



An
Bord
Pleanála

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

Inspector's Report on Recommended Opinion ABP-304523-19

Strategic Housing Development	30 no. houses, 303 no. apartments, 64 no. student bedspaces and associated site works.
Location	Pa Healy Road and Park Road, Limerick.
Planning Authority	Limerick City and County Council
Prospective Applicant	Revington Land Ltd.
Date of Consultation Meeting	01 st of July 2019.
Date of Site Inspection	12 th of June 2019.
Inspector	Karen Hamilton

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 within the urban environment of Limerick City approximately 1km to the north east of the city centre. The site is bound to the north by Park Canal, south by Pa Healy Road and to the east by Park Road. There are two commercial properties along the east of the site comprising of large warehouses, one is included within the site. The site, and the surrounding area, have a relatively flat topography. Limerick School of Art & Design is located directly south on the opposite side of Pa Healy Road. A large mixed use development comprising of Aura Leisure Centre, associated recreational space and a 5 storey apartment development is located to the North West, towards the city centre.

3.0 Proposed Strategic Housing Development

The proposed development is a mixed use development which would comprise of the following:

- 283 no. apartments in Block 1-7 (one 16 storey block and six 6 storey),
- 30 no. houses (16 no. 3 bed and 14 no. 4 bed),
- 20 no. duplex (10 no 1 bed and 10 no 3 bed),
- 64 no. student apartments (196 no bed spaces),
- 3 no commercial/ retail units/ café (359m²) / crèche (172m²).

Open space provision is stated to be 10,180m² (26 %) of the site. The main provision relates to 5 areas throughout the site, three of which are located between the apartment blocks along the north of the site, one to the North West, integrating SuDS, and a playground within the lower density housing provision.

236 car parking spaces are provided for the apartment blocks, mainly comprising of basement parking. 22 no surface spaces are provided for the apartments. The majority of the dwellings have off street surface parking and a large surface car park is located at the entrance from Pa Healy Road to facilitate 55 no spaces and 9 no spaces at the entrance of the student accommodation.

4.0 Planning History

On-site

P97/770253- Permission to form an entrance already permitted under P97/770277.

Adjoining Site

Part 8- 19/8002- A new bridge crossing of the canal will be constructed to the east of the current Park Road Bridge, connecting Lower Park Road with Park Road, facilitating two-way traffic flow. Vehicle traffic on South Canal Road will change from the current one-way system to a two-way system with the carriageway being widened accordingly.

5.0 Section 247 Consultation(s) with Planning Authority

The Local Authority submitted there was one formal S 247 meeting held between the applicant and the planning authority and the issues raised are summarised below:

Formal Section 247 meeting (12/02/19)

- Private Apartments, dwellings and crèche are all acceptable.
- Density at c. 80 ha is acceptable.
- Connectivity and master plan are appropriately addressed
- Full Surface Water, Traffic Impact Assessment and public lighting design is required.

- AA Screening to be addressed.
- Part V to be addressed.

Records of a further three SHD meetings are submitted by the applicant and the issues raised are summarised below:

08/01/19- Discussion related to:

- General pre-planning discussion,
- Feature block proposal,
- Less semi-detached, increase in densities required.

12/02/19- Discussion related to:

- Student facilities- Management plan
- Retail in student block, conflict in car parking and potential for pedestrian crossings with crèche/ café.
- Inclusion of wind/ height/ safety analysis.
- Proximity of SAC to be considered.

17/06/19- Discussion related to:

- Irish Water and the location of the water main
- Site layout and landmark building
- Contact with ABP required to discuss approach to proposed revised layout and impact on the process (meeting to take place on 01st of July 2019).
- A redesign is necessary on foot of feedback from Irish Water, further detailing regarding how the linear park will connect to the tow path and Park Canal, landmark building and compliance with national guidance.
- The applicant should consider piping the drain at this location rather than a series of bridges across the canal.

