



An
Bord
Pleanála

Record of Meeting ABP-312212-21

Case Reference / Description	445 no. apartments, creche and associated site works. Sector 3, Aiken's Village, Stepside, Dublin 18.		
Case Type	Section 5 Pre-Application Consultation Request		
Date:	4 th May 2022	Start Time	10:00am
Location	Remotely via Microsoft teams.	End Time	11:30am
Chairperson	Stephen O'Sullivan	Executive Officer	David Behan

Representing An Bord Pleanála:

Stephen O'Sullivan, Assistant Director of Planning
Fiona Fair, Senior Planning Inspector
David Behan, Executive Officer

Representing Prospective Applicant:

Cian Burke, Twinlite
Rick Larkin, Twinline
Igmar Ferreira, Ferreira Architects
Diarmuid Phelan, Ferreira Architects
Declan O'Sullivan, Kavanagh Burke Consulting Engineers
Celia Harris, Mitchell Associates
Ashling Cronin, Scott Cawley
Stephen Little, Stephen Little and Associates
Michael O'Sullivan, Stephen Little and Associates
Paul Beatty, Scott Cawley
McGeough, Patrick Scott Cawley
Ulick Burke, Kavanagh Burke Consulting Engineers

Representing Planning Authority

Michelle Breslin, Senior Executive Planner
Julieanne Prendiville, Executive Planner
Johanne Codd, Drainage Engineer
Sean Keane, Transport 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, 24th 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, 15th 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. **Compliance with statutory Development Plan policies (Suitability of the site for BTR Scheme and Unit Mix).**
2. **Previous permission on this site (D10A/0440), as amended by subsequent permissions.**
3. **Transportation, access, connectivity and car parking**
4. **Impact on existing and future residential amenities (height, overlooking, overshadowing, overbearing, quality and quantum of open space)**
5. **Supporting community infrastructure, location and layout of non-residential uses.**
6. **AOB**

1. Compliance with statutory Development Plan policies (Suitability of the site for BTR Scheme and Unit Mix).

ABP Comments:

- Clarity on whether there are any amendments in the proposed application to that proposed under ABP-309828.
- Further consideration and justification of the proposal in light of the newly adopted Dun Laoghaire Rathdown County Development Plan 2022 – 2028.
- Further justification of the BTR proposal and the proposed mix of units given the opinion of the PA dated 24th January 2022.
- Further justification of public transport capacity and frequency in light of Ballyboden judgement.
- Consideration that any possible material contravention issues are advertised accordingly, and the application documentation should refer to the 2022 – 2028 County Development Plan.

Prospective Applicant's Comments:

- Unit mix is appropriate for the area in context of other developments in the locality.
- BTR is suitable for proposed development given proximity to Luas.
- A mat con will be submitted for unit mix.

Planning Authority's Comments:

- Prospective applicant to have regard to the new County Development Plan at application stage. Clear indication of any changes or differences between previous CDP and the new DLRDCDP 2022 - 2028

2. Previous permission on this site (D10A/0440), as amended by subsequent permissions.

ABP Comments:

- Further clarity and justification of the proposal in light of D10A/0440 and live extension of duration of permission sought and the issues raised by DLRDCC regarding enforcement and delivery of services and open space.
- Clarity on what is proposed is of utmost importance.

Prospective Applicant's Comments:

- Any grant of planning permission stands on its merit.
- Have applied for an EOD of permission and the decision still pending
- Will make clear permission at application stage

Planning Authority's Comments:

- EOD decision has been delayed due to need to seek external legal advice. The decision is imminent.

3. Transportation, access, connectivity and car parking

ABP Comments:

- Clarification that all items raised by transportation department in their report submitted to the Board are addressed, further meetings should be sought to resolve outstanding issues.

Prospective Applicant's Comments:

- Slightly reduced car parking spaces proposed, however, there is flexibility on the County Development Plan for reduced car parking. Further consideration and revision of parking spaces is possible.
- Will look further into public transport capacity and connectivity
- Will re-examine connectivity of traffic at junctions at Ennis Road and Lambs Cross
- Will revisit TTA and meet with Transport Department
- Will remedy bicycle access to underground parking
- Noted revised provisions of CDP in regard of parking, however parking spaces will be slightly below CDP guidelines.
- Happy to engage further with the transportation department and address concerns raised.

Planning Authority's Comments:

- Maintains position set out in Opinion
- Area is not well served by public transport
- Attention drawn to JR of Ballyboden SHD
- Provision of car parking is below CDP guidelines
- Concerns of junctions at Ennis Road and Lambs Cross not addressed in the TTA
- Noted underground parking has no separate access for cyclists.
- The new DLRDCDP 2022 – 2028 has revised car parking standards.

4. Impact on existing and future residential amenities (height, overlooking, overshadowing, overbearing, quality and quantum of open space)**ABP Comments:**

- Noted that a previous recommended refusal reason by DLR in their opinion of ABP 309828-21 concerned deprecation of house values, overshadowing and out of context with the area.
- 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 policies and objectives contained in the new Dun Laoghaire Rathdown County Development Plan 2022 – 2028:

Prospective Applicant's Comments:

- Overbearing addressed by modulating development away from the Thornberry area.
- Due assessment of overshadowing and overbearing on neighbouring properties will be carried out.

- A sunlight and daylight assessment has been carried out
- Will submit LVIA at Stage 3
- Height proposed is suitable in the context of the area
- Setback is appropriate for proposed 8 storey heights of buildings
- 15% quota of open spaces met and open spaces are suitably overlooked.
- ADF will be further addressed and a full assessment submitted at application stage

Planning Authority's Comments:

- Maintains position, with respect to open space and level of daylight and sunlight received, set out in opinion.
- Treatment of public and communal open space needs to be further addressed.
- ADF to apartments to be clearly set out, regard being had to BRE Guidelines.

5. Supporting community infrastructure, location and layout of non-residential uses

ABP Comments:

- Further justification that there is sufficient supporting community infrastructure to cater for the predicated future demand including childcare, schools and local community facilities, regard being had to policies and objectives contained in the new County Development Plan 2022 – 2028.

Prospective Applicant's Comments:

- Stage 3 application will update information in respect of childcare need and capacity in other creches in the wider area.
- Local schools are being upgraded and have capacity.
- Updated supporting reports will be submitted with any future application to demonstrate supporting infrastructure.

Planning Authority's Comments:

- Maintains position set out in their opinion

6. AOB

ABP Comments:

- Consideration that each application stands on its own merits and that the subject application will be assessed having regard to the current statutory County Development Plan 2022 – 2028, national policy and relevant judicial reviews. This being said the Board do aim to be consistent in their decision making.
- Consideration that should 309828 be quashed by the courts that it can not be relied upon or referred to, in any application submitted.
- All surveys and supporting documentation should be up to date and accurate.
- 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.
- Further consideration that the SHD process does not allow for further information, 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:

- Will pay due attention to comments made and issues raised and previous JR's

Planning Authority's Comments:

- No further comments

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
May 2022