



<b>Case Reference / Description</b>	2 no. Pastoral Residences to provide a total of 28 no. bedrooms, 215 no. apartments, creche and associated site works. Lands at Nullamore House, Richmond Avenue South and Milltown Road, Dartry, Dublin 6.		
<b>Case Type</b>	Section 5 Pre-Application Consultation Request		
<b>Date:</b>	25 <sup>th</sup> November, 2020	<b>Start Time</b>	02:00 pm
<b>Location</b>	Via Microsoft Teams	<b>End Time</b>	03:30 pm
<b>Chairperson</b>	Tom Rabbette	<b>Executive Officer</b>	Hannah Cullen

**Representing An Bord Pleanála:**

Tom Rabbette, Assistant Director of Planning
Fiona Fair, Senior Planning Inspector
Hannah Cullen, Executive Officer

**Representing Prospective Applicant:**

Suzanne McClure, Brock McClure Planning Consultants
Barry O'Grady, Prospective Applicant
Conor Hogan, JC Hogan & Sons
Alan Moran, Noonan Moran Architects
Albert Noonan, Noonan Moran Architects
Pay Moynihan, OCSC Consulting Engineers
Niall MCMenamin, OCSC Consulting Engineers
Brendan Vaughan, Mitchell + Associates Landscape Architects and Urban Design
Kevin Blackwood, Conservation Consultant

**Representing Planning Authority**

Kieran Sweeney, Senior Executive Planner
Siobhan McManus, Executive Planner
Kieran O'Neill, Senior Executive Landscape Architect

## Introduction

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

The procedural matters relating to the meeting were as follows: mmm

- 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 7<sup>th</sup> August, 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 13<sup>th</sup> July, 2020 formally requesting pre-application consultations with ABP. The 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. **Development Strategy** - having regard to the zoning for the lands, set out in the Dublin City Development Plan 2016 – 2022. Compliance with Z15 Zoning.
2. **Visual Impact** (scale, massing, height, topography of the site).
3. **Residential Amenity** (existing and proposed) in the context of the 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities', March 2018.
4. Response to the Issues Raised in the Planning Authority Opinion, submitted to An Bord Pleanála on the 7<sup>th</sup> August 2020.
5. Any Other Business

## 1. Development Strategy

### ABP Comments:

- Justification of how the proposal is consistent with local planning policies specific regard being had to the 'Z15' zoning objective – Institutional and community.
- Possible material contravention. Argument needs to be made at application stage for compliance with landuse zoning. Applicant needs to convince the Board that the proposal is compliant with the land use zoning .
- Nature and quantum of bed spaces to be provided in block H - Pastoral Residence queried.
- Unsure whether the development of 'Pastoral residences' would fit into the legal definition of an SHD (are these apartments, shared accommodation typology?). This needs to be addressed.
- Provision is required for a clear rationale and examination of the need for the pastoral residents.
- Whether it is a commercial entity (or 'other use' as per the 2016 Act), how it fits within the legal definition of SHD.
- What standards were used for the Pastoral Residence Accommodation. Detailed rationale for size and layout. Clarification of the use, particularly, regard being had to the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, March 2018.
- Rationale to be provided on the calculation of open space.
- Consultation carried out, if any, and feedback from neighbouring residents.

### Prospective Applicant's Comments:

- Idea was to move past residences down to the lower part of the site.
- Between the 2 Pastoral Residences there will be 28 bed spaces, there is currently 30 with a mix of residents and students.
- A legal opinion may be sought by the applicant as regard to the proposed development compliance with SHD
- Intention was to connect all the apartments and block H.
- Open space equates to 4,500 square meters, which is in excess of 25% of the site area. Within the Z15 it is proposed to provide 3768 sq. m POS, there is a requirement of 3592 sq. m therefore POS provision is in excess of requirements.
- Wheelchair ramping proposed to be provided along communal link to LUAS stop.
- Currently 81 trees onsite, proposing to remove 63 which are not of high quality, 190+ trees to be planted in their place.
- Trees line near Nullamore House proposed to be retained.
- Public gain is being provided as a result of this proposed development. The proposed cycle / pedestrian connection link through this site will be publicly accessible 24/7. It will provide a connection between Milltown LUAS stop at Richmond Avenue to the north east and Milltown Road to the south.
- Character will be established by inclusion of formal gardens and by retaining the old wall.
- No formal engagement with the neighbouring residences yet. But a good relationship exists.

**Planning Authority's Comments:**

- No issue with quantum of open space, quality of spatial distribution and usability to be further considered.
- Compliance with Z15 zoning. Further consideration of how the proposal secures the retention of existing functional open space.
- Green pedestrian route is welcomed
- Concern due to the number of tree's proposed to be removed.

