



An  
Bord  
Pleanála

## Record of Meeting ABP-311667-21

<b>Case Reference / Description</b>	318 no. Build to Rent apartments, creche and associated site works. Former Blakes and Esmonde Motors Site, Lower Kilmacud Road, Stillorgan Road (N11) and The Hill, Stillorgan, Co. Dublin.		
<b>Case Type</b>	Section 5 Pre-Application Consultation Request		
<b>Date:</b>	19 <sup>th</sup> January 2021	<b>Start Time</b>	10:00 am
<b>Location</b>	Remotely via Microsoft Teams	<b>End Time</b>	11:20 am
<b>Chairperson</b>	Stephen O'Sullivan	<b>Executive Officer</b>	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:

Aidan McLernon, Cairn Homes
Lianna Slowey, Cairn Homes
Jane Doyle, Cairn Homes
Douglas Bell, IES
Paul Sheeran, O'Mahony Pike
Michael Hussey, O'Mahony Pike
Joe Gibbons, Waterman Moylan
Kevin Fitzpatrick, Kevin Fitzpatrick Landscape Architecture
John Spain, John Spain, Associates
Rory Kunz, John Spain Associates

## Representing Planning Authority

Catherine Hanly, Assistant Planner
Michelle Breslin, Senior Executive Planner
Johanne Codd, Executive Engineer
Sean Keane, Senior Executive Engineer
Grainne McDermott, Senior Executive Engineer

### 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 10<sup>th</sup> 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 14<sup>th</sup> 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. Architectural Design Approach:
  - Layout, height, scale, massing, materials and visual impact.
  - Impact on future development of adjoining lands.
2. Residential Amenity
  - Standard of Accommodation -separation distances between blocks and to adjoining existing and future development, quantum of dual aspect.
  - Overlooking to existing / future development

- Daylight and Sunlight
  - Overshadowing (both to proposed open space and neighbouring properties)
3. Open space quantum and quality, landscaping and tree loss.
  4. Issues Raised in the CE Report incl. - Transportation report, Drainage report, Parks and Landscaping report and Housing Report.
  5. Any Other Matters

**1. Architectural Design Approach:**

- **Layout, height, scale, massing, materials and visual impact.**
- **Impact on future development of adjoining lands.**

• **ABP Comments:**

- There is a need to further address and justify the layout, height, scale massing, materials and visual impact.
- There is a need to further consider the impact on future development of adjoining lands.
- Further consideration with respect to connectivity and access to the adjoining lands within DLRD ownership to the north east corner.
- Justification for the height strategy regard being had to existing surrounding development and proximity of Dun Fanoir to the southern boundary.
- The architectural design approach is to be fully justified at application stage.

• **Prospective Applicant's Comments:**

- The proposed development site is a brownfield site with a planning history.
- The proposed layout is based heavily on the previously permitted development.
- The height of the proposed development is quite similar to that proposed on the library site.
- The proposed development consists of five buildings ranging in height from five to eight storeys.
- The massing and proportionality have been carefully considered.
- The design proposed follows the permitted development on the site and has regard to the NE corner.
- Critical dimensions within the site and to adjacent sites. Notional boundary to the NE corner. Building height steps up to future 9 storey building and steps down to two storey established housing to the southern site boundary
- Almost all the public facing facades are in brick.
- The primary outward views are angled away to avoid overlooking between directly opposing primary windows.
- Careful consideration has been given to how the overall scheme works – 3 D design models.
- There is potential for cycle and pedestrian route to connect through the site, vehicular access to DLRD lands has also been considered.
- The proposed development is achieving 55% dual aspect which is quite high given the constrained nature of the proposed development site.
- The prospective applicant will have consideration for the PA's comments.

- **Planning Authority's Comments:**
- The design of the proposed development has not been altered since the PA submitted their report, therefore, the PA's concerns as set out in the report remain.
- The PA has concerns in relation to the separation distances of Building 2 from the red line boundary.
- The PA has concerns in relation to the massing, height and impact of Building 3 on overlooking, daylight and sunlight.
- Dual aspect needs to be clearly set out with respect to primary views / windows and secondary views / windows.
- Mitigation for any rooms not meeting Daylight Sunlight guidelines needs to be clearly set out.

## 2. Residential Amenity

- **Standard of Accommodation - separation distances between blocks and to adjoining existing and future development, quantum of dual aspect.**
  - **Overlooking to existing / future development**
  - **Daylight and Sunlight**
  - **Overshadowing (both to proposed open space and neighbouring properties)**
- **ABP Comments:**
  - 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.
  - Elaborate 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', 2020.
- **Prospective Applicant's Comments:**
  - There will be some overshadowing due to the constraints on the proposed development site, this is not unusual for a brownfield district centre zoned site.
  - There are no single-aspect, north facing 1-beds or studios proposed.
  - All Building Research Establishment (BRE) guidelines are met.
  - The prospective applicant is to improve the balcony ratio at application stage.
  - The impact of ADF and VSC has been assessed against the permitted scheme of 2018 and it does not perform worse than that permitted scheme.
  - It is acknowledged that there would be an impact from a future 9 storey landmark tower to the NE of the site and this will be further examined and investigated.

