



An  
Bord  
Pleanála

## Record of Meeting ABP-312265-21

<b>Case Reference / Description</b>	336 no. Build to Rent apartments and associated site works. Former Avid Technology Internation Site, Carmanhall Road, Sandyford Industrial Estate, Dublin 18.		
<b>Case Type</b>	Section 5 Pre-Application Consultation Request		
<b>Date:</b>	27 <sup>th</sup> April, 2022	<b>Start Time</b>	10:00am
<b>Location</b>	Remotely via Microsoft teams.	<b>End Time</b>	12.00am
<b>Chairperson</b>	Stephen O'Sullivan	<b>Executive Officer</b>	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:

Shaun Thorpe, Head of Planning
Patrick Crean, Director
Robert Macauley, Architect
Sylwia Allen, Architect
William O'Donnell, Associate Director
Jerry Barnes, Director
Richard Hamiltion, Director

### Representing Planning Authority

Michelle Breslin, Senior Executive Planner
Dermot Fennell, Executive Enginner
Ciaran Daly, Assistant Planner

## **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, 17<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. Inconsistency in Site Area.**
- 2. Previous Reasons for Refusal - SHD 310104-21 refused in Aug 2021**
  - **Communal open space**
  - **Resident support facilities, communal services**
  - **Residential amenity (sunlight and daylight)**
  - **Relationship with Adjoining Lands**
- 3. Compliance with provision of the Dun Laoghaire-Rathdown County Development Plan 2016-2022, including the Sandyford Urban Framework Plan.**
  - **Specific Local Objective 113**
  - **Quantum of development**
  - **Height and density (Material Contravention)**
  - **Public Open Space**
- 4. Supporting Infrastructure (Transportation, access, parking and Water Services)**
- 5. AOB**

## 1. Inconsistency in Site Area

### ABP Comments:

- Further elaboration and clarity in any application submitted regarding the red line boundary of the site and that the Avid site and the Tack Packaging site represent two separate standalone proposals, which while taking cognisance to one another, can be carried out and executed independently of one another.
- Further clarity that the subject proposal, solely, relates to the Avid site.
- Further clarity that the design statement relates to the Avid site and that the Masterplan for the wider area is a separate standalone document.

### Prospective Applicant's Comments:

- Avid site and adjoining Tack Packaging site are in different ownership, however, both applications mutually complement each other.
- An integrated Masterplan for the site and an integrated approach to design strategy has been taken on both sites.
- Clear urban design is coherent with adjoining site
- Necessary for both sites to stand alone, and together
- Engineering report clearly states separation of both sites
- Have further developed plans since December 2021 submission

### Planning Authority's Comments:

- PA have received an application in respect of the Tack packaging site.
- Advised to reconsider design of Tack Packaging site at stage 3
- Inconsistency in documents need to be ironed out and all information clear and to a high quality. No room for inconsistencies.

## 2. Previous Reasons for Refusal - SHD 310104-21 refused in Aug 2021

- **Communal open space**
- **Resident support facilities, communal services**
- **Residential amenity (sunlight and daylight)**
- **Relationship with Adjoining Lands**

### ABP Comments:

- Further justification of how the subject proposal overcomes the previous reasons for refusal.
  - Enclosed nature of the site
  - Substandard level of residential amenity
  - Material contravention for height and massing
- Further consideration and/or justification of the documents as they relate to future residential amenity, having particular regard to the following:
  - impacts on adjoining structures
  - overlooking,
  - relationship of open space and public realm
  - views and vistas
  - daylight and sunlight incl. shadow assessment
  - placemaking and wayfinding

- creation of neighbourhoods
- Further justification with respect to permeability of the block for pedestrians and movement strategy within and around the blocks, including consideration of interface with and passive surveillance of paths along the eastern and southern boundary, and legibility of the pedestrian entrances to the development.
- Further consideration and justification of the quantum and quality of communal open space including the availability of sunlight and daylight to the courtyard, roof gardens, and the functionality of the spaces.
- The further consideration of dual aspect units having regard to the requirements of the Sustainable Urban Housing Design Standards for New Apartments (2020), SPPR 4.
- Further justification required in terms of residential amenity, consideration of outlook, and access to daylight/sunlight within the apartments, in light of the PA CE report. An up dated Sunlight / Daylight Analysis and overshadowing analysis is required to be submitted with any application.
- An updated Wind and Microclimate Analysis (including details of any proposed mitigation measures); and an Inward Noise Assessment.

