



An
Bord
Pleanála

Record of Meeting ABP-311359-21

Case Reference / Description	337 Residential units built to rent (7 no. houses, 330 no. apartments), creche and associated site works. White Heather Industrial Estate, South Circular Road, Dublin 8 307/307a, South Circular Road, 12a St James's Terrace, Dublin 8.		
Case Type	Section 5 Pre-Application Consultation Request		
Date:	29 th November 2021	Start Time	10:00 am
Location	Remotely via Microsoft Teams	End Time	11:30 pm
Chairperson	Stephen O'Sullivan	Executive Officer	Helen Keane

Representing An Bord Pleanála:

Stephen O'Sullivan, Assistant Director of Planning
Fiona Fair, Senior Planning Inspector
Helen Keane, Executive Officer

Representing Prospective Applicant:

Arlene van Bosch, Prospective Applicant
Michael Hussey, O'Mahony Pike Architects
Andrew Archer, SYSTRA
Mark Feighery, Avison Young
Brian Maher, Avison Young

Representing Planning Authority

Liam Currie, Executive Planner, Planning Department
Heidi Thorsdalen, Senior Executive Planner, Transport Planning
Kieran O'Neill, Sen Executive Landscape Architect, Parks and Landscape Services.

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 7th October 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 10th September 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
2. Residential Amenity
 - Sunlight and daylight (Impact on proposed and existing surrounding residential development).
 - Separation distances to boundaries, overshadowing & overlooking.
 - Open space quantum, quality and compliance with Development Plan requirements.
3. Deliverability and connectivity to the Canal linear path and consideration of ecology.
4. Response to Issues raised in the CE Report. Including:
 - IW report (upgrade required)
 - Transportation Division Report
5. Any Other Matters

1. Architectural Design Approach:

- Height, scale, massing and visual impact

• ABP Comments:

- Regard being had to the CE report received from the PA, further justification is required for integration and transition in scale of the urban form of development, cognisance being had to height, scale, massing and visual impact.
- Justification that the height of the 10 storey block / element is appropriate given the site's location, context, strategic context and zoning.
- Further consideration and justification of areas of concern and issues raised by the planning authority, if consensus is not forthcoming, then justification for the proposed scheme will have to be made at application stage.

• Prospective Applicant's Comments:

- The proposed development site is a prominent, south facing site.
- The inclusion of a 10-storey land marker building gives the proposed development site a reference point in its broader context which will appear as a terminal vista due to the bend in the SCR.
- The 10 storey building has a small footprint and acts as a marker. The buildings rise from 2 / 3 storey on the perimeter / edge of the site, up to the 10 storey building positioned centrally within the heart of the scheme.
- The building has a space within the cityscape and reflects elements of heritage of the site echoing its past as an old laundry.
- The prospective applicant has worked closely with the PA in terms of how the scheme evolves.
- Further massing changes are being considered. Looking at reducing Block 4 and block 7 and reducing the massing and treatment of Block 3.
- The prospective applicant takes the PA's position regarding the height of the proposed development on board but asserts that the proposed development is relatively modest.
- The Bailey Gibson and Ruben developments form a context.
- Have been as considerate as possible in terms of height, massing and materiality.
- Further consideration of viewpoints has been carried out. The proposal has been amended from Stage 1 to Stage 2. Design evolution has involved reducing sensitive edges to have regard to 2 / 3 storey context.
- A Material Contravention statement will be included at application stage.

• Planning Authority's Comments:

- The PA generally agrees with the approach to the scale and massing of the proposed development.
- The PA does not see a justification for the 10-storey building height and still has concerns in this regard.
- The proposed development site has not been identified as a site for a building of significant height.
- The proposed development as it is, will result in a sprawl of tall buildings.
- The building height and overall proposal should have regard to the backland setting, recently zoned Z1, should respect and enhance residential amenity.

- Bailey Gibson site was designated for a cluster of tall buildings.

2. Residential Amenity

- **Sunlight and daylight (Impact on proposed and existing surrounding residential development).**
- **Separation distances to boundaries, overshadowing & overlooking.**
- **Open space quantum, quality and compliance with Development Plan requirements.**
- **ABP Comments:**
 - 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 assessment of shadow impact to outdoor amenity space within the proposed scheme.
 - Further consideration and justification that the proposed development has regard to proximity to boundaries / justification for set back off boundaries, and further justification and assessment of any overlooking and overshadowing impact to adjoining properties and their amenity spaces.
 - Further consideration that the layout of the blocks and play provision is in compliance with Development Plan requirements. Note that the main zoning of the site is for housing, but permission for an SHD that would materially contravene any other use zoning objective.
 - Justification of the quantum of outdoor amenity space proposed to serve the density of population proposed.
 - Further consideration that the layout, quantum and design of the open space and communal areas will serve all ages and abilities.
 - There is no room for Further Information – clarity and consistency across all drawings and information is paramount.
- **Prospective Applicant's Comments:**
 - The proposed development performs very well in terms of overshadowing and sunlight within the scheme itself. Achieving well over 2 hours of sunlight on 21st March – 21st April to POS within the scheme.
 - All but five neighbouring gardens will be meeting BRE guidelines, tested on the 21st March. The neighbouring gardens which fall below are narrow and have high boundary walls.
 - Further investigation of Priestfield Cottages indicates that windows to the front are lighting circulation space and not residential amenity space.
 - A disproportionate number of units (50 – 60) would have to be removed in order for all neighbouring gardens to meet the BRE Guidelines.
 - Applicant will consider further scaling back of massing in order to reduce impact to Priestfield Cottages.
 - 90% of units will be achieving BRE ADF daylight/sunlight standards.

