



An
Bord
Pleanála

Record of Meeting ABP-311617-21

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| Case Reference / Description | 1,007 no. Build to Rent apartments, creche and associated site works. TC3, townland of Cherrywood, Dublin 18. | | |
| Case Type | Section 5 Pre-Application Consultation Request | | |
| Date: | 13 th January, 2022 | Start Time | 10:00 am |
| Location | Via Microsoft Teams | End Time | 11:50 am |
| Chairperson | Stephen O'Sullivan | Executive Officer | Hannah Cullen |

Representing An Bord Pleanála:

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| Stephen O'Sullivan, Assistant Director of Planning |
| Fiona Fair, Senior Planning Inspector |
| Hannah Cullen, Executive Officer |

Representing Prospective Applicant:

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| Gavin Wyley, Applicant |
| John Spain, John Spain Associates |
| Blaine Cregan, John Spain Associates |
| Paul O'Brien, Henry J. Lyons |
| Ant King, Henry J. Lyons |
| Neal Patterson, Henry J. Lyons |
| Mike Martyn, Cameo & Partners |
| Richard Butler, Modelworks |
| Niall Barrett, Cronin Sutton Consulting Engineers |
| Robert Fitzmaurice, Cronin Sutton Consulting Engineers |

Representing Planning Authority

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| Anne Marie Wood Wolfe, Senior Executive Planner |
| Fiona Cummins, Executive Planner |

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| Vivienne Byrne, Senior Planner |
| Tracey Flanagan, Senior Executive Planner |
| Dan Aspell, Executive Planner |
| Rob Fahy, Senior Executive Engineer |
| Sarah McCullough, Project Manager (Development Agency Project Team) |
| Mary Hegarty, 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 **8th November, 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 **11th October, 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. Policy Context - Compliance with Cherrywood SDZ Planning Scheme.**
- 2. Residential Amenity & Quality of Development.**
 - Building Height
 - Daylight / Sun Light / Overshadowing
 - Wind
- 3. Landscape & Visual Impact Assessment - Views**
- 4. Green Infrastructure**
- 5. Transport Infrastructure**
- 6. Issues Raised in the CE Report, Incl. DAPT Report, Housing and Environment.**
- 7. Any Other Business**

1. Policy Context – Compliance with Cherrywood SDZ Planning Scheme

ABP Comments:

- There is a need to further address and justify the height in the context of the SDZ Cherrywood Planning Scheme and 'TC' zoning objective. The building heights proposed materially contravene specific objective PD21 and PD22 of the CPS which sets out 2 – 5 storeys for the 'TC'.
- There is a need to further consider and justify the scale of density proposed which exceeds the residential quantum set out in the CPS (min 27,000 sq. m – max 33,600 sq. m) and the Urban Form Development Framework (UFDF) plan.
- There is a need to further consider infrastructure and in particular social infrastructure for the uplift in units / population proposed and justify the proposal in terms of the approved planning scheme and UFDF: building height, scale and plot ratio, physical, social and green infrastructure and environmental considerations / parameters.

Prospective Applicant's Comments:

- There is an existing permission on the site. The proposal has cognisance to this permitted scheme.
- The SDZ/Planning Scheme was originally prepared in 2014.
- The changes at national level with respect to heights influence the design of the proposed scheme.
- The application is in response to national planning framework. The scheme has regard to and complies with SPPR's, building height, density and UFDF. The CPS has not been updated.
- Key requirement of national planning framework based on performance criteria. S23 of Guidelines requirement to assess proposals on its performance.
- The TC is the most appropriate location for building height and density.
- The concerns flagged in the PA report in relation to community and social infrastructure is noted, the development is BTR therefore a lot of facilities are proposed to be provided in the scheme.
- The Cherrywood area is well served by parks that are large and capable of accommodating additional population.
- The site is well served by the bus and is proximate to a LUAS terminus.

Planning Authority's Comments

- Fundamental concerns re policy issues.
- Concern with respect to building height, scale and plot ratio proposed.
- The Cherrywood Planning Scheme (CPS) has had careful consideration of daylight & sunlight, infrastructure, physical and social infrastructure, consultation with NTA, TII, IW.
- The uplift in social and physical infrastructure is not commensurate with uplift proposed in residential units.
- SEA process took account of 24,000 population, roughly 10,000 units, the process was not accessed to deal with the uplift now proposed.
- The CPS and the 'TC' building height was reviewed with regard to SPPR3 and the review did not recommend a height increased in TC3 zone.
- There is no more capacity for building height above what is set out in the CPS.
- PA have engaged consultants who have looked at the matter in detail, serious concerns raised, significant diversion from UDF, with respect to uplift in population and the impact upon social infrastructure and physical infrastructure of the area.
- The PA are aware of requirement of Guidelines and its impact for SDZ – reassess height and density, various iterations, it is their view they are in accordance with the guidelines.