**Prospective Applicant's Comments:**

- Proposed development is on a vacant site zoned residential
- Has suitable access to all amenities
- Attention has been given to previous refusal reasons and addressed
- The current team were not responsible for the previous application.
- Propose to combine the two sites and provide one scheme which is better quality of development.
- Proposed development has been opened up to west to provide greater sunlight
- Good quality communal open space proposed elevated to 1<sup>st</sup> floor. Eliminate overshadowing of open space.
- A creche will be provided on the Tack Packaging site not on Avid portion of the overall scheme.
- Better quality of units
- L shaped design for increased sun and daylight
- Improved roof spaces design
- Setback of units from buildings on Tack Packaging site
- No north facing apartments
- Units are now orientated east to west
- Previous ADF was at 86%, now at 94%
- Courtyard has been opened up and dough nut nature of the courtyard revised. Height reduced allowing significant improvement for daylight and sunlight.
- Key driver has been the impact of proposed development on Tack Packaging site. Bringing both developments together, responding to the issues raised with respect to impact of development on Avid site and Tack Packaging site. Creation of streets around and through the site.

**Planning Authority's Comments:**

- Cognisance to be had to concerns outlined in PA Opinion.
- Prospective applicant advised to be consistent with new County Development Plan

- Prospective applicant advised to take onboard SLO 153
  - Further attention to indoor amenity space required
  - Consider further the permeability of the blocks, pedestrian movement strategy between blocks, interface and access to podium level open space, clarity in relation to level changes, interface with proposed new streets, and potential conflict between pedestrians and vehicles using the basement access ramp/'street.
  - Concern with regard to proposed layout, drop to parking below, useability of communal open space proposed, must ensure it is fully functional, justify useability.
  - Regard to be had to reports from parks and transportation departments. That verges are compliant with DLR works and that depth of soil at podium will work.
  - Demonstrate how areas are practical for play.
  - Detailed quantum and design of open space proposals at all levels including consideration of issues related to wind micro-climate, design, and usability of spaces, in particular at the upper levels, and any implications of the blue roof design.
  - There is limited public open space in the area, development contribution in lieu will be required for the wider area.
- 3. Compliance with provision of the Dun Laoghaire-Rathdown County Development Plan 2016-2022, including the Sandyford Urban Framework Plan.**
- **Specific Local Objective 113**
  - **Quantum of development**
  - **Height and density (Material Contravention)**
  - **Public Open Space**

**ABP Comments:**

- Further justification and consideration that specific objective SLO 113 has been addressed. In particular, to address provision of community infrastructure at ground floor along the eastern outer edge of the Carmanhall residential neighbourhood along Blackthorn Road, to create active street frontage and to ensure the appropriate provision of social and community infrastructure to serve the needs of the resident and employee population. Noted that a creche is not included on plans.
- Further consideration that the visual impact assessment has regard to the site context, in particular, having regard to concerns expressed in respect of scale and massing.
- Further justification of the quantum of development in light of specific policies set out in the SUFF.
- Further detail and consideration of access to community and social infrastructure, open space and amenities, in the wider area.
- Further consideration/ justification should address the proposed design and massing, inter alia the visual impact, and relate specifically to the justification for any material contravention of the density and height strategy in the development plan, issue of legibility, visual impact, and compliance with Section 3.2 of the Urban Development and Building Heights: Guidelines for Planning Authorities (2018)

**Prospective Applicant's Comments:**

- Creche will be provided on the Tack Packaging site and more detailed design will be provided with that application.
- Tack Packaging site creche is 300m<sup>2</sup> and will cater for both sites

- Tack site and Avid site are being considered jointly however two separate applications are proposed.
- Increased open spaces for activities
- Improved street frontages to open up space Density has been lowered
- Proposed density 400 number is now 330 number
- Will submit statement of material cointervention at application stage

