



<b>Case Reference / Description</b>	274 no. residential units (212 no. apartments, 62 no. duplexes), creche and associated site works. Kilmartin Local Centre, Hollywoodrath, Dublin 15.		
<b>Case Type</b>	Section 5 Pre-Application Consultation Request		
<b>Date:</b>	30 <sup>th</sup> August, 2021	<b>Start Time</b>	2:30 pm
<b>Location</b>	Via Microsoft Teams	<b>End Time</b>	4.30 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:**

Pauline Byrne, Brady Shipman Martin
Sorcha Turnbull, Brady Shipman Martin
Justin Farrelly, Glenveagh Homes
Kevin McCormack, Glenveagh Homes
Derek Murphy, O'Mahony Pike Architects
Joseph Sharkey, O'Mahony Pike Architects
Kate Wesolowska, Bernard Seymour Landscape
Colin Torpay, Bernard Seymour Landscape
Aimee Dunne, DBFL Consulting Engineers
Noel Gorman, DBFL Consulting Engineers

**Representing Planning Authority**

Deirdre Fallon, Senior Executive Planner
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Niamh O'Connor, Executive Engineer
Daragh Sheedy, Executive Engineer
Gemma Carr, Senior Executive Parks Superintendent
Annie Meagher, Executive Parks Superintendent

### **Introduction**

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

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 **26<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 **24<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, as amended, 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. Design, Layout and Visual Impact**
- 2. Phasing, connectivity and overall integration with wider area.**
- 3. Social Infrastructure Delivery. Inc. Retail Provision– Justification of type and quantum of non-residential use.**
- 4. Landscaping and Open Space strategy**

## 5. Address Issues raised in the:

- Transportation Department Report,
- Water Services Report
- Parks and Green Infrastructure Report.
- Irish Water

## 6. Any Other Business

### 1. Design, Layout and Visual Impact

#### **ABP Comments:**

- Further clarity required in relation to whether the lands in the ownership of Fingal County Council i.e. culverted area hatched within the site layout plan and the lands located between the R121 and the site boundary are to be included in the planning application.
- Further justification of the design frontage addressing the R121 at the entrance. In particular architectural quality of Blocks F and G facing onto the road.
- How the development will link into other existing development and the local centre requires further information as this is currently not clear from the architectural drawings submitted.
- Justification to be provided in relation to the north facing units along with details of which units are proposed as single and dual aspect.

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

- The strategy for development of the site has cognisance to site constraints and the Kilmartin LAP.
- There is a 220 Kv ESB wayleave through the site – 60 m wide.
- The development strategy aims to maximise the north to south spine road for access and pedestrian movement.
- There is a designation for a school outside the site on a parcel of land to the north west.
- Variation of height and own door access provided for the duplex units to create an active frontage onto the street.
- The redline will include the culvert area outlined in pink on the site ownership map submitted.
- A pedestrian and cycle only connection is proposed at the south west boundary of the site, between Blocks A and D.
- Connection proposed to the south east to the existing centre via vehicular, pedestrian and cycle routes.
- An alternative façade design and finish is proposed to blocks F and G. Proposed to introduce render to lighten the area. The use of brick to liven the façade and void to solid ratio will enhance the architectural treatment. Brick ribbons and small selective moves to lighten the facade and add relief are also proposed for Block A1.

- All primary windows are turned away from each other and where not possible obscured glass can be used in Blocks C and D, can further discuss with the PA to come up with other measures.
- Within Block G the north facing units have been eliminated by manipulation of the ground floor plate and amending and combining apartments.
- Approximately 4 units are north facing, the enhancement of the design of these units is being worked on and a justification will be submitted for any north facing single aspect apartments.
- The height range proposed falls within the Local Area Plan guidelines.
- Agree that residential units proposed at ground in Block C be swapped out for commercial units.

**Planning Authority's Comments:**

- Scope to relook at the design of the buildings on to the R121.
- Opaque/obscured glass to windows of habitable room, regardless of the secondary nature of the window is generally not accepted, other measures should be explored.
- Justification of the mix of uses proposed in the scheme. Possible inclusion of additional live work units and professional services.

**2. Phasing, connectivity and overall integration and wider area.**

**ABP Comments:**

- Clarity required around phasing of applicant's lands in the Kilmartin area.
- The applicant should be cognisant in relation to possible public concerns relating to removal of the playing pitches on the lands.
- Clarity in relation to taking in charge of spine road to the south into Tyrrellstown neighbourhood centre.
- The location of the site is in noise zone C and implication for childcare and Montessori facility proposed.
- Height strategy and range is challenging in particular in trying to create an urban form.
- Consideration of creation of a sense of enclosure, justification why blocks are set back from roads / street.

**Prospective Applicant's Comments:**

- The pedestrian and cycle links are essential to the development of the lands.
- The height strategy is informed by the LAP and reflects what is in the area already.
- Design and height respond to context. There are sensitivities and challenges trying to create an urban form.
- Connectivity will be clearly set out. As will the provision of open space within the area.
- The road to the south is privately owned by a 3<sup>rd</sup> party.

**Planning Authority's Comments**

- The building height is in line with the LAP
- This is not a high-quality public transport area. One bus route proposed for bus connects i.e. not a high capacity route.
- Balanced approach needed of context, public transport and height strategy.

