



<b>Case Reference / Description</b>	Demolition of existing buildings on site, construction of 120 no. Build to Rent apartments and associated site works. 43-50 Dolphin's Barn Street, Dublin 8.		
<b>Case Type</b>	Section 5 Pre-Application Consultation Request		
<b>Date:</b>	10 <sup>th</sup> May 2021	<b>Start Time</b>	14:35 p.m.
<b>Location</b>	Via MS Teams	<b>End Time</b>	15:34 p.m.
<b>Chairperson</b>	Rachel Kenny	<b>Executive Officer</b>	Ciaran Hand

**Representing An Bord Pleanála:**

Rachel Kenny, Director of Planning
Karen Hamilton, Senior Planning Inspector
Ciaran Hand, Executive Officer

**Representing Prospective Applicant:**

Eamonn McCann, Applicant
Brian Bolger, CW O'Brien Architects
Renata Escobar, CW O'Brien Architects
Niall Barrett, CS Consulting Engineers
Chris Shackleton, Daylight Sunlight Consultant
Paul Turley, John Spain Associates
Tiarna Devlin John Spain Associates

**Representing Planning Authority**

Suzanne White, Executive Planner
Heidi Thorsdalen, Senior Executive Engineer, Roads Planning

## **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 6<sup>th</sup> April 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 9<sup>th</sup> March 2021 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. Z4 zoning and proposed uses.**
- 2. Development Strategy, *inter alia*, scale, bulk and mass**
- 3. Impact on adjoining Residential Amenity, *inter alia*, daylight/ sunlight, overbearing**
- 4. Transport Issues**
- 5. Any Other Business**

## 1. Z4 zoning and proposed uses

### • **ABP Comments:**

- The proposed development comes under district centre zoning
- There is an extant permission on the site
- Commercial retail units have been reduced from the previous scheme
- A rationale for the reduction in commercial/retail is required
- Consider an audit of existing commercial uses in the surrounding area
- Outline the type of commercial units being proposed
- Explain how the objectives of the Z4 zoning are being achieved and the impact of the proposal on the vitality and viability of the area.

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

- The proportion of non-residential uses is low
- A rational would be needed
- Consider a broad range of commercial uses that would be acceptable under Z4 zoning

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

- An audit of existing commercial uses in the surrounding area was undertaken, there is a significant amount of vacancy in the immediate area and a substantial amount of retail uses
- There are 19 long term vacant premises in the surrounding area
- The extant permission retail figure was 1135 sq. meters
- Proposed commercial use is lower in this development due to potential demand
- The active frontage is more than the previous development
- Broad commercial uses are being considered
- This includes a class 1 shop and potentially a café/restaurant

## 2. Development Strategy, *inter alia*, scale, bulk and mass

### • **ABP Comments:**

- In relation to the development strategy outline the differences between the extant permission and what is being proposed
- Have regard to any potential material contravention
- Ensure a high-quality design
- Detail the increase of the bulk and scale from the extant permission
- There appears to be bulk at the rear adjoining existing dwellings
- Justify the rationale for architectural changes at the façade
- Consider the greening of gable walls and outline its management
- Show if the proposed increase in height has been investigated
- Ensure all photomontages and particulars reflect the overall design and scale

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

- The scale at the rear is a concern

- Explain how this will relate with adjoining residents
  - There is an abrupt transition to residential units at the south
  - The proposed development appears bulky
  - Detail the relationship with adjoining residents
  - Outline the set back
- **Prospective Applicant's Comments:**
  - The design approach is to create a T junction
  - The extant permission contained a hard-western boundary
  - New configuration allows for larger south facing communal spaces which can be accessed via the ground floor
  - There are further separation distances to the north
  - Rooftop space will be communal and is supplementary
  - The stepping effect is similar to the extant permission
  - The southern aspect is less imposing, and it is only the corners that touch the boundary
  - Greening of the upper gable walls can be considered
  - There is 1220 sq. meters of external amenity space being proposed
  - This is above the BRE standards

### 3. Impact on adjoining Residential Amenity, *inter alia*, daylight/ sunlight, overbearing

- **ABP Comments:**
  - Show set back distances
  - Highlight what is meeting and not meeting the BRE standards
  - Outline any potential daylight/sunlight impacts on existing residents
  - Justify the additional scale and mass
- **Planning Authority's Comments:**
  - More clarity is needed regarding any impacts on neighbouring units
  - Justify any impacts
- **Prospective Applicant's Comments:**
  - Daylight/sunlight analysis was undertaken on every second house
  - All houses can be examined
  - There are offsets due to car parking location
  - Shadow analysis shows benefit to certain areas
  - Sunlight analysis is the same
  - The overall analysis shows that there is a net negligible effect

#### 4. Transport Issues

- **ABP Comments:**
  - Detail the design of the proposed entrance
  - Justify the chosen entrance location
  - Ensure that pedestrian and traffic safety aspects are met
- **Planning Authority's Comments:**
  - The location of the proposed entrance is near a signalised pedestrian crossing
  - Prefer a southern entrance in terms of traffic safety with pedestrian safety across the entrance
  - There are issues in relation to pedestrian priority and pedestrian conflict
- **Prospective Applicant's Comments:**
  - There are two entrances
  - The proposed entrance is the optimal location
  - The proposed northern entrance is the right solution from a design point of view
  - This will allow a long run of frontage and accessibility to a ESB substation for maintenance

#### 5. Any other matters

- **ABP Comments with regard to application:**
  - The applicant should be aware of the planning authorities request for a contribution in lieu
- **Planning Authority's Comments:**
  - Have regard to the microclimate of the street
  - Detail if pedestrian comfort would be affected
  - Look to how the proposed development can mitigate any impacts
- **Prospective Applicant's Comments:**
  - Aware of the planning authorities request for a contribution in lieu
  - The microclimate of the street will be examined

- **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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Rachel Kenny  
Director of Planning  
June, 2021