



<b>Case Reference / Description</b>	Demolition of existing structures, construction of 114 no. apartments and associated site works. 61 and 63 Fairview Strand and No. 3, No 19 and No. 21 Esmond Avenue and at rear No. 19, Philipsburgh Avenue, Fairview, Dublin 3.		
<b>Case Type</b>	Section 5 Pre-Application Consultation Request		
<b>Date:</b>	28 <sup>th</sup> March 2022	<b>Start Time</b>	10:00 am
<b>Location</b>	Remotely via Microsoft Teams	<b>End Time</b>	11:15 am
<b>Chairperson</b>	Stephen O'Sullivan	<b>Executive Officer</b>	Hannah Cullen

**Representing An Bord Pleanála:**

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

**Representing Prospective Applicant:**

Karl Kent, Doyle Kent Planning
Larry Pierce, PMCA Architects
Fionnan de Barca, CS Consulting Group Civil & Structural Engineers
Robert Fitzmaurice, CS Consulting Group Civil & Structural Engineers
Chris Shackleton, Chris Shackleton Consulting
Cathal Crimmins, Cathal Crimmins Architect
Ronan Mac Diarmada, Ronan Mac Diarmada & Associates Ltd
PJ O'Donnell, Pat O'Donnell & Co.

**Representing Planning Authority**

Naoise McDonnell, Executive Planner
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Roisin Ní Dhubhda, Executive Planner
Niamh Kiernan, Senior Executive Architect
Kieran O'Neill, Senior Executive Landscape Architect

## **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 25<sup>th</sup> January 2022 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 15<sup>th</sup> December 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. Visual Amenity, Design / Residential Amenity (proposed and existing), Relationship with Adjoining Lands. Non-Residential Uses and Facilities.**
- 2. Transportation Issues**
- 3. Heritage, Conservation & Archaeology**
- 4. Parks, Biodiversity & Landscaping**
- 5. Drainage**
- 6. Any Other Business**

- 1. Visual Amenity, Design / Residential Amenity (proposed and existing), Relationship with Adjoining Lands, Non-Residential Uses and Facilities.**

**ABP Representatives invited discussion on the following:**

- The impact of the proposal on the adjoining existing Richmond View apartments and its relationship with the adjoining development to the north and east. The floorplans of existing adjoining apartments should be shown in conjunction with the scheme's floorplans in order to more fully assess potential mutual impacts between existing and proposed. Further cross sections, up close CGI's and photomontages are required from the immediate surrounding area.
- Need for 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.
- The shadow impact to outdoor amenity space within the proposed scheme.
- The proximity of proposed development 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.
- The justification for the commercial floor space, given the concerns raised by the PA in their opinion.
- The layout, quantum and design of the open space and communal areas, clear delineation of what is public and what is considered communal or private and compliance with CDP policy for open space provision.

**Prospective Applicant's Comments:**

- There has been a number of pre planning discussions with regard to this site with DCC.
- A lot of images and reiterations of design have been discussed.
- The design seeks to ticks all the boxes with regard to residential amenity.
- Discussions to date indicated that the PA are willing to accept the open space proposed within this scheme in addition to a contribution in lieu of open space.
- The development should hit 90% daylight/sunlight against the 2% ADF target.
- Block B is the most problematic and it will be looked at again.
- A lot of time has been spent ensuring to keep to BRE guidance in respect of the primary impact to neighbours of the development.
- The proposals are open to see how the market responds to retail in the area, however, acknowledge it may not be feasible, scope to looking into the provision of a gym.
- Looking to animate the area, create a strong link to Fairview Strand, opportunity to provides some animation and links along Esmond Avenue.
- Fundamental disagreement with respect to the building line of the new extension. It steps out towards the city. Design isn't only concerned with the wall of the cemetery, the dry cleaners steps out on the corner, there is a possibility to include this building within the scheme and for book ends to be created.

**Planning Authority's Comments:**

- This is not an inner-city site, it is technically an outer city area which is exceeding development plan standards in relation to height which should be further addressed at application stage.

