



An
Bord
Pleanála

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

Inspector's Report on Recommended Opinion ABP-303316-18

Strategic Housing Development	269 residential units and crèche
Location	Gibbet Hill, Gracedieu East, Gracedieu, Co. Waterford
Planning Authority	Waterford City and Co. Council
Prospective Applicant	Summerwest Limited
Date of Consultation Meeting	8 th February 2019
Date of Site Inspection	6 th February 2019
Inspector	Joanna Kelly

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

The development site has a stated site area in the application form of 7.2ha. The lands are located to the west of the City in an elevated area known as Gibbet Hill. The development lands are an irregular shape with a central portion excluded which is the site of an abattoir. The topography of the site is undulating rising towards the north-west. Utility services traverse the site. The site is bounded by Gracedieu Road to the north and Knockhouse road to the south. Both of these roads are narrow and rural in character. The GAA lands to the north-west of the site are currently accessed via the Gracedieu Road.

3.0 Description of proposed development

The applicant is proposing a residential development comprising of 269 residential units including a childcare facility and community building

The unit mix as indicated by the prospective applicant is as follows:

Table 1: Unit Mix

	Apartments	Housing units	Total Units
1 bed	74		
2 bed	38		
3 bed		117	
4 bed		40	
Total Units	112	157	269

4.0 Planning History

The most relevant history associated with the site is noted as follows:

File Ref. No. 05/500461 Permission expired on 08/02/2018 for residential development comprising 94 no. two storey houses, 16 no. duplex units, bungalow and crèche and all development site works.

Lands east of site

File Ref. No. 14/500068 Extension of duration of planning file ref. No. 08/500379 for construction of 23 no. dwellings at Sherlock Walk, Gibbethill.

5.0 National and Local Planning Policy

5.1. National

Having considered the nature of the proposal, the receiving environment, the documentation on file, including submission from the planning authority, I am of the opinion, that the directly relevant section 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' (DMURS)

- ‘The Planning System and Flood Risk Management’ (including the associated ‘Technical Appendices’)
- ‘Childcare Facilities – Guidelines for Planning Authorities’
- ‘Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities’
- Urban Development and Building Height, Guidelines for Planning Authorities.
- Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment, August 2018.

Other relevant national guidelines include:

- Project Ireland 2040, National Planning Framework.
- Framework and Principles for the Protection of the Archaeological Heritage Department of Arts, Heritage, Gaeltacht and the Islands 1999.

5.2. Local Policy

5.2.1 Waterford City Development Plan

The subject lands are zoned Phase 1 residential, for the main part, with a small portion centrally located identified as existing residential within the Waterford City Dev. Plan 2013-2019.

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

6.1 Documentation Submitted

6.1.1 The prospective applicant has submitted information pursuant to section 5(5)(a) of the Planning and Development (Housing) and Residential Tenancies Act 2016 and article 285 of the Planning and of the Planning and Development (Strategic Housing Development) Regulations 2017.

6.1.2 The information submitted included *inter alia*: a completed SHD Application form and cover letter including but not limited to, Schedule of documents including plans; Statement of Consistency; EIA non-technical summary; AA screening report; Archaeological Impact Assessment; Traffic and Transport Assessment; Civil Engineering report; Screening report Appropriate Assessment; Environmental Report; Outline Construction and Environmental Management Plan.

6.1.3 I have reviewed and considered all of the documents and drawings submitted.

6.2 Planning Authority Submission

6.2.1 In compliance with section 6(4)(b) of the Act of 2016 the planning authority for the area in which the proposed development is located, Waterford City and County Council, submitted a note of their section 247 consultations with the prospective applicant and also submitted their opinion in relation to the proposal. These were received by An Bord Pleanála on 4th February 2019.

6.2.2 The planning authority's opinion refers to key planning considerations as follows:

- Sections do not indicate existing adjoining development, contiguous elevations clearly indicating the relationship between existing development on Gracedieu Road and Knockhouse Road.
- Proposed mix generally considered acceptable. Gross density c. 37 units per hectare.
- Separation distance between the crèche building and residential development should be maximised.
- Detailing of proposed boundary types would require further attention.

- Open space areas adjoin main distributor roads in some sections of the development, the usability of such spaces would come into question.
- A Part V agreement has been submitted and agreed with the Housing Section.
- It was indicated at pre-planning stage that it would be beneficial to divert all storm and foul drainage to Quarry Road as the infrastructure in the Carrickpehish area is overburdened.
- The principle of development is considered to be generally consistent with the Waterford City Development Plan 2013-2019.

6.4 Submission from Irish Water

As stated in the Confirmation of Feasibility, the applicant must extend the wastewater network by 120m to facilitate this development. No third party or statutory consents will be required for this offer other than a road opening licence from the local authority. This connection is contingent on the installation of wastewater infrastructure as part of the overall Gracedieu LIHAF project and Waterford City and County Council to advise on completion dates.

7.0 Consultation Meeting

7.1 A Section 5 Consultation meeting took place at the offices of Waterford City Council on 8th February 2019, commencing at 11.00 am. Representatives of the prospective applicant, Waterford City and County Council and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting.

