



<b>Case Reference / Description</b>	Demolition of the former "Matt's of Cabra" public house and associated structures, construction of 137 no. Build to Rent apartments and associated site works. The Former "Matt's of Cabra" Public House and lands to the rear, 2A Fassagh Avenue, Cabra, Dublin 7.		
<b>Case Type</b>	Section 5 Pre-Application Consultation Request		
<b>Date:</b>	20 <sup>th</sup> October 2021	<b>Start Time</b>	10:00
<b>Location</b>	Remotely via Microsoft Teams	<b>End Time</b>	11:30
<b>Chairperson</b>	Tom Rabbette	<b>Executive Officer</b>	Helen Keane

**Representing An Bord Pleanála:**

Tom Rabbette, Assistant Director of Planning
Daire McDevitt, Senior Planning Inspector
Helen Keane, Executive Officer

**Representing Prospective Applicant:**

Siobhan O'Connor, Senior Executive Planner, Planning Department
Nicola Conlon, Senior Executive Planner, Roads Planning
John Carty, Executive Planner, Roads Planning
Kieran O'Neill, Senior Executive Landscape Architect, Parks and Landscape Services

**Representing Planning Authority**

Richard McCafferty, Applicant
Michael Mullen, BDP
Niall Walsh, BDP
Jonathan Burke, BDP

Niall Barrett, Connor Sutton Consulting Engineers
Adrian Shanahan, Duke McCaffrey
Patricia Thornton, Thornton O'Connor Town Planning
Elaine Hudson, Thornton O'Connor Town 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> September 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 11<sup>th</sup> August 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. **Development Strategy to include inter alia density, design, height, massing, layout and open space strategy.**
2. **Standard of Accommodation and Residential Support Services/Residential Facilities & Amenities.**
3. **Impact on adjoining lands/properties, including inter alia potential impact on development potential of adjoining lands and residential amenities of adjoining properties.**
4. **Issues raised by DCC Transportation Planning, including inter alia access arrangements and parking strategy.**
5. **Issues raised by DCC Drainage Division.**
6. **Excavation/enabling works/retaining structures/method of construction.**

## 7. Any Other Matters

### 1. Development Strategy to include inter alia density, design, height, massing, layout and open space strategy.

- **ABP Comments:**

- Justification/rationale for density and height strategy.
- ABP's opinion will be based on the documents submitted with the pre-application consultation request.
- The PA's concerns in relation to height and massing are noted
- Any application should note the concerns raised by the PA and address these.
- Address the PA's comments at application stage.
- Justification/rationale for open space strategy.
- Justification/rationale for design strategy.
- Need to address potential conflict between pedestrians/cycling and cars at access to basement car park through plaza.

- **Prospective Applicant's Comments:**

- Residential development rather than student accommodation is the more appropriate option due to the current demand (noting extant permission on the site).
- The building is modulated and includes different design features.
- The site has been approached in two halves.
- The prospective applicant has purposefully set the building at an angle onto St Attracta Road.
- The adjacent building has been considered in the development strategy of the proposed development.
- Have mitigated the design to take the PA's comments into account.
- The proposed development is at the same level as the approved scheme on St Attracta Road.
- The amenity areas are to be overlooked for security and surveillance.
- The prospective applicant seeks to avoid a full brick scheme.
- Personalisation design of the balconies is proposed.
- The prospective applicant may not be able to provide the full 10% requirement in relation to open space, there needs to be a balance from an urban design strategy.
- The proposed development site is challenging. It is long and somewhat narrow.
- The prospective applicant is trying to balance the different policy requirements.
- Antisocial behaviour is an ongoing issue on the site.
- The plot ratio is included in the Material Contravention statement.

- **Planning Authority's Comments:**

- The prospective applicant is referred to the PA's opinion and concerns raised therein.
- The public open space needs to be truly public.
- The PA expects to see the full quantum of public open space and the application does not currently meet the criteria.

- There is an option to provide a financial contribution in lieu of the full 10% requirement only if the PA deems this to be appropriate.

## **2. Standard of Accommodation and Residential Support Services/Residential Facilities & Amenities.**

### **ABP Comments:**

- Clarification required in relation to compliance with standards set out in the 2020 apartment guidelines and SPPR7.
- Discrepancies in the documentation submitted.
- Further clarity in relation to the residential support services/facilities and amenities.
- Concerns raised regarding the length of the corridors.
- Directed to the PA Opinion and issues raised.
- A high amenity standard is required.
- Access to daylight/sunlight: Need to identify where there is non-compliance with standards.
- Ensure all documentation correlates.