6.0 Prospective Applicant's Case

The application was accompanied by the following:

- Architectural Report and Urban Design Statement
- Environmental Due Diligence Report
- Wind Environment Report for Medium High Rise Buildings
- Compliance with National Guidelines
- Outdoor Lighting Report
- Landscape Master Plan
- Screening for Appropriate Assessment
- Computer Generated Imaging
- Construction Environmental & Waste Management Plan
- Shadow Daylight and Sunlight Analysis
- Services Report
- Flood Risk Assessment
- Plans and Particulars

Statement of Consistency

A significant amount of on-site works have been carried out for investigation for soil contamination and informs the information contained in the accompanying documents. The traffic impact assessment is ongoing although the car parking provision has been agreed with the planning authority.

The proposed development complies with the following:

- Regional Economic, Spatial and Economic Strategy,
- Metropolitan Area Strategic Plan (MASP) for Limerick Shannon area,
- Limerick 2030 Vision: An Economic and Spatial Plan for Limerick.

The proposed scheme has been developed to comply with the relevant Ministerial planning guidelines as follows:

Guidelines on Sustainable Residential Development in Urban Areas- The proposal provides a high density, high quality urban form with connectivity to the surrounding area and University.

The Planning System and Flood Risk Management- A site specific flood risk assessment has been carried out and recommends a minimum finished floor level across the site.

Design Manual for Urban Roads and Streets- Internal roads and junctions have been designed to comply.

Design Standards for New Apartments- Guidelines for Planning Authorities- The development complies with the minimum standards.

Part V- 36 no units have been allocated to social (10.8%), located within Block 4 of the development.

Urban Development and Building Heights Guidelines for Planning Authorities- There is a presumption in favour of increased heights in city centres and the proposal includes one tall building.

Childcare Facilities Guidelines- A childcare facility to accommodate 74 childcare spaces is proposed in a dedicated facility.

Appropriate Assessment Guidelines for Planning Authorities- A Screening for Appropriate Assessment concludes that there will be no significant impact on the adjoining European Sites.

Retail Planning Guidelines- Two local retail units have been provided and are deemed sufficient to accommodate the local need, high order retail facilities are within the vicinity.

7.0 National and Local Planning Policy

National Planning Framework

The recently published National Planning Framework includes a specific Chapter, No. 6, entitled 'People Homes and Communities'. It includes 12 objectives among which Objective 27 seeks to ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and

cycling accessibility to both existing and proposed developments and integrating physical activity facilities for all ages.

Objective 33 seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

Objective 35 seeks to increase densities in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

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')
- Urban Development and Building Heights Guidelines for Planning Authorities.
- Design Manual for Urban Roads and Streets.
- Sustainable Urban Housing: Design Standards for New Apartments (2018)
- Childcare Facilities – Guidelines for Planning Authorities.
- The Planning System and Flood Risk Management Guidelines for Planning Authorities (including associated Technical Appendices).
- Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities, 2009.

Limerick City Development Plan 2010-2016 (as extended)

The site is located on lands zoned for mixed use where Objective ZO-5 states that it is an objective to *“To promote the development of mixed uses to ensure the creation of a vibrant urban area, working in tandem with the principles of sustainable development, transportation and self-sufficiency.”*

- This zoning objective facilitates the development of a dynamic mix of uses which will interact with each other creating a vibrant residential and employment area.
- A vertical and horizontal mix of uses should occur where feasible, including active ground floor uses and a vibrant street frontage on principle streets.

Chapter 16- Development Management

Site coverage - The site is located within Zone 2 Outer Core” which has an indicative site coverage of 80%.

Building Heights- Consideration will be given for higher buildings which contribute to the urban design and include high architectural quality which contributes to the existing skyline.

Table 16.1- Car parking standards which may be relaxed at city centre locations where it would be unreasonable to require the full amount.

Nature Heritage Designations

The site is located along the edge of the Lower River Shannon SAC (site code 002165) and c. 1.6km north east of the River Shannon and River Fergus Estuaries SPA (site code 004077).

8.0 Planning Authority Submission

A response was received from the planning authority which may be summarised as follows:

Design & Layout

- Detailed phasing plan for the construction stage is required.

Apartments

- The layout of the apartments along the canal with dual aspect and passive surveillance is considered acceptable.
- The 16 storey development will frame the site.
- Further assessment of the proposed height should include photomontages, sunlight/shadow cast analysis and down draught analysis.

