



<b>Case Reference / Description</b>	Demolition of existing structures, construction of 363 no. shared accommodation bedrooms and associated site works. Site is situated to the north of the Fruit Market, Dublin 7.		
<b>Case Type</b>	Section 5 Pre-Application Consultation Request		
<b>Date:</b>	29 <sup>th</sup> May, 2020	<b>Start Time</b>	9.30 am
<b>Location</b>	Via Microsoft Teams	<b>End Time</b>	11.40 am
<b>Chairperson</b>	Tom Rabbette	<b>Senior Executive Officer</b>	Cora Cunningham

**Representing An Bord Pleanála:**

Tom Rabbette, Assistant Director of Planning
Karen Hamilton, Senior Planning Inspector
Cora Cunningham, Senior Executive Officer

**Representing Prospective Applicant:**

James Kelly, Kelly & Cogan Architects
Katherine Kelliher, Kelliher Miller Architects
Frank Madden, Lohan and Donnelly
Richard Hamilton, Future Analytics Consulting

**Representing Planning Authority**

Deirdre O'Reilly, Senior Executive Planner
Klara Crowley, Executive Planner
Mary McDonald, City Conservation Officer
Ruth Johnson, City Archaeologist
Nicola Conlon, Sen Exec Planner, Transportation Planning

## **Introduction**

The representatives of An Bord Pleanála (ABP) welcomed the prospective applicant, Planning Authority (PA) via Microsoft Teams having regard to the Covid-19 virus.

The procedural matters relating to the meeting were as follows:

- The written record will be placed on the pre-application consultation file and will be made public, along with that file, should an application arise following the conclusion of this consultation process,
- ABP received a submission from the PA on 23<sup>rd</sup> April, 2020 providing the records of consultations held pursuant to section 247 and its written opinion of considerations related to proper planning and sustainable development that may have a bearing on ABP's decision,
- The consultation meeting will not involve a merits-based assessment of the proposed development,
- The meeting will focus on key site-specific issues at strategic overview level, and whether the documents submitted require further consideration and/or amendment in order to constitute a reasonable basis for an application.
- Key considerations will be examined in the context of the statutory development plan for the area and section 28 Ministerial Guidelines where relevant,
- A reminder that neither the holding of a consultation or the forming of an opinion shall prejudice ABP or the PA concerned in relation to any other of their respective functions under the Planning Acts or any other enactments and cannot be relied upon in the formal planning process or in legal proceedings.

The ABP representatives acknowledged the letter dated 19<sup>th</sup> March, 2020 formally requesting pre-application consultations with ABP. Prospective applicant advised of the need to comply with definition of SHD as set out in the Act of 2016, in relation to thresholds of development. It was also noted that the Inspector dealing with the pre-application consultation request would be different to who would deal with the application when it was submitted. Recording of the meeting is prohibited.

## **Agenda**

- 1. Conservation Impact Assessment**
- 2. Compliance with the Apartment Guidelines**
- 3. Height Strategy**
- 4. Development Strategy for the site to include inter alia:**
  - **Quality and design of open space provision;**
  - **Public realm, connectivity and permeability through the sites**
  - **External materials and design rationale**
- 5. Residential Amenity**
- 6. Drainage & Flooding**
- 7. Traffic & Transport**
- 8. Any other matters**

## 1. Conservation Impact Assessment

### ABP Comments:

- Have regard to protected structures on the site and the architectural heritage of the area
- Justify design of proposed development
- Have regard to history of the area and features of interest in the vicinity
- Visual Impact Assessment and photomontages not fully justified having regard to conservation impact assessment
- Have regard to the design and elevation of Block D, in particular the impact on St Michan's Church
- Have regard to the national guidance on architectural heritage protection
- Consider observations/concerns relating to other buildings within the proposed development and not solely Block D
- Provide a robust argument in relation to the scale of proposed development

### Prospective Applicant's Comments:

- There is a disagreement with the PA opinion
- No. 16 is a reconstructed 1850's building
- Refers to precedence of other developments granted permission where the receiving environment contained architectural heritage
- Setbacks have been amended to avoid contact with church
- Focused on medieval street pattern
- Design Statements set out the materiality proposed and show interface with Block D
- Datum heights clarified