### **3. Social Infrastructure Delivery. Inc. Retail Provision – Justification of type and quantum of non-residential use.**

#### **ABP Comments:**

- Clarity in respect of assessment and justification of alternative uses proposed, in particular, floorspace for professional services, health care, office use and live / work units.
- Further consideration of quantum of non-residential uses and flexibility in design, in the event vacancy is an issue.
- Assessment of childcare needs / PSZ and proposals to accommodate childcare provision, to serve wider area, within this application.
- Clarity on who owns roads to the south and what has been taken in charge in the existing Tyrrellstown Centre lands to the south.

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

- It is an objective of the applicant to have the development connect back into Tyrrellstown Local Centre.
- The primary link exists, opportunity to enhance links. Active frontage strategy is promoted, green areas with play facilities, sizeable creche and Montessori.
- There has been an improvement in Bus connections augmented by cycle facilities.
- Road improvements to R121 will be delivered in tandem with cycle paths and pedestrian paths.
- A mix of retail and work type facilities are detailed within the plans, retail units also provide active frontage.
- There is a dedicated communal hub proposed at ground floor level of Block E.2
- Proposed non residential uses will complement the existing Tyrrellstown centre uses.
- A more detailed study can be provided in relation to vacancies in the area within the last 18 months. There is currently a good network of support in the Tyrrellstown area so the proposed development should complement and not take away from that.
- Two SHD pre applications are being promoted simultaneously. Childcare facilities on the subject site will cater for wider area and lands to the north within noise zone B.
- Lands to the south were developed by others. Roads not taken in charge to the best of their knowledge.

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

- A balance will need to be struck between the provision of retail/commercial units.
- Development needs to be able to respond to change, easily convertible, functioning as a local centre.
- The number of childcare places across a full age range should be further considered, ensure all floorplans and layouts address the demand for ages 2 and under.

### **4. Landscaping and Open Space Strategy**

#### **ABP Comments:**

- The issue of a contribution towards a shortfall in public open space to be discussed and agreed where possible or justified at application stage.

**Prospective Applicant's Comments:**

- Open space strategy is led by the ESB Lines.
- The Plaza area is viewed as an integrated open space which flows between the retail and residential areas on the north to south route.
- Further discussion on contribution in lieu will be sought with the PA prior to lodgement of an application to the Board.

**Planning Authority's Comments**

- A lot of the proposed public open space consists of public realm which would not meet the POS standards of the county development plan.
- Landscaping, tree planting, play areas are welcome.
- ESB Wayleave – sterilized lands, acknowledged this is an awkward site.
- Table 12.5 of the CDP sets out what is and what isn't included as POS, must be well defined, meet standards and be secure.
- FCC would take the POS in charge if it is offered.
- Contribution in lieu of POS can be discussed further with the applicant prior to an application being made.

**5. Issues raised in various reports****ABP Comments:**

- Further information is required in the Traffic Impact Assessment which should address details like number of parking spaces and surface parking proposals.
- Clarification is required in relation to correspondence with Irish Water.
- Applicant will need to decide whether to submit a Material Contravention Statement in respect of car parking.

**Prospective Applicant's Comments:**

- Take on board the lack of street trees as noted by the PA.
- The surface parking at the open space area will not block visuals.
- The provision of some set down spaces on the link street is to avoid obstruction from school drop offs.
- Provision of a bus stop and possible rerouting of the Bus network to serve the local centre.
- The parking ratio proposed is 0.97 per unit, there are the 40D and 40E buses with a frequency of every 15-30minutes. The lands are between peripheral and immediate location arguably the ratio suitable should be less than 1 car per 1 unit.
- No conversation has been held with the NTA as of yet.
- This is an intermediate location. Aim is to create a local centre. Location is near to the existing neighbourhood centre. Cognisance is had to the Section 28 Guidelines and precedent for reduced car parking standards.
- The area to the south east contains open attenuation due to the overhead powerlines.
- SuDS measures have been heavily pushed which includes tree pits, green roofs, permeable paving and blue podiums.

- There is an existing ditch running through the site which primarily takes the road drainage and is culverted to the east of the site and under the existing roundabout, it is not of high ecological value.

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

- Of the opinion the parking ratio provided is low.
- The provision of quality cycle parking and storage for varieties of bikes to be considered.
- The treatment of school frontages can be discussed further with the applicant.
- Development plan standard for car parking is 433. 310 parking spaces would be deemed as the minimum practical figure, 266 are proposed. A better balance should be provided of the allocation of the spaces. Ideally there should be a minimum of 1 space per 1 unit.
- Car parking should not be allocated to individual units.
- The maximum amount of SuDS measure should be placed in the area of the overhead powerlines.
- If the existing ditch can be utilised in any way that would be favourable, however it is noted it may not be possible.

#### **6. Any Other Business**

##### **ABP Comments:**

- A full Day/Sunlight assessment must be provided as part of the application documentation, any non-compliance/shortfalls should be clearly identified.
- Cognisance should be had to Objectives of the FCC County Development Plan 2017 - 2023. In particular:
  - DMS30 Ensure all new residential units comply with the recommendations of Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (B.R.209, 2011) and B.S. 8206 Lighting for Buildings, Part 2 2008: Code of Practice for Daylighting or other updated relevant documents.
  - Objective DMS31 Require that sound transmission levels in semi-detached, terraced, apartments and duplex units comply as a minimum with the 2014 Building Regulations Technical Guidance Document Part E or any updated standards and evidence will need to be provided by a qualified sound engineer that these levels have been met.

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

- Nothing further to add.

##### **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.
- A Schedule of Documents and Drawings should be submitted with the Application.
- 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  
September, 2021