



An
Bord
Pleanála

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

Inspector's Report on Recommended Opinion ABP-300548-18.

Strategic Housing Development	Construction of 263 dwelling houses.
Location	Adjacent to the Paddocks, Williamstown Road, Waterford.
Planning Authority	Waterford City and County Council.
Prospective Applicant	Cone Pine Properties Ltd.
Date of Consultation Meeting	5 February 2018.
Date of Site Inspection	19 January 2018.
Inspector	Stephen Rhys Thomas.

1.0 Introduction

Having regard to the consultation that has taken place in relation to the proposed development and also having regard to the submissions from the planning authority, the purpose of this report is to form a recommended opinion as to whether the documentation submitted with the consultation request under section 5(5) of the Planning and Development (Housing) and Residential Tenancies Act 2016 - (i) constitutes a reasonable basis for an application under section 4, or (ii) requires further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

2.0 Site Location and Description

The site is located on a mixture of former farmland and construction site compounds within a suburban area to the south west of Waterford City. The site is accessed from the Williamstown Road to the south, this road provides access to the existing Paddocks housing estate. The lands can also be accessed by pedestrians/cyclists from the Farmleigh estate to the north.

The subject site comprises, the mostly intact field boundaries associated with farmland to the north west of The Paddocks access road and the former construction compound and large field to the south east of the access road. The subject site also includes some existing roads and the plots of previously permitted dwellings. The defining character of the majority of the site is its sloping nature, downwards from the Williamstown Road in the south, the width of the main access road and a small number of mature trees.

3.0 Proposed Strategic Housing Development

3.1.1. The proposed development of 263 dwellings, the detail comprises:

- 117 four bedroom detached houses.
- 18 four bedroom semi-detached houses.
- 102 three bedroom semi-detached houses.
- 22 three bedroom terraced houses.

- 4 two bedroom terraced houses.

The development will be accessed from the existing Paddocks access road and will also include modifications to the existing entrance at Williamstown Road.

The site area is 9.5 Hectares. The gross residential density is 27 units per hectare.

The public open space is 15% of the site area. 592 car parking spaces are proposed (526 in curtilage and 66 visitor spaces).

4.0 Planning History

4.1 Subject site:

PA reference 07500180 39 dwellings. 2008.

PA reference 10500003 Modifications to ABP reference PL31.214453. 2010.

PA reference 07500418 68 dwellings. 2008.

PA reference 06500278 ABP reference PL31.223710 31 dwellings. 2007.

PA reference 05500117 ABP reference PL31.214453 121 dwellings. 2006.

PA reference 00500517 113 dwellings. 2000.

4.2 Nearby sites (Knockboy):

PA reference 16/701 and ABP reference PL93 .248811 construction of 117 residential units. No decision.

PA reference 16/833 and ABP reference PL93. 248547 permission refused for 285 dwelling houses/maisonettes, vehicular and pedestrian access. December 2017.

Four reasons as follows:

1. The site is located at the eastern edge of the suburbs of the city of Waterford, and on lands zoned, in the Waterford City Development Plan 2013 – 2019, predominantly as “Undeveloped Residential”, and designated in this Plan as Phase 2 residential land. On the basis of the documentation submitted with the application and appeal, including the documentation submitted during the oral hearing, the Board is not satisfied that the development of these Phase 2 lands is appropriate in the absence of satisfactory evidence that all or a majority of Phase 1 residential lands within the

