



Case Reference / Description	Demolition of structures on site, construction of 148 no. apartments and associated site works. Tolka Industrial Estate, Ballyboggan Road, Dublin 11.		
Case Type	Section 5 Pre-Application Consultation Request		
Date:	3 rd March 2021	Start Time	10:10 a.m.
Location	Via MS Teams	End Time	11:35 a.m.
Chairperson	Rachel Kenny	Executive Officer	Ciaran Hand

Representing An Bord Pleanála:

Rachel Kenny, Director of Planning
Fiona Fair, Senior Planning Inspector
Ciaran Hand, Executive Officer

Representing Prospective Applicant:

Hazel Jones, Applicant
Jonathan Dowling, Applicant
Tiernan McCarthy, EML Architects
Andy Howell, EML Architects
Patricia Thornton, TOC Town Planning
Elaine Hudson, TOC Town Planning
Gavin Foy, Ait Landscape Architects
Patrick Raggett, OCSC Engineers
Rory Burke, JV Tierney Consulting (Daylight/Sunlight)

Representing Planning Authority

Shane Healy, Executive Planner, Planning & Property Development

Maryann Harris, Biodiversity Officer

Introduction

The representatives of An Bord Pleanála (ABP) welcomed the prospective applicant, Planning Authority (PA) 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 22nd January 2021 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 11th December 2020 formally requesting pre-application consultations with ABP. The prospective applicant advised of the need to comply with the definition of SHD as set out in the (Housing) and Residential Tenancies Act of 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. Principle of Development: (Z6: Zoning)**
- 2. Development Strategy for the site including urban design considerations such as building height and the bulk, scale and mass of blocks; architectural treatment; pedestrian connectivity, proximity to boundaries, boundary treatments and interaction with the existing surrounding land-use pattern. Contribution to the character and identity of the neighbourhood. Visual Impact Analysis, use of materials and variety in design.**
- 3. Residential Amenity in the context of the 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities', Dec 2020. (Internal and external) open space provision,**

aspect of units and access to daylight and sunlight, privacy for habitable rooms / access decks and noise impacts for future residents.

4. Biodiversity (Tree loss and Bats)

5. Transportation Issues

6. Any other matters

1. Principle of Development: (Z6: Zoning)

• ABP Comments:

- The site is zoned Z6 zoning, residential is open for consideration
- Justify that this is the right development in the right location
- Outline the advantages and disadvantages of this location
- Examine other sites in Z6 zoned lands
- Address the objectives of the Z6 zoning
- With Z6, redevelopment proposals need to have regard to the employment element on site which should be in excess of that on site prior to redevelopment.
- Like Z15, zoning category Z6 includes policies associated with uses other than residential.
- Acknowledge that the PA opinion makes reference to other Z6 sites in the city where residential has been permitted. The referenced applications were either inner city or small sites within Z6 areas and none SHD cases.
- Note ABP reference 302155 at Cookstown Ind Estate – where permission was refused by the Board in January 2019. As it was considered that the proportion and quantum of residential use proposed would not be at an appropriate ratio to be considered sufficiently subsidiary to the main employment generating uses and would therefore be contrary to zoning objective Z6. The Cookstown case is pertinent as a reference to the subject case, given similarities.

• Prospective Applicant's Comments:

- There is precedent within the city for a higher percentage of residential development on lands zoned Z6 – Brickfield Lane 89% residential
- Legal clarity will be sought and submitted
- The proposed site is a long-term vacant site and on derelict sites register, it is not viable for commercial use.
- This is a changing area. The length of time it could take for strategic planning is in the range of 5 -7 years, which is unjustified. There is a housing crisis and these lands can deliver housing now.
- There are existing accessible site amenities and services that would serve future residents.