- Details of mitigation measures contained in the down draft analysis (wind related environmental report) are required.
- Adequate and secure parking is provided.
- The mix of residential and commercial units is appropriate.

House & Duplex Units

- The number, location and design is considered acceptable.

Crèche

- The location and design are considered acceptable.

Density

- The density at the final pre planning meeting was 80 units per ha.
- The subject site is a brownfield site within walking distance to key education and employment centres.
- The density is considered acceptable at this location.

Connectivity

- There should be seamless connectivity with the tow path.
- A footbridge along the canal would open up the site to form a linear park.
- Treatment along the canal is important.

Pre-planning

- A number of pre-planning meetings have been held with the applicant.

Roads, Traffic and Surface Water

- Full Surface water design is required
- Traffic Impact Assessment, Road Safety Audit or Mobility Management Plan
- Provision of footpath to link back to Village Centre.
- Public lighting design.

Services

- The applicant is advised to contact Irish Water.

Flooding

- The site is located inside the CFRAM Flood Maps.
- Hydraulic analysis using software capable of modelling the proposed development surface water network for critical storms in 1/30 year and 1/100 year storm event.
- Request for minimum FFL of 5.75AD and a Flood Emergency Response Plan.

Appropriate Assessment

- Appropriate Assessment screening required.
- Duration of construction required, include the impact on the otter.
- There is an issue of flood displacement.

Part V

- Part V needs to be adequately addressed and the units should be distributed throughout the site.
- Part V discussion have not agreed units for on-site transfer.

Archaeologist

- Archaeological monitoring should be undertaken.

9.0 The Consultation Meeting

A Section 5 Consultation meeting took place at the offices of Limerick City and Council, Dooradoyle, Limerick on the 01st of July 2019, commencing at 11.30 am. 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 as follows:

1. Development Strategy for the site to include the layout and interfaces along Pa Healy Road and internally between the proposed buildings and the use of boundary treatments.
2. Architectural Response and external materials.

3. Connectivity , permeability and use of DMURS throughout the site,
4. Sunlight and Daylight analysis for existing and proposed,
5. Quantum and Quality of open space throughout the site and apartment scheme,
6. Compliance with S. 28 Guidelines.
7. Management of apartments and student accommodation,
8. Appropriate Assessment.
9. Irish Water.

In relation to the **development strategy**, An Bord Pleanála representative sought further elaboration/ discussion/ consideration on the following:

- Design response of the proposed development towards the Pa Healy Road with particular reference to the national guidelines for sustainable residential development.
- The treatment of the entrance into the site and the use of excessive parking at this interface.
- The use of high quality external materials, incorporating an appropriate palate to support an attractive urban design and provide longevity for all buildings.
- The use of plans, particulars and computer generated images to illustrate the appropriate design and treatment for the range of buildings throughout the entire site.
- The architectural response of the student accommodation incorporating high quality elevation treatment along the Pa Healy Road.
- Proximity, layout and interface of lower density housing associated with the apartments.
- The provision of connectivity, permeability and use of DMURS throughout the site and the necessity for surface car parking within the site.
- Sunlight and Daylight analysis for existing and proposed residents.

- Provision of appropriate quantum and quality of open space for apartment scheme including the incorporation of children’s play facilities in compliance with the national apartment guidance.
- Clarity required in relation to boundary treatments around and throughout the site, integrating connectivity and permeability.

In relation to **compliance with section 28 guidance**, An Bord Pleanála representative sought further elaboration/ discussion/ consideration on the following:

- Details of proposed areas in the context of minimum standards as set out in the “ *Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2018)*”

In relation to the **management of apartments and student accommodation**, An Bord Pleanála representative sought elaboration/ discussion/ consideration on the following:

- Management Plans for each distinguishable element of the proposal.
- The need to confirm the taking in charge elements with the planning authority.

In relation to the **European Designated Sites** in the vicinity, An Bord Pleanála representative sought elaboration/ discussion/ consideration on the following:

- The treatment of contamination on the site which includes specific measures to mitigate against any negative impact on the surrounding area.
- The inclusion of mitigation measures within an Appropriate Assessment Screening Report and the necessity for a Natura Impact Statement.