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

- The balcony depth is 1.5 metres.
- The facilities per unit is 1.13 sq.metres.
- The provision of the windows overlooking the amenity is for passive supervision. It makes the space more usable and adds to the amenity value.
- The roof area is designed to be used effectively and safely.

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

- The prospective applicant is to refer to the PA's submitted Opinion.

## **3. Impact on adjoining lands/properties, including inter alia potential impact on development potential of adjoining lands and residential amenities of adjoining properties.**

### **ABP Comments:**

- Impact on adjoining residential properties, St. Attracta Road where gardens of the units on St Attracta Road have limited depth.
- The prospective applicant is to address the potential overbearing impact.
- ABP representatives have concerns in relation to the impact of the screening on the balconies, a 1.8 metre screen that is 1.5 metres away from the living room window, question the impact on the amenity value of the living room, aspect out restricted.
- Need to address potential impacts of overlooking/overbearing of dwellings along St. Attracta Rd.
- Discrepancies in drawings and documentation submitted regarding screening and habitable rooms that will be directly impacted.
- Potential overlooking from windows facing St. Attracta Road also need to be addressed, not just balconies.

- Potential overshadowing and overlooking of Lanigan's funeral home and lands to rear of the funeral home and potential impacts on development potential of this site/lands
  - Interface with the adjoining lands.
  - The prospective applicant is referred to the design strategy adopted in the extant SHD permission in how it addressed and mitigated potential for overlooking, overbearance, overshadowing.
- **Prospective Applicant's Comments:**
  - The balconies will be screened.
  - The prospective applicant will have further consideration for the mitigation of overlooking.
  - The balconies have a 1.8 metre screen.
  - Can look at offsetting some of the balconies.
  - The main views are on the long access. Screening is provided at the sensitive areas.
- **Planning Authority's Comments:**
  - The prospective applicant is to have further consideration for planting.
  - Clarity is required in relation to the screening.
  - The PA shares ABP's concerns in relation to the high screens.

#### **4. Issues raised by DCC Transportation Planning, including inter alia access arrangements and parking strategy.**

- **ABP Comments:**
  - Need to address the potential conflict on the plaza of pedestrians/cyclists and cars.
  - Provide clarity on the 1-way system into the basement and the potential for cars waiting on the plaza.
  - Car parking strategy
  - Refer to the PA's Opinion.
- **Prospective Applicant's Comments:**
  - A management strategy will be in place for the 1-way system on the plaza.
  - A carparking management strategy will be provided at application stage.
- **Planning Authority's Comments:**
  - The proposed development site is quite constrained. The PA is concerned in relation to the potential removal of servicing.
  - The PA can facilitate further discussions with the applicant in relation to the above.
  - The prospective applicant is to provide a strong justification for the parking provision.
  - The parking provision is on the lower side of 0.17. There is a strong demand for carparking in the area.

#### **5. Issues raised by DCC Drainage Division.**

- **ABP Comments:**

- Address issues raised by the PA in relation to Natural Water Retention Measures (NWRMs)
- Issues raised in Irish Water submission.
- Provide clarity at application stage in relation to all technical issues raised by the PA and Irish Water.
- There is no recourse for further information at application stage.
- **Prospective Applicant's Comments:**
- Have had consultations with Irish Water in relation to the sewerage and drainage.
- **Planning Authority's Comments:**
- No further comments.

## 6. **Excavation/enabling works/retaining structures/method of construction.**

- **ABP Comments:**
- The proposed development is close to the rail embankment.
- The prospective applicant is to provide further clarity on the extent of excavation and enabling works, method of construction etc at application stage.
- **Prospective Applicant's Comments:**
- The prospective applicant has had consultations with Irish Rail.
- The proposed development is set back from the railway to comply with Irish Rail's requirements.
- **Planning Authority's Comments:**
- No further comments.

## 7. **Any other matters**

- **ABP Comments:**
- The prospective applicant is to ensure that the documentation dovetails and correlates at application stage, including the website.
- If Material Contraventions arise, ensure these are addressed and advertised accordingly.
- Have consideration for full requirements of Article 299B.
- **Prospective Applicant's Comments:**
- No further comments.
- **Planning Authority's Comments:**
- The prospective applicant is to have consideration for all issues referred to in the PA Opinion.

## 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  
October, 2021