- There is area a number of concerns in relation to the proposed development. Constricted suburban site, narrow vista.
- The new building proposed should be set back to the existing building line, should reflect in some manner the existing structures.
- The overall principle is acceptable, welcome improvement reconstruction and restoration of the site.
- The overall scale and density is not excessive.
- A detailed Shadow and Daylight/Sunlight analysis is required to accompany the application.
- Open to accept a fee in lieu to provide for additional open space within the area, this can be discussed further offline with the applicant.
- There is a concern in relation to the proposal's interaction with the Jewish Cemetery and also possible overlooking to adjoining properties.
- Scope to include a café/restaurant at block A rather than a retail unit, if this is the case the applicant should ensure there is ground to roof ventilation considered.
- A gym use would be welcomed.

## **2. Transportation Issues.**

### **ABP Representative sought discussion on the following issues - :**

- Pedestrian plazas to front of No's 61 and 63 Fairview Strand and between Block A & Block B.
- New pedestrian link from Esmond Avenue to Fairview Close;
- Pedestrian route from Fairview Strand to Fairview Close along western side of site;
- New footpaths along Esmond Avenue within site boundary
- Deliverability of improved pedestrian linkage, universal access and road upgrades.
- Traffic movements; parking ratios and demonstration that overspill issues have been considered.
- Car Parking Management Strategy; potential for car clubs: provision of EV points; as well as refuse and services access; cycle provision and taking-in-charge arrangements.
- Further elaboration regarding the status of the right of way on the western boundary – whom does this benefit?
- Need for a CEMP.

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

- The site is proximate to the inner city and is served by high quality public transport modes, options include a short walk to DART services, a quality bus corridor and within walking distance to the city centre itself.
- A limited no. of care parking spaces are proposed, there is an existing basement car park on the site and access is proposed via a right of way from Richmond Gardens apartment development to the west
- To increase the parking provision would prove problematic for the development.
- The provision for bicycle parking well exceeds the apartment guideline standards (250 spaces proposed) and ameliorates for car parking provision.
- Access from the west side of the development is at grade.
- The design team are happy and willing to undertake further discussion with the transportation department of DCC, to seek to resolve technical matters.

**Planning Authority's Comments:**

- This is a large scheme, further consideration needs to be given to ancillary/visitor parking, do not want a lack of spaces to result in overspill parking in the surrounding streets as currently no further on-street parking can be facilitated.
- The overall impacts on traffic in the area due to the development will need to be assessed in detail, swept path analysis required, a TIA and a traffic management plan is required.
- Planting and landscaping of trees in close proximity to the boundary of the lane should be relooked at to ensure there are no conflicts with the road layout, regard to be had to tree root system and any potential conflicts with the road layout.
- Servicing also needs to be considered including drop off, taxis, delivery and emergency vehicles.
- There are a number of pinch points on Richmond Road and it can't take further haphazard parking.

**3. Heritage, Conservation & Archaeology.****ABP Representatives should discussion on:**

- Conservation of existing historic fabric of No.'s 61 and 63 Fairview Strand
- The proposed extension and buildings line proposed, impact to the Jewish Cemetery and to No.'s 61 and 63 Fairview Strand.
- Removal of boundary treatment, historic walls and piers.
- The concerns raised by the PA and the Conservation Officer with regard to height, bulk and massing and impact on the Protected Structures in the immediate vicinity (i.e. the Jewish Cemetery and gate lodge) and the historic walls and gate pier to the front of No.'s 61 and 63 Fairview Strand.
- Need for consistency across all documentation and drawings, this is critical in any future application.
- The difference in opinion on the front building line. Justification needs to be made at application stage and the Board will make its decision on the matter.

**Prospective Applicant's Comments:**

- Do not agree on the PA's opinion with respect to amending the proposed building line.
- The location of the building line behind the meeting room of the Jewish cemetery is appropriate.
- There is an argument for both building line projection or setting it back.
- What remains of the front boundary is not original. Reinstatement of the original boundary would compromise the plaza area, pedestrian links and commercial unit.
- Will re-look at materials proposed on the extension to the Georgian building. Materiality could be toned down, matter of design.

**Planning Authority's Comments:**

- Happy the applicant proposes to conserve No. 61 and 63 Fairview Strand and consider the units as protected structures, hopeful that units no. 61 and no. 63 can be added to the RPS.
- A more domestic boundary treatment should be considered rather than what has been proposed.