**Planning Authority's Comments:**

- Prospective applicant advised to tie in with previously granted developments in area
- Have regard to Daylight Sunlight and Overshadowing – BRE Guidelines 2009
- Regard to be had to building Height Guidelines and ADF

**4. Supporting Infrastructure (Transportation, access, parking and Water Services)**

**ABP Comments:**

- Further detail and consideration of works required to the public realm.
- Clarification that all items raised by drainage department in their report submitted to the Board are addressed, further meetings should be sought to resolve outstanding issues.
- Further consideration of the proposal in respect to level of detail provided, particularly in relation to surface water drainage proposals and relating to site specific flood risk assessment and movement of overland flow rates.
- Clarity that issues raised by the IW report are addressed, in particular with regard to infrastructure on the site, sets backs or diversions and that a flow rate to meet fire flow requirements can be guaranteed.
- Consideration that each application stands on its own merits and that should issues or disagreements arise with respect to infrastructure deficits the Board precedent is to uphold the opinion of the planning authority, given their responsibility and authority on such matters.
- 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.
- Legal clarity on red line boundary is important. Councils plans for roads takes precedence.

**Prospective Applicant's Comments:**

- Will continue discussions with PA on transport and drainage issues.
- Have discussed the outflow rate with DLRCC, both sites to be jointly assessed with respect to storm water.
- IW have confirmed capacity and the applicant will further engage with IW.
- PA will have access to public waterworks
- Green roof area up from 60% to 70%
- Will discuss park and amenity areas further with PA
- Acknowledged need for letters of consent, and noted that delay of some months in getting letters almost prevented pre-app being lodged. It's a significant issue, practicality of getting a letter of consent, have waited 5 / 6 months for a letter of consent from DLR.

- Note issues with respect to cycle way project team and future works required within red line boundary.
- Will meet with PA to discuss access points, bicycle infrastructure, ESB and road upgrades
- Attenuation and drain design documents will be submitted at application stage
- Access has been clearly thought out on Blackthorn Road.
- Both development's on Avid site and Tack Packaging site need to be developed separately, creating streets around perimeter blocks.

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

- Concerns with public transport flagged in report
- Quality audit required
- Progressing design for cycle activities – there is an overlap, careful that works do not undermine any application. Further liaise with the project team.
- Access to public water network will be required
- Applicant has option of payment in lieu of public open space
- Applicant to demonstrate use of open space by residents
- Safety buffer required at play areas
- Traffic must exit at Carmanhall Road to avoid excess exit points at Tack Packaging site.
- Prospective applicant to liaise with traffic department to alleviate concerns
- Green roof policy has changed.
- Masterplan which includes the Tack Packaging site indicates both schemes relying upon one another. Access, drainage, engineering technical matters to be clear.
- Alternative arrangements need to be in place, however, to demonstrate that both applications can be delivered independently and are compatible.

#### **5. AOB**

##### **ABP Comments:**

- Applicant advised to include all items of material contravention in their statement of material contravention and to advertise same accordingly.
- Further consideration of the proposal in terms of:
  - Inconsistencies in the information
  - Construction Management Plan,
  - Quality Audit
- 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 include an EIAR at application stage will address height, wind, etc
- Will address height issues as set out in appendix 5 of new Development Plan.
- Height is a material contravention issue and it is argued that there is a platform which allows for height.

- Note BTR policy and direction from the Minister in respect of unit mix and BTR schemes on the DLRDCC CDP 2022 – 2028.
- There is policy to support higher buildings on Carmanhall Road.
- Argue that the proposal addresses the criteria in Appendix 5
- Precedent set by recent ABP decisions.

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

- Applicant advised to examine Appendix 5 of new Development Plan.
- The criteria section from Section 3.2 of the Guidelines has been subsumed into the new CDP. Height will be addressed in an assessment of a future application; it really hasn't changed.
- 40% requirement for 3 bed mix noted. Aware of OPR feedback, however there is no direction yet.
- All material contravention issues to be addressed and justified.

#### **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  
May 2022