city are not available for development. Furthermore, it is considered that the “core strategy statement” submitted with the application does not demonstrate, to the satisfaction of the Board, that development of the subject site is necessary to ensure continuity of housing supply in the city. The proposed development would, accordingly, be contrary to the provisions of the “Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas” issued by the Department of the Environment, Heritage and Local Government in 2009, which sets out the importance of the sequential approach to development and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the scale, density and nature of the proposed development, including the predominance of large three and four bedroomed detached and semi-detached houses, and the provisions of the “Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas” issued by the Department of the Environment, Heritage and Local Government in 2009 in relation to housing density in outer suburban/greenfield sites in cities and larger towns, it is considered that the proposed development would result in an inadequate housing density that would give rise to an inefficient use of zoned residential land, would contravene Government policy to promote sustainable patterns of settlement, and would, therefore, be contrary to the provisions of these Guidelines. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3. On the basis of the information provided with the application and appeal, and in particular having regard to the uncertainties regarding the adequacy of the sewerage and surface water drainage proposals for the development, and the in-combination effects of sewage overflows from this and other residential developments in the area, and in the absence of a Natura impact statement, the Board cannot be satisfied that the proposed development individually, or in combination with other plans or projects, would not be likely to have a significant effect on the Lower River Suir Special Area of Conservation (Site Code 002137) in view of the site’s conservation objectives. In such circumstances, the Board is precluded from granting permission.

4. The proposed residential development, by reason of inadequate private open space provision for a number of the proposed houses, and in particular the houses in Blocks F/G and F1/G1, in combination with relatively poor orientations and aspects,

would give rise to a substandard form of residential development, which would seriously injure the residential amenities of future occupants, and would constitute an inadequate form of residential amenity, in both quantitative and qualitative terms. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

PA reference 15/272 and ABP reference PL93 .245483 permission refused for a change of house types (previously approved residential development 05/60 and PL.31.216423). March 2016.

A single reason as follows:

1. Having regard to the nature, scale and housing density of the proposed development, the planning history of the overall site including the permission granted under An Bord Pleanála appeal reference number PL31.216423 (planning authority register reference number 05/60), and the provisions of the “Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas” issued by the Department of the Environment, Heritage and Local Government (2009) in relation to housing density in outer suburban/greenfield sites in cities and larger towns, it is considered that the proposed development would result in an inadequate housing density that would give rise to an inefficient use of zoned residential land and of the infrastructure supporting it, would contravene Government policy to promote sustainable patterns of settlement, and would, therefore, be contrary to the provisions of the said Guidelines, both by itself and in conjunction with the reduction in residential density permitted under planning authority register reference number 14/50053. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector’s recommendation to grant permission, the Board considered that the proposed housing density would result in the inadequate utilisation of zoned and serviced residential land and of the infrastructure supporting it, and would be contrary to the provisions of the “Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas” in relation to housing density in outer suburban/greenfield sites in cities and larger towns.

PA reference 16/413 Residential care unit. October 2016.

5.0 National and Local Planning Policy

5.1 Section 28 Ministerial Guidelines

Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the planning authority, I am of the opinion that the directly relevant S.28 Ministerial Guidelines are:

- 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual').
- 'Design Manual for Urban Roads and Streets'.
- 'The Planning System and Flood Risk Management' (including the associated 'Technical Appendices').
- 'Childcare Facilities – Guidelines for Planning Authorities'.

5.2 Statutory Plan for the area

The **Waterford City Development Plan 2013-2019** is the operative development plan. The site is located on lands zoned 'Undeveloped Residential (Subject to Phasing)' and 'Undeveloped Low Density Residential (Subject to Phasing)'. All the lands are Phase 1 lands.

The Development Plan contains general policies and objectives in relation to walking and cycling, the principles of development, residential amenity standards and urban design.

Section 7.3 of the Development Plan relates to Neighbourhoods, and includes the following in relation to the subject site:

7.3.5 Dunmore Road / Knockboy / Blenheim

A Local Area Plan for the Knockboy area was made in 2003. The Plan set out a design framework for the village and contained a number of objectives to provide for a sustainable neighbourhood/village structure. Road improvements have been carried out at the Knockboy junction, and the Knockboy road improvement scheme has been continued from St. Mary's Church to St. Mary's National School. The Williamstown road has been realigned. It is an objective to ensure that the design and layout of new development provides for ease of movement and facilitates

pedestrian and cycle access, and the use of public transport. It is also an objective of this Plan to facilitate the creation of a village green, incorporating a public open space within the neighbourhood on a site zoned for open space adjacent to the Gaelscoil and to protect the view of the River Suir from the Knockboy Road from obstruction and inappropriate intrusion by new development.