Agenda Items 2 and 3 were dealt with together

- 2. Residential Amenity & Quality of development**
- 3. Landscape & Visual Impact Assessment - Views**

ABP Comments:

- Further consideration of Daylight / Sunlight Impact of the development. Detailed analysis of Shadow Impact Assessment of the proposed development (internally and externally) within the scheme. Concerns of overshadowing of communal open spaces, private open space and public open spaces needs to be addressed.
- Further justification that all 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.
- Elaboration and demonstrate clearly in any future application the % of dual aspect units proposed. The onus is on the application to demonstrate compliance with the 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities', March 2018.
- Privacy between opposing windows, private amenity areas within internal courtyards needs to be addressed. Possibility of overlooking or perceived overlooking between the blocks for future residents and screening or design measures proposed to mitigate overlooking is required to be demonstrated.
- Further consideration of the residential quantum uplift of 250% on the site with no additional uplift in educational facilities, Class 1 OS, transport infrastructure and surface water drainage infrastructure.

- Further justification of any deviation from the established typology of form from existing Cherrywood TC development and to that set out in the CPS and UFDF, consideration of views to the coast and projection of the proposal above the marine horizon.
- Greater visual analysis of the development by way of clear CGI's, long-range views and photomontages from the wider area.
- Justification for height and bulk of the blocks given the nature of the surrounding environment.
- A detailed Urban Design Statement and an Architectural Statement, detailing finishes, use of materials and variety in design.
- 2% ADF to KLD rooms will be assessed on a planning basis – not mandatory but has to be justified where it falls below. Atlantic Diamond Case precedent.

Prospective Applicant's Comments:

- 84% of units are at the 2% ADF, note comments in relation to the number of units assessed.
- A lower height of 2-5 storeys on this site would not be appropriate.
- The proposals allow for a great number of ground floor activation points.
- Higher density development can be introduced to the site, there is very little receptors in the immediate area or overshadowing, this is a town centre therefore a modern town centre height would be suitable.
- Weeklong workshops took place re place making and assessment of daylight and sunlight and wind.
- There are significant infrastructure elements around the site, height elements, Luas line, low element of wide dual carriageway. Height can be accommodated without causing impact to receptors in the area.
- No real overshadowing of adjoining areas. Area dominated by roads infrastructure. This site can accommodate height given its proximity to the Luas.
- There is significant rationale for greater height in TC zone, does not overshadow, tiering in design used, a large amount of COS at upper floor levels, exceeding requirements.
- Wider cross disciplinary team approach, have experience of large-scale TC development in Far East. Height and density allow for compliance with national policy.
- Very good compliance with sunlight and daylight guidance and it can be looked at further.
- There are a number of density exemplars permitted, e.g., in Leopardstown, up to 18 storeys.
- Prospective applicant does not consider that scheme does not have a negative or reduced visual impact. It will benefit the character of the overall TC area.
- The planning scheme provides a rich urban diversity.

Planning Authority's Comments

- The Landscape Visual Impact Assessment (LVIA) submitted shows significant deviation to what is envisaged for the area. Views to the Coast and the Dublin Mountains appear affected as a result. Further details are required in the assessment.
- VIA submitted is incomplete, should include all protected views.

- Further detail required in relation to the effects of ground/ street level as a result of the heights.
- 2% ADF would be required as a base level compliance rate, not all units appear to be assessed.
- 10% flexibility in ADF level in TC will be applied. Those units failing should not fail ADF guidance or test significantly.
- Issue of height and impact on street / ground level.
- Useability of open space is an issues.
- The communal space provided are roof level should be further assessed, concern in relation to the space being usable contiguous open space.
- Details in relation to microclimate including wind assessments to be submitted at application stage.
- Wind assessment required, information missing from reports. Concern of opening windows on the 11th to 22nd floors.
- The Luas does not have capacity for additional population which would be generated by this development.
- Evidence is not proven that height works at this location. The carrying capacity of the infrastructure is not sufficient.
- Luas does not have the capacity to cater for what is proposed. The CPS is a plan – led approach, understanding design and should be adhered to.

4. Green Infrastructure

ABP Comments:

- Further justification of the proposal in terms of residential quantum and quality of the green infrastructure open space, public / civic amenity spaces and communal residential amenity, also justification in terms of micro climate, sunlight / daylight and wind assessment.