**2. Visual Impact****ABP Comments:**

- Justification of the proposed development in terms of urban design considerations such as building height and the bulk, scale and mass of blocks; architectural treatment; and interface with Nullamore House, adjoining properties to the north and west (Temple Park and South Hill Estate) and architectural treatment.
- The site is elevated in comparison to surrounding area, justification for height and bulk of the blocks, in particular E, D & C, given the elevated position of the site, site levels, the loss of trees and the modest scale and character of existing development.
- In the imagery and cross sections submitted, the proposed development may be considered dominant, somewhat stark appearance in context with the existing neighbouring development.
- Extensions in back gardens of some of the housing to the west to be considered with respect to separation distances. Perceived overlooking and/or overshadowing and/or over-bearing impact to be considered at application stage.

**Prospective Applicant's Comments:**

- A model was submitted
- Blocks split into 5 to allow maximum sun penetration from the south into the site. Access to sunlight / daylight was a key feature of the design.
- Kept highest element at front, along Milltown Road, up to 8 storeys.
- Use of varied stepping down in blocks to address the surrounding residences.
- Going through the site no road, path only provided – green route, open to public 24/7.
- The site is located in close proximity to transport – 120m from Milltown Luas stop and city centre location.
- 27% site coverage and 114 units/ha, reasonable.
- Site levels between this development and the adjacent not very different. The height of the blocks takes cognisance of adjacent lower rise buildings, the blocks step down as they get closer to the boundaries.
- Separation to residents to the west is at 31 meters.
- Issues raised will be considered further before an application is lodged.

**Planning Authority's Comments:**

- Scale and height is of concern due to the existing development surrounding being 3 storeys. The proposed height rises dramatically.

### **3. Residential Amenity**

#### **ABP Comments:**

- Possibility of overlooking from balconies, in particular block A, screening measures proposed should be detailed.
- Inclusion of true dual aspect units, documentation to be provided of what is being proposed/considered as dual aspect.
- Regard to be had to Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' (2018).

#### **Prospective Applicant's Comments:**

- Figure of dual aspect is at 63% with 18 north facing single aspect units looking onto old brick wall. 11m separation distance
- 6 studio apartments in Block G. Future residents will have access to communal living rooms with dual aspect.
- Satisfied that the units included in the calculations reflect true dual aspect.
- All documentation requested and further information required will be supplied at application stage.

#### **Planning Authority's Comments:**

- Take comments made under this particular area in the PA report submitted as read.

### **4. Response to the Issues Raised in the Planning Authority Opinion, submitted to An Bord Pleanála on the 7<sup>th</sup> August 2020.**

#### **ABP Comments:**

- Response to concerns raised with transportation and biodiversity within the proposed development.
- Laneway to the north accessing some of the housing in that area, issue of privacy and security.
- Clarification around car parking ratio 1:1 arguably high given proximity to public transport and surrounding location.
- Comments arising from IW submission
- Clarity if upgrades require additional 3rd party consents prior to lodging an application.
- Biodiversity issues

#### **Prospective Applicant's Comments:**

- Bat survey will be provided with an application when submitted.
- A letter of consent has been received from and will be taken in charge by PA, details of closing off vehicle access will be included.
- Proposing 1 parking space per unit for this development.
- IW have returned with a connection of feasibility, the applicant is aware of the upgrades mentioned in their report submitted, 3rd party consents will be sought if they are required.
- DCC storm water sewer proposed to be used partly for this development.
- Ecologist will relook at the NIS.

- Transportation Issues raised can be addressed: cycle parking, parking at basement and for the creche, path through the site will be looked at in terms of gradient, width and use ability.
- The proposed development is build to sell scheme.

**Planning Authority's Comments:**

- Community and social infrastructure audit to be provided at application stage.
- Further details are sought in relation to the path through the site.

**5. Any other Business**

**ABP Comments:**

- Architectural heritage issues around Nullamore House, if anything should arise under further investigation this must be fully addressed in any application submitted.
- Consideration of impacts of removing and replanting trees.
- Landscaping and extent of tree retention and protection.
- Explore further and document protected species identified within the site. Ecology, Biodiversity and wildlife (impacts upon protected species and associated habitats for Bats, Birds and Badgers).
- Ensure correlation and consistency of all documentation when an application is to be submitted, there should be no discrepancies between reports and figures etc.
- Any material contravention must have regard to, inter alia, S. 28 guidelines and SPPR3

**Prospective Applicant's Comments:**

- Material contravention statement will be submitted at application stage with regards to building height.

**Planning Authority's Comments:**

- Nothing further to add

- **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  
December, 2020