The neighbourhood is linear in form and thus it is an objective to strengthen the neighbourhood by developing nodal points such as a neighbourhood centre, a village green and a focal point for community facilities. Lands zoned for general business adjacent to St. Mary's Scout Hall will continue to be zoned for such uses providing for local retail / commercial services / public services and facilities as appropriate. It is proposed to consolidate the neighbourhood centre by continuing to zone a limited area of land north and east of St. Mary's cemetery for residential development and open space and the lands adjoining St. Mary's National School leading to the Williamstown Road junction for residential purposes. Access to the lands adjoining the cemetery will be from the Knockboy Road and developers will be required to provide for such access in a coordinated manner.

The following policies are relevant:

- To ensure that the growth of the city takes place in an orderly manner that is sustainable in terms of integrated land use, transportation and provision of infrastructure. (POL 7.2.1).
- To implement the Neighbourhood Strategy in order to provide for the development of sustainable neighbourhoods, focused on neighbourhood/district centres with a mix of uses, densities, community facilities and neighbourhood centre uses. (POL 7.2.2).
- To retain, protect and improve the environmental qualities of the existing suburban areas; to reinforce their neighbourhood/district centres and to provide for additional community youth and public services, amenities and facilities as identified in this Plan. (POL 7.2.3)

6.0 Forming of the Opinion

Pursuant to section 6(7) of the Act of 2016, regard is had in the forming of the opinion to the documentation submitted by the prospective applicant; the planning

authority submissions and the discussions which took place during the tripartite consultation meeting. I shall provide a brief detail on each of these elements hereunder.

6.1 **Documentation Submitted**

The prospective applicant is required to submit certain information pursuant to section 5(5)(a) of the Planning & Development (Housing) and Residential Tenancies Act 2016 and Regulation No. 285 of the Planning and Development (Strategic Housing Development) Regulations 2017.

The information submitted included: OS location map, complete application form, site layout plans, a landscape masterplan, AA screening report, Archaeological Assessment Report, Arborist report, landscape report, EIAR screening report, Architect's design statement, engineering design report, traffic and transport assessment, childcare assessment report, planning report, drawing package including floorplans and elevations, statement of consistency with planning policy report, a response to Question 6 of the application form report, part V requirements and costs and a completed pre-connection enquiry feedback form from Irish Water.

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

6.2 **Planning Authority Submission**

In compliance with section 6(4)(b) of the 2016 Act the planning authority for the area in which the proposed development is located, Waterford City and County Council, submitted a copy of their section 247 consultation record with the prospective applicant (including documentation that was submitted as part of the pre-application consultation) and also submitted their opinion in relation to the proposal. These were received by An Bord Pleanála on the 25/01/18.

The planning authority's 'opinion' included, *inter alia*, the following: a description of the site and surrounding area; an assessment of the proposed development in the context of the City Development Plan; details of the prospective development including density, childcare facilities. The planning authority concluded that the principle of the development is consistent with the strategic objectives of the statutory development plan for the area. However, the planning authority are

concerned about the capacity of existing childcare facilities in the area and greater consideration should be given to EIS and NIS.

The planning authority's submission also included documents that relate to relevant planning permissions on and in the vicinity of the site.

There was a single formal pre-application consultation meeting held between the prospective applicant and the planning authority pursuant to s.247 of the Planning & Development Act 2000 (as amended). This was held on the 27/07/2017. The planning authority have submitted a copy of documents discussed at the consultation meeting. Issues raised at the meeting included, inter alia, the following: the land use zoning and phasing of development, residential density, the submission of an EIS should be considered, creche proposals, kick about areas on open space, preparation of a design brief is necessary, note the qualitative and quantitative development standards of the Development Plan, omit overlooking, car parking to front of houses, phasing proposals, Part V housing should be pepper potted throughout the development, traffic impact assessment required, through road should be provided, no issues with water services.