- The ADF value currently achieves 87% compliance with 2%. The applicant is looking at measures to get the daylight % of balconies up to 50%.
- What is proposed is typical of other schemes granted by the Board under SHD.
- **Planning Authority's Comments:**
- The height and separation distances are to be considered having regard to the vertical sky component and Dun Fanoir.
- Query whether the studies for Daylight and Sunlight and overshadowing have taken account of the DLR lands and planned tower.
- Concern of the VSC given height and separation distances.

### 3. Open space quantum and quality, landscaping and tree loss.

- **ABP Comments:**
- Further consideration and justification of useability, location and layout of open space and public realm strategy.
- Clarity in respect of what is designated as communal open space and what is designated as public open space. Clarity required on whether it is intended that the public open space will be taken in charge, and if not, how maintenance, access and liabilities would be managed over the long term.
- Further justification for tree loss and a tree protection and or replacement strategy for trees to be retained.
- **Prospective Applicant's Comments:**
- There is a series of open spaces provided within the proposed development.
- The open spaces provided are of a high quality, with test results indicating 80% sunlight access.
- A replacement strategy is in place for tree loss. Revised proposal to retain trees, provide extra trees and replacement trees.
- 48.9% of the proposed development site is open space. Public open space is in excess of 10% and communal open space exceeds requirements.
- There will be controlled access at the east / west connection.
- **Planning Authority's Comments:**
- The PA's concerns are set out in the submitted report.
- Area C would not be considered communal open space. It requires 24-hour communal access, and it falls below the apartment guidelines criteria.
- The PA asks for Category B trees to be retained along the N11.
- The PA is happy with the revised tree protection and replacement strategy.
- Echo that permeability through the site is key, public realm along the Kilmacud Road and cognisance to permeability with DRD site to NE.

- Taking in charge agreement needs to be put in place. Cognisance to be had that the LAP designates a public route through the site. The council has the capability to take charge of public space

**4. Issues Raised in the CE Report incl. - Transportation report, Drainage report, Parks and Landscaping report and Housing Report.**

- **ABP Comments:**

- Further clarity in respect to future possible road access to the Dún Laoghaire-Rathdown County Council lands, how it is envisaged it will tie in with the subject site.
- Further discussion on matters raised within the PA Opinion and Appended Dun Laoghaire Rathdown County Council Department reports submitted to ABP on the 10.01. 2021.
- Further clarity of issues pertaining to surface water drainage, flood risk and agreements with IW and the Drainage Department of Dun Laoghaire Rathdown County Council.
- A Flood Risk Assessment is required.
- Consideration that there is no 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.

- **Prospective Applicant's Comments:**

- The prospective applicant can allow for future access to the Dún Laoghaire-Rathdown County Council lands but would not be considering this for this application.
- Access to the DLRD site would be premature at this application design stage.
- The prospective applicant can have further discussions with the PA in relation to the key interface of the signalised junction on the N11 / Kilmacud Road, happy to engage in discussions with respect to recent DLR's roads plans.
- There have been engagement for roads works / plans which will continue.
- There are currently two access points to the proposed development from the hill. This is similar to the previously permitted development on the site. The proposed development site is divided in two by an existing water culvert.
- There is a set down provided at the Leisureplex site.

- **Planning Authority's Comments:**

- The PA does not want another access created onto the N11.
- Concern raised with respect to vehicular access and car parking to DLRD site to NE
- The PA has key concerns in relation to the 2-metre width footpath along the Lower Kilmacud road and on the Hill Road. An appropriate setback is required for a footpath, in particular leading into a district centre.
- A transport report is to be provided at application stage.
- There is an update of the project for the Junction of Kilmacud Road and the N11. Signalised option which ties in substantively with what the applicant is proposing. Necessary to clearly indicate and get agreement of what exactly the applicant can or is willing to deliver. Possible red line boundary extension and key interface, who delivers what.

- There are no major drainage issues. Any concerns are set out in the PA's submitted report.
- The PA can engage with the prospective applicant in relation to the Flood Risk Assessment.
- A few items of hydraulic modelling to review.

## 5. Any other matters

- **ABP Comments:**

- A valid application should include a statement of consistency and, if required, a statement of justification of material contravention that refers to the development plan and local area plan in place when the application is made. However if it is likely that a new plan would be in place when the application is decided, then, then the likely new plans provisions should be addressed in the submitted documentation to inform public consultation and the board's decision.

- **Prospective Applicant's Comments:**

- The use of the sports hall was not identified in the Local Area Plan.
- Applicant has decided to keep the use of the sports hall, its management plan shall be included with a future stage 3 application.
- Queried the statutory Development Plan and should the Development plan change, during the application process, how this is to be addressed in any application submitted.

- **Planning Authority's Comments:**

- The prospective applicant is to include details of the management of the community sports hall 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](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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Stephen O'Sullivan  
Assistant Director of Planning  
February, 2022