



<b>Case Reference / Description</b>	370 no. residential units (8 no. houses, 362 no. apartments) and associated site works. Chesterfield, Cross Avenue, Blackrock, Co. Dublin.		
<b>Case Type</b>	Section 5 Pre-Application Consultation Request		
<b>Date:</b>	3 <sup>rd</sup> November, 2021	<b>Start Time</b>	2:30 pm
<b>Location</b>	Via Microsoft Teams	<b>End Time</b>	4:20 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:**

Emma Flanagan, Cairn Homes
Paula Gavin, McCutcheon Halley
Adrian Toolan, McCutcheon Halley
Peter McGovern, HJ Lyons
Claire Pierce, HJ Lyons
Conor Cooney, Howley Hayes
John Considine, Barrett Mahony CE
Kevin Fitzpatrick, KFLA
Aidan McLernon, Cairn Homes

**Representing Planning Authority**

Stephen McDermott, Senior Executive Planner
Dara Holohan, Executive Planner
Sean Keane, Senior Executive Engineer

## **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 **18<sup>th</sup> August, 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 **26<sup>th</sup> July, 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. Architectural Design Approach:**

- Height, scale, massing and visual impact.
- Photomontages and views within and across the site to Chesterfield House and from adjoining existing residential developments.

### **2. Residential Amenity**

- Unit mix
- Sunlight and daylight
- Overshadowing
- Proximity of blocks
- Open space and public realm
- Permeability and connectivity

### **3. Response to Issues raised in the CE Report. Including**

- Drainage Report
- IW report (upgrade required)
- Transportation Division Report
- Conservation Division Report
- Housing Department report

### **4. Any Other Business**

#### **1. Architectural Design Approach**

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

- Clarity required in relation to the precise location of increase in height and number of units (uplift of some 149 additional units to that previously proposed on the site).
- Further discussion required with respect to height/scale/density/massing of proposed apartment blocks in the context of the existing pattern of development in the area and in the context of existing Development Plan policy.
- Further cross-sections showing the proposed development, including Chesterfield House, in the context of the previous 2019 application, surrounding existing and permitted development ('Renesca').
- Further consideration of visual impact in terms of views within and across the site to Chesterfield House and from the adjoining existing residential developments.
- Further consideration and justification of the housing design, height and orientation of house units proposed to the north of Chesterfield.
- Clarity and further consideration in respect of material contravention of the Development Plan in terms of height and heritage.
- There may not be a meeting of minds with respect to the setting of Chesterfield house. Protected room facing south not north. Design needs to be justified.
- Be aware of informing the public of any material contraventions, needs to be clear.
- There is no extant SHD planning permission pertaining to the site, application documentation should reflect this.

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

- Change in tenure from previous scheme, moved from build to sell to build to rent.
- Propose to maintain the separation and position of Blocks 1 – 6.
- Maximise setback to the southern block, it is important to maintain setbacks in the area of sensitive boundaries.
- Although some blocks have increased in storeys, they have not increased in height which is due to an amended slab height. 2.7m at ground floor and 2.6m above this previous scheme was 2.7m throughout.
- Blocks 2, 3, and 4 are lower in overall height, effectively a storey lower. Regard is had to increase in Renesca's height and change in character at this location.
- Protected room within Chesterfield has prominence facing south only.

- Photomontages and visual impacts will be provided from Cherbury Court, Clonfadda Wood and Southwood Park.
- To the north of the site at Chesterfield House, a villa type approach is proposed which acts as a buffer by using stepping down of units. Taken note of Walton Terrace and Sydney Avenue streetscapes.
- Context has changed with the grant of planning permission for a 3 – 5 storey apartment building at 'Renesca'.
- Blank gables are proposed to the apartments to the north therefore there is no overlooking. Will further rethink and justify the approach to the north of the site.
- The height is the main area that will be addressed in material contravention statement, potentially include heritage as an item.

**Planning Authority's Comments:**

- Concern with the increase of the height of block 1 as it appears closer to Cherbury Gardens.
- The set-backs have been lost at blocks 2 and 4, impacts on Clonfadda Wood.
- Flag impacts of the height of block 6 to Chesterfield House.
- Chesterfield House setting will need to be reconsidered/redesigned, welcome further discussion with the applicant.
- General scale, bulk and massing of the proposed development is still a concern.
- The houses to the north are unsympathetic to Chesterfield House, needs further discussion with the conservation officer.