- Some single aspect north facing balconies are included and while they will have excellent day light, sunlight will be limited.
- Compensatory public open space is included for balconies that are not achieving the required sunlight.
- The public open space meets the Development Plan standards.
- Communal open space is provided in the form of the central open courtyard.
- The design of the scheme has cognisance to the surrounding low rise context. The buildings follow the geometry of Saint James's Terrace.
- Overall massing within the scheme is relieved by open space. Separation between the finger blocks is appropriate. Apartment blocks are not backing directly onto existing houses.
- Re-orientation of B1 to the east can remove overlooking on the western side. Also prepared to look at Block 7 and Block 6 to be more sympathetic.
- There is a level change across the site which will be used to address the issue with respect to encroachment upon Z9 lands. This matter can be addressed.
- Emergency access only is proposed via the central NS open space.
- **Planning Authority's Comments:**
- The prospective applicant is to refer to the PA's comments in its submitted Opinion at pre-application stage for its comments on the residential amenity of the proposed development.
- Welcome changes proposed.
- The justification at application stage is to be included in basic laymans terms. This may alleviate concerns from members of the public at submission stage.
- The prospective applicant is to provide clarification at application stage on the types of units proposed.
- The PA notes the amendments going forward, which the PA has yet to look at.
- The façade-to-façade measurement needs to be adjusted in terms of calculation of POS. Buffer strips required to protect the amenity of private dwellings would not be acceptable on Z9 zoned lands.
- There are some discrepancies on the submitted pre-application documentation as to what comprises a support facility and with respect to size of non residential uses.

3. Deliverability and connectivity to the Canal linear path and consideration of ecology.

- **ABP Comments:**
- Further elaboration and justification with respect to the connectivity and tying in with the Grand Canal in relation to footpath cycle lane connectivity and boundary treatment.
- Elaboration on discussions and agreements with Water Ways Ireland in respect of the canal walkway.
- Clarity in respect of a timeline for construction of a walkway / greenway along the canal at this location.
- Consistency across all documentation and drawings is critical in any future application.

- Clarification that all items raised by the PA in their report submitted to the Board are addressed, further meetings should be sought to resolve outstanding issues.
- **Prospective Applicant's Comments:**
- The prospective applicant is currently looking at how the path can be made more accessible. The canal route edge will be fully integrated.
- The prospective applicant has had positive discussions with Waterways Ireland and intends to continue these discussions.
- The residential scheme would come forward before the can pedestrian and cycle way is developed due to constraints on land ownership.
- Access, levels, landscaping treatment and biodiversity considerations (Bats and Birds) will be addressed at application stage.
- Everything will be landscaped to the red line boundary and further discussion will take place with the PA and Waterways Ireland to decide upon temporary boundary treatment.
- Multiple entry points will be included.
- **Planning Authority's Comments:**
- No further comments.

4. Response to Issues raised in the CE Report. Including:

- **IW report (upgrade required)**
- **Transportation Division Report**

- **ABP Comments:**
- There is a need to address all issues raised by Irish Water in their report, in particular with respect to requirement for an upgraded water network and sustainable storm water drainage solutions.
- Further clarity and response to all issues raised in the transportation department report.
- The existing access is problematic.
- Further clarity and response to all issues raised in the Parks, Biodiversity and Landscape Services report.
- Further assessment and justification that the access arrangement onto the south circular will be made safe for vehicles and pedestrians.
- Clarification and consideration that existing and proposed large residential schemes in the surrounding area have been taken into account in any traffic impact assessment.
- Further consideration and justification of the proposal with respect to any Part 8 scheme of relevance and or Bus Connects proposals. Clarification that the junction layout has would maintain priority of pedestrian, cycle and bus routes along the South Circular Road
- **Prospective Applicant's Comments:**
- Issues raised by Irish Water will be addressed at application stage as well as a lot of the issues raised by the PA.

- The prospective applicant has reconsidered the allocation of visitor parking, this will increase the car parking ratio to c. 0.29.
- It is proposed to increase the cycle parking spaces to one per bedroom.
- Have had a number of meetings with the PA re traffic. Consideration will be had to other large development i.e Bailey Gibson in terms of access and traffic impacts.
- The safety issues at the junction with Priestfield Cottages / the access have been addressed but can be further discussed.
- **Planning Authority's Comments:**
- A taken in charge letter is to be submitted at application stage.
- The junction at Dolphins Barn is to get an upgrade for the Bus Connects.
- Welcome further discussion on any matters.

5. Any other matters

- **ABP Comments:**
- No further comments.
- **Prospective Applicant's Comments:**
- There are play areas throughout the proposed development.
- There is a lot of open and available amenity space within the scheme.
- The prospective applicant has had consideration for the PA's comments, but finding space for a multi use games area (MUGA) would be problematic. Will look at further enlivening the space onto the parkland / canal greenway.
- The proposed development presents a huge opportunity to enliven and activate the canal edge.
- Will look at provision of active recreational spaces for kids and adults of all abilities.
- Arboricultural report notes that there is a concrete hard standing at the boundary with the Church and therefore no impact upon tree roots at this location should arise.
- **Planning Authority's Comments:**
- A tree protection plan is to be submitted at application stage.
- Regard to be had to tree routes of trees at the boundary with the Protected Structure - Church
- The prospective applicant is to have consideration for a copper beech tree at the boundary, which is worthy of protection and the cherry tree at 7 St. James Terrace which is located right on the boundary.
- Have consideration for the provision of a MUGA, playing fields / a half basketball court / an outdoor gym within the proposed development.
- The prospective applicant is to provide a strong justification for their approach at application stage.

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 **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.

Stephen O'Sullivan
Assistant Director of Planning
December, 2021