### Planning Authority's Comments:

- Concerns raised have been previously pointed out to prospective applicant, these concerns pertain
- PA is not happy with the design approach having regard to St. Michan's Church to the north and Old School House to the west
- No's. 16 and 17 also on NIAH list although only parts of No. 17 protected, No. 16 rebuild but respectful of church and tower
- Consider architectural language proposed
- Have regard to the junction with the church
- PA consider proposed development is entirely inappropriate, would be detrimental to the surrounding protected structures with adverse impacts on same and the PA Opinion refers to previous concerns

## 2. Compliance with the Apartment Guidelines

### ABP Comments:

- Have regard to SPPR7 and SPPR9 (point 3) in relation to shared accommodation and demonstrate compliance
- Justification required in relation to size of additional residential amenity proposed
- Additional breakdown of residential amenity space, provided for discussion, is acknowledged, which can be built on and expanded for any future application,
- Details required in relation to breakdown of services and amenity for proposed blocks

- PA raised issue in relation to section 5.18 and section 5.19 of the apartment guidelines
- Details/experience (if applicable) of any potential operator for the proposal may be of benefit at application stage

**Prospective Applicant's Comments:**

- Concept is providing best quality of shared living accommodation,
- Quality of clustered approach central to scheme, highest level of accommodation being provided,
- Ample kitchen space ensures good quality standards proposed
- Important to have further discussions in relation to Block D proposals
- Proposed development reviewed on foot of PA Opinion and prospective applicant fully committed to providing linkages at ground floor levels of Blocks A, B and C
- Restaurant removed from 1<sup>st</sup> floor, ground floor of Block A had been given over for market use, PA did not want it to impact on adjoining development
- The proposal complies with the guidelines
- Confirm units are grouped into clusters,
- Operational Management Plan prepared and will submit with application
- No specific operator confirmed, similar developments have been examined
- Single development that cannot be fragmented

**Planning Authority's Comments:**

- PA concur with ABP comments
- Query in relation to the use of the communal facilities in Block A for Block D

### **3. Height Strategy**

**ABP Comments:**

- Have regard to conservation issues in relation to height strategy
- Height strategy requires further justification, site-specific height strategy needs to be justified/explained as this is not clear from the documentation
- Acknowledge additional study presented for discussion in relation to height, scale and massing
- Justify design relating to height of Block A, conceptual drawings should be submitted in application
- Height and elevation treatments to be justified
- Prospective applicant should decide in conjunction with PA, if the application is a Material Contravention and any application should be accompanied with relevant supporting information, if required

**Prospective Applicant's Comments:**

- Prospective applicant has set out context
- Site is contained in City Public Realm Plan for street improvement, important nodes along this route
- Had regard to Government guidelines in respect of SPPR1
- Area is in very poor condition, grain for area evolved over time
- Looked at number of studies, corner of Block A gives advantage to create emphasis on development and Marys Lane is a public space

- Height is justified and the proposed development is considered a Material Contravention

**Planning Authority's Comments:**

- Issue of height raised in section 247 meetings, prospective applicant has not altered height
- Prospective applicant should have regard to SPPRs in the national guidance
- Massing study submitted is noted and this study demonstrates how the proposed development is inappropriate at this location
- PA Opinion raises concern of impact on historical scale and grain of area,
- The existing fabric of the area is fragile and proposed development brings an opportunity to re-stitch the area
- Higher density is required on these sites but height and scale of development proposed is not justified in the documents
- Given height proposed, the development will require significant foundations
- Address/clarify course of the Bradogue river and current culvert proposed or any dewatering of the site
- PA would consider the proposed development to Materially Contravene the Development Plan

**4. Development Strategy for the site to include inter alia:**

- **Quality and design of open space provision;**
- **Public realm, connectivity and permeability through the sites**
- **External materials and design rationale**

**ABP Comments:**

- Concern over usability and functionality of open space
- Daylight/sunlight analysis does not include open space and require justification in application
- Have regard to passive surveillance of open space
- Have regard to functionality and integration of amenities in the open space areas
- Address public realm and external materials
- Have regard to movement and flow of pedestrians around public realm and design of the ground floor of Block A.
- Justification of design required having regard to concerns raised by PA including treatment of public realm
- Address concerns raised by PA in relation to design of overhang proposed