• Planning Authority's Comments:

- There is an issue with the principle of the proposed development
- This is not on the periphery of Z6 zoned lands
- Location of the proposed development is in the middle of an industrial area
- More commercial use could be proposed

- Business units could be introduced, and the bike/café expanded
 - A strong justification is needed for this development at this location
 - The fact that the site is vacant is not a strong enough argument for the level of residential proposed.
 - The area is not in line for rezoning in the next Development Plan.
 - Residential amenity afforded to future residents would be poor and questionable.
 - DCC very opposed to the subject development given, zoning and the sites central location within the industrial lands.
- **Further ABP Comments:**
 - It is undeniable we need more housing; however, this argument is not sufficient in itself.
 - Need to look at the overall Z6 zoning and adjacent land uses.
 - The vision for the overall area needs to be addressed.
 - A planning assessment of the constraints of the development needs to be carried out and each concern / constraint addressed
- **Further Prospective Applicant's Comments:**
 - There is a significant quantity of vacant units within the industrial estate.
 - There is a vast mix of uses within the industrial estate, the proposed use would fit in.
- **Further ABP Comments:**
 - There is a need to meet the objectives of the Z6 zoning
 - Is the proposal a good neighbour?
 - Impact of the proposed development on existing adjoining uses, consequences.
- 2. Development Strategy for the site including urban design considerations such as building height and the bulk, scale and mass of blocks; architectural treatment; pedestrian connectivity, proximity to boundaries, boundary treatments and interaction with the existing surrounding land-use pattern. Contribution to the character and identity of the neighbourhood. Visual Impact Analysis, use of materials and variety in design.**
- **ABP Comments:**
 - Height and appearance are a concern
 - Outline character areas
 - The site is somewhat restricted in area and there is a query whether it is sufficient to create its own character.
 - Show pinch points and explain how they will be addressed
 - Outline the proposed dual aspect units at the pinch point
 - Detail the set-back from the boundaries and any potential impacts
 - Ensure that the visual impact analysis addresses any outstanding issues
 - Clarify the levels at the canal
- **Prospective Applicant's Comments:**
 - There is precedent in the area for height – Ormond print works site located some 340m away to the west
 - Proposed 8 storeys does not materially visually impact the surrounding area

- This is the first site within these lands proposed for development
- The surrounding canal can take the height
- There is set-back and separation distances for buildings
- The pinch point at the south-west corner has been re-examined and addressed
- There is no impact on the development potential of adjoining sites
- Visual impact is positive
- There are level differences at the canal which can't be changed due to a wayleave
- The buildings have been graded down and landscaped
- There is a direct visual connection to the towpath and café with surveillance
- Widening of the towpath is proposed and this will be complementary to the greenway

- **Planning Authority's Comments:**

- Deck access and residential amenities are good
- A masterplan of adjoining lands, in particular to the west towards Ormond print works site, would be beneficial.
- Proposed separation distances are generally acceptable.
- Address the pinch point in the south west.
- There is a need to address how adjoining sites will be developed.
- Satisfied with the quality of the units proposed and the overall scheme.
- Address any privacy issues / concerns.
- Ensure that internal communal space is being provided to all units.

- **Further ABP Comments:**

- Has waterways Ireland been consulted with respect to access to the Canal.
- What is the timeline for delivery of the greenway.

- **Further Prospective Applicant's Comments:**

- Applicant plans to consult with Waterways Ireland
- Natural surveillance will result from apartments overlooking the canal greenway – positive.
- Discussion have taken place with DCC re: timeline for delivery of the canal greenway and it is approximated as a 2 year timeline.
- The Greenway is phase 4 of the overall route.

3. Residential Amenity in the context of the 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities', Dec 2020. (Internal and external) open space provision, aspect of units and access to daylight and sunlight, privacy for habitable rooms / access decks and noise impacts for future residents.