Prospective Applicant's Comments:

- Level drawings submitted as part of the pre-application documents are an important element to take into consideration.
- Design provides character areas, arrival points, link and feed to the market hall, creating useable open spaces.
- Block 7 and Block 8 have ecology enhancements and gets full daylight.
- Includes rain gardens. There is a 6m level change incorporated into the design. Properly thought out ecology, greenery, three times the amount of trees than provided for in the permitted scheme.
- Acknowledge this is a windy site and the design of the blocks takes account of this. Works well, realistic, creating a sense of space, overcomes issues of wide roads and provides an amenable and good quality accessible public open space.

Planning Authority's Comments

- The calculations of open space proposed should be clearly detailed particularly in line with the SDZ/Planning Scheme for the predicated population.
- Further consideration should be given in relation to the provision of usable and high quality open space.

- Class 1 OS and the quantum to serve the uplift in population and quality in terms of useability.
- Don't disagree with design principles, its ambitious, concern centers on useability and impact of microclimate.

5. Transport Infrastructure

ABP Comments:

- Further elaboration on how the proposed scheme ties in with the expansion of the overall Cherrywood town centre area. The subject site represents an expansion of the existing Cherrywood development (including permitted development). It is important that the proposed scheme should be highly visually and functionally connected to the town centre development to the north and northeast. There needs to be strong permeability within the scheme and into adjoining lands.
- Further justification of the two number accesses proposed from Cherrywood Avenue South, in terms of safety and risk for pedestrians crossing.
- Consideration and justification of the proposed transport infrastructure in terms of design rational and justification for all proposed deviation from the UFDF and the CPS.
- Further clarification and consultation with the NTA and TII regarding capacity in the public transport system serving the area.
- Further justification and consideration of modal split targets and further consideration and justification of cycle access to the basement.
- Capacity is a relative issue, people have to live somewhere.
- Indirect effect of limited population growth will be taken into account.

Prospective Applicant's Comments:

- Acknowledge change in the CP in relation to car parking, rate of 0.9 for BTR, this is high compared to other BTR developments.
- The car parking can be managed by a management company.
- Cherrywood Avenue will have to be delivered as part of the development proposals.
- A justification of capacity will be submitted, and further discussion will be sought with TII and NTA.
- The proposal will do the utmost to remain in line with the bicycle strategy.
- Access will be further looked at.
- This is a BTR scheme beside the Luas, M50 and N11, justification for car parking ratio will be submitted.
- All required audits will be submitted as part of the application.
- A letter of design acceptance is still waiting to be received by IW.

Planning Authority's Comments

- Carrying capacity issues.
- The upgrade to Cherrywood Avenue requires a lot of design information to be submitted, DLRCC will not undertake the required upgrades, if the plans are approved it will be up to the developer to carry out the upgrades.

- There is a shortfall of parking and cycle spaces, access and details to the basement car parking also requires further information at application stage. It appears the access to the west does not comply with UFDF (potential conflict for cyclists).
- The applicant should be cognisant of the increased population putting further stress on the existing public transport system, further collaboration with TII and NTA is suggested to discuss possible impacts and mitigation.
- A surface water audit is necessary at application stage as a specific objective of the planning scheme.
- Road Safety Audit required.

6. Issues Raised in the CE Report, Incl. DAPT Report, Housing and Environment.

ABP Comments:

- Further discussion on matters raised within the PA Opinion and Appended Dun Laoghaire Rathdown County Council Department reports submitted to ABP on the 08th November 2021.
- Further justification of the scheme regard being had that the SEA and AA which supports the planning scheme is based on a maximum population of 23,722 residents based upon amendment one to the planning scheme.
- Further consideration of capacity of waste water and water supply given the density of development proposed and the Irish Water report submitted, which requires that the developer has to demonstrate that the design is in compliance with Cherrywood Planning Scheme.

Prospective Applicant's Comments:

- Further engagement will be sought with the PA and the statutory consultees.

Planning Authority's Comments

- The applicant should highlight within the childcare demand analysis the drop off point and its management.
- High level of studio and 1 bed units. Mix of units a concern.
- Appreciate it is BTR, must ensure it complies with SPPR7
- Flag the lighting on the Brides Glen Road does not match Cherrywood Road.
- Trees and high level greenery are the same as solid walls, concerns that courtyards would have to be artificially lit all day long.
- Taking in charge issues.

7. Any Other Business

ABP Comments:

- Consideration that there is limited further information facility available to the Board, only in exceptional circumstances, therefore all information submitted needs to be clear and of a high quality and accurate to ensure that the Board can make an informed decision.
- A full EIAR is required.

- 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, where possible.
- This is an important site.
- There are high level issues to be resolved. Based upon argument. There has been good attention to level of detail in the design proposal.

Prospective Applicant's Comments:

- The Spenser Doc scheme is currently before the court of appeal.

Planning Authority's Comments

- Are happy to further engage with the applicant and with statutory consultees.
- There are high level issues, discussion is helpful and necessary.

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
March, 2022