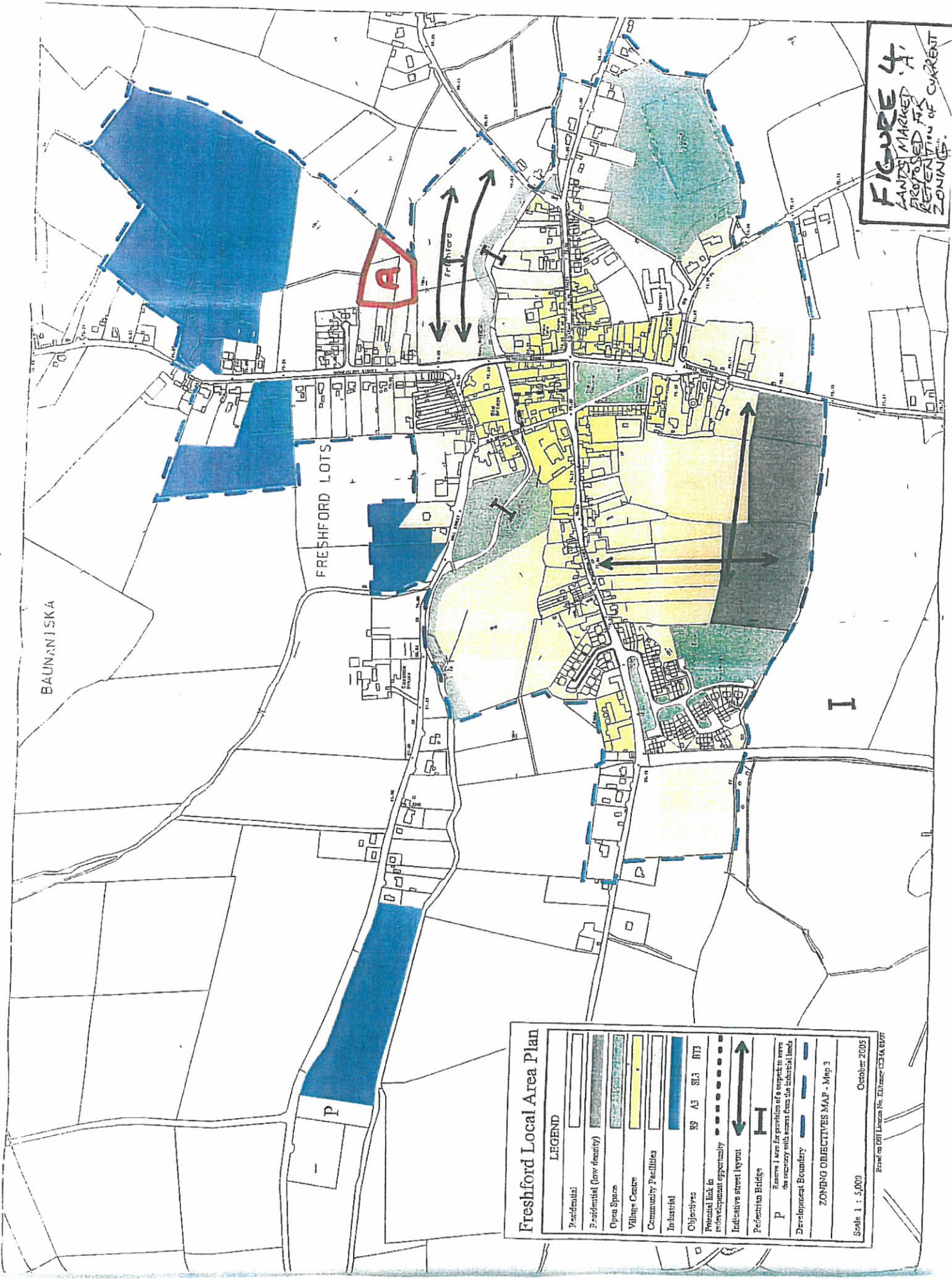
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DETAIL NAME  
DETAIL SCALE





**FIGURE 4:**  
LANDS MARKET  
DISPOSED FOR  
RETENTION OF CURRENT  
ZONING.



**Freshford Local Area Plan**

**LEGEND**

- Residential
- Residential (low density)
- Open Space
- Village Centre
- Community Facilities
- Industrial
- Objectives A3 S13 RT3
- Physical link in redevelopment opportunity
- Indicative street layout
- Pedestrian Bridge

**ZONING OBJECTIVES MAP - Map 3**

Scale: 1 : 5,000

October 2005

Based on OSI Licence No. 23/1999/031A/03/07

P Reserve 1 use for provision of a reserve to serve the necessary with access from the industrial land

Development Boundary