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

6.3 **Consultation Meeting**

A section 5 Consultation meeting took place at the offices of Waterford City Council offices on the 5 February 2018, commencing at 11.00am. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting.

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

1. Residential Density
2. Traffic and Transport
 - a) Design Manual for Urban Roads and Streets – road hierarchy and layout
 - b) Pedestrian/Cyclist Connections at the neighbourhood level

- c) Parking provision
3. Environmental Issues
 - a) Flood Risk Assessment and surface water management
 - b) Appropriate Assessment
 - c) Environmental Impact Assessment Report
 4. Site characteristics and analysis – design response to gradients/slope
 5. Any other matters.

In relation to Residential Density, ABP representatives sought further elaboration/discussion on the following: residential density in the context of the Sustainable Residential Development Guidelines and the advice concerning densities in the City Development Plan. The applicant was advised to note recent decisions on other residential development sites in the vicinity in which residential density was a consideration.

In relation to the Traffic and Transport, ABP representatives sought further elaboration/discussion on the following: greater clarity with regard to road hierarchy throughout the site as it relates to the Design Manual for Urban Roads and Streets, specifically road widths on local roads. Clarity was sought on the achievement of a greater number of onward connections from the site to neighbouring development, especially pedestrian and cyclist access. The quantum of parking provision was queried and whether there may be a more flexible approach.

In relation to Environmental Issues, ABP representatives sought further elaboration/discussion on the following: clarity was sought in relation to the management of surface water on the site and specifically details of new infrastructure off site. Discussion also concerned the requirements for EIAR and NIS, given the overall area of the site that may include a new surface water sewer and outfall to an SAC.

In relation to site characteristics and analysis, ABP representatives sought further elaboration/discussion on the following: the provision of additional images to demonstrate the effectiveness of proposed design approaches to slopes, the design and scale of retaining walls and the doubling up of roads. More information and

detailed analysis in relation to tackling the sloping characteristics of the site would be useful.

Other matters discussed included: the red line boundary of the development may include areas where development will occur such as at the access to Williamstown Road, the County Childcare Committee should be consulted with regard to a more evidence based creche demand analysis. In the consideration of residential density, unit mix should be given further consideration. The acceptability of Part V proposals were briefly discussed and noted.

Both the prospective applicant and the planning authority were given an opportunity to comment and respond to the issues raised by the representatives of ABP. Those comments and responses are recorded in the 'Record of Meeting 300548' which is on file. I have fully considered the responses and comments of the prospective applicant and planning authority in preparing the Recommended Opinion hereunder.

7.0 Conclusion and Recommendation

Based on the entirety of the information before me, it would appear that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

I have examined all of the information and submissions before me including the documentation submitted by the prospective applicant, the submissions of the planning authority and the discussions which took place at the tripartite meeting. I have had regard to both national policy, via the s.28 Ministerial Guidelines, and local policy, via the City Development Plan.

Having regard to all of the above, I recommend that further consideration and/or possible amendment of the documents submitted are required at application stage in respect of the following elements: Residential Density, Surface Water Network, Appropriate Assessment, Road Layout in the Context of DMURS; details of which are set out in the Recommended Opinion below.

Having regard to the above, I recommend that the Board serve a notice on the prospective applicant, pursuant to Section 6(7)(b) of the Planning and Development

(Housing) and Residential Tenancies Act 2016, stating that it is of the opinion that the documentation submitted with the consultation request under section 5(5) of the Act requires further consideration and amendment in order to constitute a reasonable basis for an application under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

I would also recommend that the prospective applicant be notified, pursuant to article 285(5)(b) of the 2017 Regulations, that specified information (as outlined hereunder) be submitted with any application for permission that may follow. I believe the specified information will assist the Board at application stage in its decision making process. I am also recommending that a number of prescribed bodies (as listed hereunder) be notified by the prospective applicant of the making of the application.

8.0 Recommended Opinion

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

Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, An Bord Pleanála is of the opinion that the documentation submitted requires further consideration and amendment to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála.