- **ABP Comments:**

- Address dual aspect and privacy, two separate issues.
- Ensure that both are distinct
- Outline any noise impacts and mitigation measures

- **Prospective Applicant's Comments:**
- Units onto the external access deck have been re-designed
- Decks have been redesigned
- Bathroom and kitchen windows, only, and secondary windows access onto the deck
- Internal community space for residents will be increased
- The passageway to the side of the café will be increased in width, windows will be inserted into the eastern elevation.
- Greater emphasis will be provided on prominence from the Canal towpath.
- There will be surveillance onto the car park and towpath
- Amendments proposed to the bike store, access and inclusion of windows on façade.
- Dual aspect is 45%
- Daylight and sunlight comply 100% with the ADF
- A noise study has been undertaken
- There are no significant noise issues
- **Planning Authority's Comments:**
- Show how the proposed development sits on its merits, now and in the future
- If approved this development will set a precedent in the area for future developments.
- **Further ABP Comments:**
- 50 % minimum dual aspect is required
- St. Claire's is likely to go to JR again. 1.5% ADF is below the standard – while new standards of 1.3% ADF is referred to in new updated guidelines the ADF proposed has to be justified and unique to this particular site.
- There is no height around this site, the area is transiting / changing. Regard needs to be had to presumption of level of development on adjoining sites.
- Consistency of rationale in terms of BRE Guidance and vision for the development of the overall area, is important, in the context of a Masterplan.
- **Further Prospective Applicant's Comments:**
- Can carry out a mirror image scheme on adjoining sites.
- **Planning Authority's Comments:**
- Welcome the idea of a mirror image scheme and masterplan for adjoining lands.

4. Biodiversity (Tree loss and Bats)

- **ABP Comments:**
- Detail any tree loss/removal
- Address the timing of planting between removal and replacement
- All submitted surveys should be carried out at the right time of year
- Screening for EIA is important. The bar is rising constantly with new guidelines.
- Suds is fine and the norm for surface water management.
- Need to be careful of mitigation measures proposed and screening for AA as opposed to requirement for full AA

- Construction and demolition waste need to be adequately addressed. This is a pertinent issue for this site. If greater mitigation measures over and above the norm are required, this needs to be taken into consideration in AA.

- **Prospective Applicant's Comments:**

- Trees are of low quality
- Replacement planting will be positive
- There will be mitigation measures for bats, bat boxes and tree planting along the western boundary.
- All surveys will be done at the right time of year

- **Planning Authority's Comments:**

- Trees are of moderate quality and have not be quantified
- There are 120 metres of trees and 50 metres of hedgerows
- This needs to be addressed
- The break in the boundary planting on the western boundary needs to be explained
- Hydrological issues need to be addressed – dilution via River Tolka – possible impact upon protected species needs to be addressed.
- Separate issue of erosion and flooding
- Outline green infrastructure
- All connectivity to the Tolka river should be shown
- Detail any potential discharge to the Tolka river
- Ensure avoidance first as number one and mitigation second wherever possible.
- Note the species mentioned in parks, biodiversity and landscape services report
- King Fisher on the site needs to be addressed.
- Discussion with Water Ways Ireland is recommended

5. Transportation Issues

- **ABP Comments:**

- Detail the proposed footpaths and lighting
- Connectivity and consistency in footpaths linking up is important given the level of pedestrian movement which would arise from this development.
- Non car based development.
- Address the car parking strategy

- **Prospective Applicant's Comments:**

- Location and proximity of the site to excellent public transport links is noted. The Boombridge transport hub is second to none.
- Electric scooters and electric bikes are becoming increasing popular and will be promoted in this development. As will walking given its proximity to the city centre and adjoining amenity and employment areas.
- A direct route to the canal and towpath is being provided
- Footpaths of 2 meters in width are being provided within the boundary
- Future provision has been made for footpaths outside of the boundary
- No gating is being proposed – 24 hour accessibility between the site and the canal greenway

- There will be access from the canal to the development
- The five points raised in the planning authorities report will be addressed
- The applicant will talk with DCC transportation department and seek agreement on all matters raised prior to submitted an application.

- **Planning Authority's Comments:**

- Five points were raised in our report
- These must be addressed

6. Any other matters

- **ABP Comments with regard to application:**

- Important that provision of adequate electric charging points are considered in the scheme.

- **Prospective Applicant's Comments:**

- No further comments

- **Planning Authority's Comments:**

- The issues around zoning need a robust response
- Fundamentally opposed to the nature of the proposal on Z6 zoning
- The content of the proposed development is acceptable

- **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
 March, 2021