



Case Reference / Description	Alterations to a previously permitted development, DZ17A/0862, as amended by DZ19A/0148, DZ19A/0458, DZ19A/1024 and DZ20A/0002, to provide for 98 no. additional apartments and modifications to 13 no. permitted apartments and all associated site works. Block A1, TC1, Blocks C1, C2, TC2 and Blocks F1, F2, F3, TC4, Cherrywood Town Centre, Cherrywood, Co. Dublin.		
Case Type	Section 5 Pre-Application Consultation Request		
Date:	14 th December, 2020	Start Time	02:00 pm
Location	Via Microsoft Teams	End Time	04:00 pm
Chairperson	Rachel Kenny	Executive Officer	Hannah Cullen

Representing An Bord Pleanála:

Rachel Kenny, Director of Planning
Rachel Gleave O'Connor, Planning Inspector
Hannah Cullen, Executive Officer

Representing Prospective Applicant:

Laura Burnett, Hines APG
Malcolm McCabe, Hines APG
Neilus Hunt, Virtus Project Management
Michael Stack, Henry J Lyons Architecture + Interiors
John Montgomery, Niall Montgomery & Partners (NMP)
John Gleeson, Integrated Environmental Solutions (IESVE)
Conor Vaughan, Barrett Mahony Consulting Engineers
John Spain, John Spain Associates
Mary Mac Mahon, John Spain Associates

Representing Planning Authority

Liam Walsh, Senior Planner

Michelle Breslin, Senior Executive Planner
Laura Creagh, Assistant Planner
Vivienne Byrne, Senior Planner
Tracey Flanagan, Senior Executive Planner
Rob Fahy, Senior Executive Engineer
Dan Aspell, Executive Planner
Sarah McCullough, Executive Parks Superintendent
Chris Shackleton, Consultant

Introduction

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

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 once the Opinion has issued,
- ABP received a submission from the PA on **6th November, 2020** providing the records of consultations held pursuant to section 247 of the Planning and Development Act, 2000 as amended 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 **12th October, 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 (Housing) and Residential Tenancies Act 2016, in relation to thresholds of development. The representatives of ABP advised that the Inspector dealing with the pre-application consultation request would be different to the Inspector who would deal with the application when it was submitted. Recording of the meeting is prohibited.

Agenda

1. Constituting SHD (discussion to include consideration of red line boundary and location of facilities i.e. car parking / cycle parking etc)
2. Environmental considerations
3. Carrying capacity of supporting infrastructure
4. Cherrywood SDZ Planning Scheme – quantum, density, building height and phasing
5. Quality of accommodation (including resident facilities and daylight / sunlight)
6. Landscape and communal open space
7. Any other business.

1. Constituting SHD

ABP Comments:

- Consideration is required of any reliance upon facilities under the 'parent' permission that are outside of the proposed red line boundary area.
- Further elaboration on the proposals for car and cycle parking provision within the proposed development.
- All associated facilities should be encompassed within the red line boundary.

Prospective Applicant's Comments:

- Previous applications have reflected the red line boundary for the parent permission.
- The applicant is satisfied the proposed approach to the red line boundary is in compliance with regulations.
- There is no intention to provide additional car parking spaces within this scheme. A separate application to amend the SDZ will be applied for to the PA, amending the car parking of the parent permission in order to satisfy the requirements for the proposed development.
- Drawings will be amended to show cycle storage within the red line boundary.

Planning Authority's Comments:

- From the parent application there has since been 8 amending applications and 1 current which all encompass the red line boundary.
- Long term and short term parking space provision will be impacted by the proposals.

Further ABP Comments:

- Clarification will be required that car parking provision has been amended under a separate application to the PA and will be resolved prior to lodging of a SHD application to ABP.

2. Environmental considerations

ABP Comments:

- Consideration of EIAR regulations in relation to screening, should be submitted to ABP.

Prospective Applicant's Comments:

- The definition of a business district centre does not apply to the area, as such the threshold is not met in relation to any requirement for an EIAR.

Planning Authority's Comments:

- An EIAR is required as the site is more than 2 hectares threshold from business/district centre lands, the underlying zone is town centre.

3. Carrying capacity of supporting infrastructure**ABP Comments:**

- Consideration required of the PA report submitted with respect to impact upon infrastructure.
- Evidence by way of surveys and further documentation to be submitted which can demonstrate infrastructure capacity to support the proposed development.

Prospective Applicant's Comments:

- The Cherrywood area is well served by transport with further improvements arriving via Metrolink and bus connects.
- There is a highly sufficient provision of open space associated with the development.

Planning Authority's Comments:

- The additional height and density will result in increased population and this is a major concern. Carrying capacity has been considered in the parameters set out in the SDZ and the proposed development exceeds this.

4. Cherrywood SDZ Planning Scheme**ABP Comments:**

- The material contravention appears to extend past the points which were submitted as part of the pre-application consultation, ensure all matters are covered prior to submitting an application.
- Consideration required of the Spencer case judgement.

Prospective Applicant's Comments:

- The applicant is aware of the Spencer case judgement.
- Town centre area is appropriate for additional height and increased population.

Planning Authority's Comments:

- There is an serious concern that the proposal would set a precedent for development in the area and negatively impact on the delivery of sustainable development in the Cherrywood SDZ.

5. Quality of accommodation

ABP Comments:

- Consideration of BRE targets for daylight and sunlight required. Analysis should be comprehensive.
- Note the use of projected elements in block A1, detail any impacts on the windows of the units below and mitigation measures to be introduced.
- Consideration required of compliance with SDZ requirements.
- Drawing (1009 Rev. A) submitted as part of the pre-application consultation documents unclear with respect to interface between external amenity areas and units.
- Clarification is required of whether the proposed development will rely upon facilities under the parent permission.

Prospective Applicant's Comments:

- The penthouse units within the scheme have been reworked to address concerns previously raised by the PA.
- A document will be provided showing side by side permitted and proposed views that will demonstrate minimal impacts from the additional storey.
- The roof terrace area will be available for the particular residents of the block in which they are allocated.
- The scheme is build to sell (BTS) therefore the development is above the minimum requirement and there is no provision to provide further facilities.

Planning Authority's Comments:

- Impacts to the communal open space and adjoining neighbours due to the additional height proposed should be addressed further.
- Lack of clarity surrounding the operation and usability of the roof top terraces in particular security measures for children and accessibility issues.
- Scope to include a separate table of sunlight levels at ground floor level and at rooftop terrace for comparison.

6. Landscape and communal open space

ABP Comments:

- Any contribution in lieu should be agreed with the PA prior to submission of an application.
- The planning consistency statement contains differing figures around the provision of communal open space, ensure corrections are made prior to an application being submitted.

Prospective Applicant's Comments:

- The area of public open space will not be increased within this application, adequate space has been previously provided within the parent permission.

Planning Authority's Comments:

- A breakdown of the calculation of open space will need to be provided of the scheme in totality.

7. Any other business

ABP Comments:

- Invitation to raise any further items previously not set out in the agenda.

Prospective Applicant's Comments:

- No additional comments.

Planning Authority's Comments:

- Building height review intended to be submitted January 2021.

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 **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

Rachel Kenny
Director of Planning
February, 2021