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

1. Residential Density

Further consideration is required with respect of the documentation relating to the residential density of the site. This consideration and justification should have regard to, inter alia, the minimum densities provided for in the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual') as they refer to Outer Suburban Greenfield sites. Particular regard should be had to the need to develop at a sufficiently high density to provide for an acceptable efficiency in serviceable land usage given the proximity of the site to Waterford City Centre and to established social and community services in the immediate vicinity. The further consideration of this issue may require an amendment to the documents and/or design proposals submitted relating to density, residential mix and layout of the proposed development.

2. Surface Water Network

Further consideration/clarification of the documents as they relate to the surface water drainage infrastructure network serving the proposed development and any proposed upgrades. The documentation at application stage should clearly indicate the nature of the existing constraints, the proposals to address the constraints and the timelines involved in addressing these constraints relative to the construction and completion of the proposed development. Specific clarification of any off-site infrastructure proposals as they relate to surface water management should be addressed. In addition, regard should be had to the design and use of Sustainable Drainage Systems (SuDS) within the site in the context of the advice provided by The Planning System and Flood Risk Management Guidelines for Planning Authorities 2009 and its appendices. The further consideration of these issues may require an amendment to the documents and/or design proposals submitted relating to the surface water management of the proposed development.

3. Appropriate Assessment

Further consideration/clarification of the documents as they relate to the potential effects on nearby Natura 2000 sites with regard to their conservation objectives, in particular potential effects associated with any surface water proposals to serve the proposed development. The further consideration of this issue may require an amendment to the documents and/or design proposals submitted relating to the proposed development.

4. Road Layout

Further consideration of documents as they relate to the proposed street hierarchy of the overall lands and the provision of pedestrian/cyclist connections to the wider neighbourhood, specifically to the south east and south west. Particular attention should be given to the design considerations and width of Local Streets and street hierarchy generally. In addition, greater consideration of the design approach to retaining walls and appropriateness of the road alignment in the northern portion of the site and illustrated by section B-B, drawing number PP-06 entitled 'site sections'. All works required in the public realm to facilitate the upgrade to the junctions on the Williamstown Road should be clearly indicated in the documents and the prospective applicant should indicate how these works are to be delivered. The further

consideration of these issues may require an amendment to the documents and/or design proposals.

Pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that, in addition to the requirements as specified in articles 297 and 298 of the Planning and Development (Strategic Housing Development) Regulations 2017, the following specific information should be submitted with any application for permission:

1. Additional photomontage images and a series of drawings, specifically cross sections at appropriate intervals to illustrate the topography of the site, showing proposed and existing dwellings and interactions with landscape elements. Attention should be drawn to the impact of retaining walls and road profiles. Drawings should be appropriately scaled and rendered in colour. Site sections should be clearly labelled and located on a layout 'key' plan.
2. A site layout plan indicating pedestrian and cycle connections through the adjoining residential developments to transport modes (bus stops) and community facilities (schools) in the vicinity and practical design proposals to ensure and facilitate future access.
3. Childcare demand analysis and the likely demand for childcare places resulting from the proposed development. In the event that a crèche facility is not proposed a detailed assessment of the existing and likely future provision of childcare facilities in the area and how these would meet demand.
4. A parking layout that reflects the most appropriate quantum of car parking provision for a suburban site and includes the details of convenient locations and facilities for bicycle parking.
5. A phasing plan for the proposed development.
6. A site layout that details areas to be taken in charge by the local authority.

Pursuant to article 285(5)(a) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is informed that the following authorities should be notified in the event of the making of an application

arising from this notification in accordance with section 8(1)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016:

1. The Minister for Culture, Heritage and the Gaeltacht (nature conservation)
2. The Heritage Council (nature conservation)
3. An Taisce (nature conservation)
4. Inland Fisheries Ireland
5. Irish Water
6. Waterford City and County Childcare Committee

PLEASE NOTE:

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

Stephen Rhys Thomas
Planning Inspector

21 February 2018