7.2 The main topics raised for discussion at the tripartite meeting were as follows:

1. Site specific development strategy having regard to the site context, proposed layout, place-making and streetscapes, urban design response, density, unit mix and typology
2. Location, distribution and quality of public open space
3. Access, Connections and permeability to include LIHAF road
4. Waste water network upgrade to include delivery of the LIHAF road upgrade
5. Part V

6. Any other matters

- 7.3 In relation to the site-specific development strategy having regard to site context, proposed layout, place-making and streetscapes, urban design response, density, unit mix and typology, ABP representatives sought further discussion/elaboration on these issues.
- 7.4 In relation to location, distribution and quality of public open space, ABP representatives sought further discussion/elaboration on this issue.
- 7.5 In relation to Access, Connectivity and permeability to include LIHAF road, ABP representatives sought further discussion/elaboration on this issue particularly the need to include all lands within the red line boundary where works are proposed.
- 7.6 In relation to Waste water network upgrade to include delivery of the LIHAF road upgrade, ABP representatives sought further elaboration/discussion on the Irish Water submission.
- 7.7 In relation to Part V, ABP representatives sought further elaboration/discussion on this issue.
- 7.8 In relation to Any Other Matters, ABP representatives sought further elaboration/discussion on clarity regarding utilities traversing site; need for cross-sections, changes in levels; location of community facilities; configuration of parking vis-à-vis creation of good quality public realm.
- 7.9 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 ABP-303316-18' 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.

8.0 Conclusion and Recommendation

- 8.1 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 and as amended by Section 50 of the Planning and Development (Amendment) Act 2018.
- 8.2 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 section 28 Ministerial Guidelines, and local policy via the statutory plans for the area.
- 8.3 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 as set out in the recommended Opinion below.
- 8.4 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.
- 8.5 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.

9.0 Recommended Opinion

- 9.1 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.
- 9.2 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.**
- 9.3 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.

Design, Layout, Density and Unit Mix

Further consideration of documents as they relate to the layout of the proposed development particularly in relation to the 12 criteria set out in the Urban Design Manual which accompanies the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities, and the Design Manual for Urban Roads and Streets. In addition, the configuration of the layout, the change in character and function of the Knockhouse Road from a rural local road to a street within the urban area and how the development including consideration of phasing arrangements contribute to the creation of a high quality urban extension to Waterford City should be given further considered.

Further consideration of documents as they relate to the residential density of the site and proposed phasing arrangements. 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'. Particular regard should be had to the need to develop at a sufficiently high density to underpin the efficiency of existing or planned public transport services and the need to ensure adequate choice in unit type and tenure for future residents within each phase of the subject development. The further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

Connections, Access and Permeability

Further consideration of documents as they relate to the delivery and timing of road infrastructure upgrades in the wider area in particular the LIHAF road from which it is proposed to access the development lands and which is not included within the red-line boundary. Further consideration of how the layout, access arrangements and proposed vehicular, cyclist and pedestrian connections are consistent with the principles of Design Manual for Urban Roads and Streets. In this regard, the extent of works including pedestrian connections and continuity in the footpath network particularly along the Knockhouse Road should be clearly indicated. The further consideration of this issue may require an amendment to the documents and/or design proposals submitted.

Public and Communal Open Space

Further consideration should be given to the design rationale/justification outlined in the documents as it relates to the public and communal open space provision particularly in the context of the disposition and usability of the public and communal open space areas relative to the proposed housing units it is intended to serve. Details of public open space hierarchy, ease of access, the qualitative nature and passive surveillance to all open space areas should be further considered. The further consideration of this issue may require an amendment to the documents and/or design proposals submitted.

Surface water management

Further consideration of documents as they relate to surface and storm water management for the development lands which it is proposed to connect into the LIHAF road management system. Regard should be given to the requirements of the Local Authority in respect of surface water treatment and disposal and SUDS

measures proposed for the scheme. Further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

8.4 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. Photomontages and cross sections at appropriate intervals for the proposed development including how the development will interface with contiguous land-uses.
2. All existing watercourses and utilities that may traverse the site including any proposal to culvert/re-route/underground existing drains/utilities should be clearly identified on a site layout plan.
3. A Building Life Cycle Report in respect of the proposed apartments as per section 6.13 of Sustainable Urban Housing: Design Standards for New Apartments- Guidelines for Planning Authorities (2018).
4. A report identifying the demand for school places likely to be generated by the proposal and the capacity of existing schools in the vicinity to cater for such demand.
5. A construction and demolition waste management plan.
6. A phasing plan for the proposed development which includes the phasing arrangements for the delivery of the public open spaces, surface water

management proposals having regard to sub-catchments within the scheme and Part V provision.

7. A site layout plan indicating all areas including open space to be taken in charge.
8. Relevant consents to carry out works on lands that are not included within the red-line boundary. The prospective applicant is advised that all works should as far as possible be included within the red-line boundary.

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. Irish Water
2. Transport Infrastructure Ireland
3. Minister for Culture, Heritage, and the Gaeltacht
4. Heritage Council
5. An Taisce – the National trust for Ireland
6. Waterford City 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 2018 or any other enactment and cannot be relied upon in the formal planning process or in legal proceedings.

Joanna Kelly

Senior Planning Inspector

25th February 2019