In relation to **other matters** An Bord Pleanála representative sought elaboration/ discussion/ consideration on the following:

- Surface water provision.
- Flood displacement and the site specific flood risk assessment.
- The provision of a Built To Rent scheme versus a normal rental scheme and the planning requirements for specific supporting amenity provision.

10.0 Assessment

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 prospective applicants, 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.

Conclusion

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 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.

11.0 Recommended Opinion

The Board 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, 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 the constituting a reasonable basis for an application for strategic housing.

Design, Layout and Unit Mix

1. Further consideration and/or justification of documents as they relate to the proposed strategy for the development of the site in respect of the residential uses, proposed ownership and tenure, residential amenity and management of the proposal in relation to the 12 criteria set out in the Urban Design Manual which accompanies the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (May 2009), and the 'Urban Development and Building Heights Guidelines'. In addition to design which is addressed above, the matters of the configuration, the layout and the architectural approach with particular emphasis on the Pa Healy Road should be given further consideration. Further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

Elevation Treatment/Finishes

2. Further consideration and/or justification of the documents as they relate to elevation treatment/ expression of the finishes of the proposed development, having regard for the scale of the building heights included and the need for a high quality urban design which will have a positive contribution to Limerick City Centre over the long term. An architectural and urban design statement should be submitted with the application in coordination with a Building Lifecycle Report. In addition, a report that specifically addresses the materials and finishes of the proposed structures including specific detailing of finishes, openings and the treatment of balconies, having regard to the long term management and

maintenance of the proposed development. The further consideration of these issues may require an amendment to the documents and/or design proposals submitted at application stage.

Open Space and Permeability

3. Further consideration and/or justification of documents for the provision of high quality open space areas which incorporates the provision of appropriate play facilities, landscaped areas, boundary treatments and pedestrian/ cycle ways throughout the site, having regard to the requirements of Design Manual for Urban Roads and Streets and the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' (2018).

Car Parking

4. Further consideration and/or justification to the provision of the documents as they relate to the car parking strategy of the proposed development, having particular regard to the level of surface parking provided at the main entrance and throughout the site. The further consideration of these issues may require an amended to the documentations and/or design proposals submitted at application stage.

Environmental Mitigation

5. Further consideration and/or justification of documents as they relate to the mitigation measures to address contamination on the site and the necessity to ensure full details of all works are included in all associated documents including any documentation relating to but not limited to Construction Environmental & Waste Management Plan and Appropriate Assessment.

Pursuant to article 285(5)(b)(i) and (ii) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that the following specific information should be submitted with any application for permission:

1. Details of proposed earthworks and/or mitigation measures to address contamination on site, including detail of proposed cut and fill works and resultant gradient / retaining features with all works integrated into any Screening for Appropriate Assessment or Natura Impact Statement.

2. Design of the proposed surface water management system including attenuation features and cross sections of all SuDS features proposed on site in the context of surface water management on the site.
3. Details of all materials proposed for buildings, open spaces, paved areas, boundary and retaining walls and a life cycle report in accordance with section 6.3 of the Sustainable Urban Housing: Design Standards for New Apartments (2018).
4. Details of public lighting.
5. Details of Part V provision clearly indicating the proposed Part V units.
6. A plan of the proposed open space within the site clearly delineating public, semi-private and private spaces.
7. A detailed phasing plan for the proposed development should be provided.
8. A site layout plan clearly indicating what areas are to be taken in charge by the Local Authority.
9. A site specific Student Management Plan which includes details on management of student accommodation outside term-time.
10. Addition CGIs/visualisations/3D modelling showing the proposed development relative to existing and proposed development.
11. Construction and Demolition Waste Management Plan

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. Transport Infrastructure Ireland
2. National Transport Authority
3. Minister for Culture, Heritage and the Gaeltacht (nature conservation)
4. Irish Water
5. Inland Fisheries Ireland
6. Limerick 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.

Karen Hamilton
Planning Inspector

15th of July 2019