**Prospective Applicant's Comments:**

- Roof and terraced areas conceived as winter gardens usable by residents of that block
- Will reconsider provision of sunlight and daylight analysis of ground floor and terracing at 1<sup>st</sup> floor
- Each block has its own open space provided
- Footpaths have been raised and an exercise is being carried out in relation to footpaths and loading bays including technical study which is included in documentation
- Material proposed and planting proposed will be discussed further with PA

- Prospective applicant has wanted to engage with PA with regard to landscaping but haven't be successful to date
- Proposed development has to have regard to medieval street pattern, Architectural Heritage Impact Assessment concludes that proposed development should not impact street pattern
- Proposed development will assist in providing an active street as businesses in area usually close by 2.30
- Prospective applicant will have regard to PA concerns and make necessary amendments
- Overhang allows for improved degree of transparency and degree of shelter for those entering the building, overhang within prospective applicant's site boundary

**Planning Authority's Comments:**

- PA have same concerns as ABP
- Number of issues unresolved from S247 meetings
- Concern with loss of animation of the historic area
- The area is going through transition, the Market Studies should be integrated into any proposal,
- Footpaths increased in some areas but reliant on public roads, needs to be considered in wider context
- Further engagement in relation to public realm required prior to lodging application

**5. Residential Amenity**

**ABP Comments:**

- Have regard to access to daylight/sunlight and units access to same
- BRE standards relates to apartments, it is noted however that occupants in shared accommodation may spend more time in bedrooms rather than communal areas

**Prospective Applicant's Comments:**

- Prospective applicant will address issues with daylight analysis in any future application, PA has requested a standard analysis
- Differing of heights does not cause overshadowing, permitted hotel will have more impact on St. Michan's Park
- Block D lower than proposed hotel on the opposite side of Little Green St

**Planning Authority's Comments:**

- PA have looked for assessment of bedrooms in relation to residential amenity
- Have regard to impacts on adjoining developments and address in application
- PA have concerns regarding shadow study and impacts on St. Michan's Park and surrounding streets
- Justification required on height proposed versus what is permitted in the area

**6. Drainage & Flooding**

**ABP Comments:**

- Have regard to Irish Water comments
- PA Opinion raised issues in relation to SuDs and Flood Risk Assessment,

**Prospective Applicant's Comments:**

- SuDs and blue roofs proposed
- Basement attenuation at ground floor of one block
- Prospective applicant has taken PA comments into account
- Flood risk will be addressed
- Bradogue re-routed

**Planning Authority's Comments:**

- PA concerns with dewatering of proposed site,
- Excavation not for this specific scheme but carried out on surrounding development sites, deposits found
- Ensure prospective applicant has PA drawings in relation to Bradogue

**7. Traffic & Transport**

**ABP Comments:**

- Query if a full Traffic Impact Assessment is required having regard to the absence of any car parking
- Have regard to cycle parking
- 4 loading bays, default would be for no parking in shared accommodation developments

**Prospective Applicant's Comments:**

- Will integrate landscaping with proposed development

**Planning Authority's Comments:**

- PA looking at a traffic impact assessment of the construction traffic on the Fruit Market area rather than operational stage Traffic Impact Assessment
- Prospective applicant should engage in further discussions with PA

**8. Any other matters**

**ABP Comments:**

- Have regard to archaeology
- Acknowledge information in relation to external palettes clearly indicated, ensure details are provided in elevation drawings

**Prospective Applicant's Comments:**

- Palettes proposed were discussed
- All surrounding buildings will need to be demolished before any testing can be carried out on the proposed site (in relation to archaeology)
- PA Opinion refers to Hydrological study, prospective applicant following up in relation to AA and NIS

**Planning Authority's Comments:**

- PA would look for testing to be carried out in proposed site prior to lodging application
- Application should be referred to National Monument Service

## Conclusion

The representatives of ABP emphasised the following:

- There should be no delay in making the planning application once the public notice has been published
- Sample notices, application form and procedures are available on the ABP website
- Irish Water would like prospective applicants to contact Irish Water at [cdsdesignqa@water.ie](mailto:cdsdesignqa@water.ie) **between the Pre-Application Consultation and Application stages**, to confirm details of their proposed development and their proposed design.
- The email address to which applicants should send their **applications** to Irish Water as a prescribed body is [spatialplanning@water.ie](mailto:spatialplanning@water.ie)

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Tom Rabbette  
Assistant Director of Planning  
June, 2020