**2. Residential Amenity**

**ABP Comments:**

- Further justification required in relation to the unit mix proposed, layout of the blocks and their relationship to each other including wayfinding through the site.
- Residential amenity in the context of possible/perceived impacts on existing residential properties, setbacks, site slope, landscaping and boundary treatments;
- There is a requirement to carry out a daylight and sunlight assessment as part of any future application. The assessment should set out where the proposal complies with relevant BS or BRE standards and any noncompliance or shortfall should be clearly identified, justified and mitigation measures proposed.
- Further consideration of over-shadowing to amenity spaces within the development and to adjoining properties and their amenity spaces.
- Residential amenity in the context of separation distances between proposed blocks.
- Connectivity to adjoining lands to facilitate access through neighbouring developments.

**Prospective Applicant's Comments:**

- The mix proposed is appropriate to serve the area, cognisant of the new development plan. Changing household size, wide range of larger housing type in the area.
- No 3 bed units are proposed however can engage further with the PA on this item if requested.

- Methodology that will be applied for sunlight/daylight are the current BRE guidelines, testing scheme European Standards and the British EU standard. All findings will be presented, and mitigation measures proposed.
- Public, private and communal open space provision will be in compliance with 2020 apartment guidelines.
- 30.4% public open space which is over the requirement. Total of 41.3% Open Space.
- Circulation through the scheme shall adhere to universal public access.
- Considering public consultation with private landowner prior to an application being lodged in relation to providing additional pedestrian routes.
- Future pedestrian links with Clonfadda to the south and Cherbury Court to the west.
- Not a gated development.
- Vehicular access complies with DMURS.

**Planning Authority's Comments:**

- Flag proportion of smaller units to larger units, lack of 3 beds.
- Working alongside the current development plan.
- Only 1 and 2 bed Part V units details submitted, scope for 3 bed and sizing details to be provided at application stage.
- Pinch points between blocks and a shadow analysis to be submitted at application stage.
- Scope to explore greater floor to ceiling heights.
- Overlooking issues to be further considered. Managing how design is delivered to ensure high quality.
- Landscape strategy should create attractive public realm

**3. Response to the issues raised in the CE Report**

**ABP Comments:**

- Clarification that all items raised by the PA in their report submitted to the Board are addressed.
- Further consideration, in particular, with respect to issues raised by the conservation officer.
- Consideration that each application stands on its own merits and cannot rely on previous application documentation to justify the proposal.
- Justification of the proposed development in light of heritage and / or any changing ecological information from the previous application should be readdressed and added to the relevant reports.
- Consideration that any arguments made by the applicant in relation to layout and design, visual impact, loss of trees and open space quantum, ecology and heritage will need to be justified at application stage.
- Clarification in relation to contours, consistency between all drawings- contour drawings need to be accurate and legible.

**Prospective Applicant's Comments:**

- All concerns raised by the PA within their report will be addressed at application stage, a new watermain is also proposed as requested by Irish Water, further details to be provided.
- No significant issues outstanding at the moment.
- Upgrade will be provided at Booterstown Avenue.

**Planning Authority's Comments:**

- Further details required in relation to the delivery of the new watermain.

**4. Any Other Business****ABP Comments:**

- In preparation of the application documentation the applicant should ensure consistency between all reports, drawings and documentation submitted, ensuring there are no discrepancies.
- An evidence based assessment is to be submitted to justify the parking ratio proposed including details of QBC and transport serving the development.
- Clarity around the new statutory plan timeframe and the making of the SHD application.
- Further consideration of any material contravention issues in light of the deadline for the new draft Development Plan being adopted, prior to a decision being made on any future application. Consideration that any material contraventions of the new plan have been taken into account and advertised accordingly.
- 1:1 car parking ratio may be considered high when compared with other SHD BTR proposals and national policy guidance on same.

**Prospective Applicant's Comments:**

- Current proposals detail 2 layers of basement parking, relooking at the viability of this. Therefore there is scope this may be reduced to 0.7-0.8 spaces per unit. Compensatory measures will be detailed including extra bicycle parking and associated facilities.
- The development is a 10 minute walk to a QBC.
- The development will be taken in charge.
- Regard will be had to the MUDS Act.

**Planning Authority's Comments:**

- Statutory plan is expected to be adopted around May 2022.
- Query the car parking ratio proposed. Site is not considered approximate to public transport.
- Need to increase bike storage.
- The applicant should note the recent Players Lounge Development at Cross Avenue and the detailed CE report submitted in relation to parking provision.
- Consideration of possible 3<sup>rd</sup> party concerns with respect to overspill parking.
- Requirement for Mobility Management Strategy.

## 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  
November, 2021