- The weathering of the roof of no. 61 and no. 63 should be carefully considered, in the short term, to ensure that no further water damage or deterioration of the buildings occurs.
- Verified views from the Jewish Cemetery to the proposed development should be submitted at application stage.
- It is recommended that an assessment of the visual impact of the proposed development on the monument and its setting be submitted. The visual impact assessment shall consider the design, form, scale, height, proportions, siting and materials proposed on the special character of the monument.
- It is recommended that the applicant submits revised proposals showing the historic walls, and gate piers to the front of No.'s 61 and 63 retained, protected, consolidated and repaired in order to protect the legibility of the historic buildings – which are rare early Georgian survivors in this part of the city.
- It is further requested that the building line have cognisance to historic maps.
- Boundary treatment should be revised to reflect the historic Georgian era of its time.

#### **4. Parks, Biodiversity and Landscaping.**

##### **ABP Representatives invited discussion on:**

- The various types of open spaces as well as a review of their function/roles and quality.
- Biodiversity; and consideration that an updated bat survey is carried out and submitted with any future application.
- The public plaza opening the front of the site to the street, in light of the concerns raised by the Conservation Officer.

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

- There is a shortfall in public open space. This is acknowledged and the applicant is willing to pay a contribution in lieu. However, it is hoped that given the uplift/upgrade of Esmond Avenue, as part of the application, that the contribution required may offset some / all of the costs.
- Further discussion will be sought with the PA regarding contributions and any off set appropriate.
- It is intended to provide tree pits along the streetscape, details of this will be provided in addition to Suds measures proposed.
- There is no vertical greening proposed this can be further discussed with the PA parks department.
- Blocks A, B and C will all have green roofs. Not proposing to include vertical greening.
- A biodiversity pollinator plan will be submitted

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

- No detailed discussions have been held, so far, in relation to a contribution in lieu of public open space, however, it is normally suggested for similar type development on tight urban, back land, brownfield sites where open space is harder to provide.
- If the applicant can demonstrate on site delivery of open space i.e. Plaza area, they should do so at application stage along with a clear delineation of what is proposed as public open space, communal open space and the location of play areas.

- Provision of playground/playspace should be in accordance with the guidelines.
- Further discussion can be held to discuss contribution in lieu.

## **5. Drainage.**

### **ABP Comments:**

- It is noted that DCC's Drainage Division have no major objections to the proposal but have attached recommendations including amongst others: that the flood risk assessment shall be developed further, and clarification re: proposed works on Esmond Avenue and taking-in charge arrangements.
- Clarity that there are no discrepancies across all of the application documentation, engineering services report, flood risk assessment and drainage drawings should all have regard to one another.
- Further meetings should be sought where appropriate to resolve any outstanding technical / infrastructural issues.
- Further consideration that there is consistency across all documentation and drawings, this is critical in any future application.

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

- Awaiting a letter from Irish water, currently having discussions / consultation with them.
- PA's report comments are noted and will be taken into consideration prior to submitting an application.
- Applicants design team will aim to consult further and engage with the drainage department of the PA

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

- All concerns are flagged within the PA report submitted to the Board and should be addressed fully by the applicant.

## **6. Any Other Business**

### **ABP Comments:**

- Clarity that there are no discrepancies across all of the application documentation.
- The documentation should indicate how it complies with national and local policy and guidance and policy. Clearly indicate where it does not, advertise and address any material contravention matters, accordingly, and justify any shortfalls in the proposal with respect to national and local planning policy. This is necessary for the Board to make an informed decision.

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

- Comments made by ABP and the PA noted.

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

- Concerns with respect to conservation, archaeology and parks are highlighted.
- Impact upon the Jewish Cemetery is of particular concern.
- The boundary of No. 61 and 63 Fairview Strand is also a concern.
- Overall, the proposal is acceptable in principle.
- The Jewish Cemetery is under the control of the PA. Not intended that it will be public open space given it is a religious burial site, possible guided tours and controlled access is envisaged.

- PA CE report stands.

### 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  
April, 2022