

STRATEGIC HOUSING DEVELOPMENT  
PLANNING APPLICATION

**RESPONSE TO ABP OPINION**

ALTERATIONS TO PERMITTED DEVELOPMENT  
AT PHIBSBOROUGH SHOPPING CENTRE

**BSM**

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**Brady Shipman  
Martin**

**Built.  
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Place  
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**Built  
Environment**

CLIENT

Phibsborough Shopping Centre Limited

DATE

7<sup>th</sup> December 2020

## PHIBSBOROUGH SHOPPING CENTRE ALTERATIONS

Response to ABP Opinion

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## 1 INTRODUCTION

Brady Shipman Martin have prepared this Report in Response to the Opinion of An Bord Pleanala of 23<sup>rd</sup> September 2020. This Response has been prepared under Article 285(5) (b) of the Planning and Development (Strategic Housing Development) Regulations 2017 in association with the Applicant and Design Team and provides the specific information as requested by the Board.

In its Opinion, An Bord Pleanala concluded that it *'has considered the issues raised in the pre-application consultation process and, having regard to the consultation meeting and the submission of the planning authority, is of the opinion that the documents submitted with the request to enter into consultations constitute a reasonable basis for an application for strategic housing development.*

## 2 SPECIFIC INFORMATION REQUESTED BY AN BORD PLEANALA

In its Opinion of 23<sup>rd</sup> September 2020 An Bord Pleanala set out 12 No. items of specific information that should be enclosed with the application under Article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017.

### 2.1 Alteration Permission

Item 1 of the ABP Opinion requests:

*Clearly identify on the plans and particulars elements of the redevelopment of the site (ABP Ref. 300241-17) which have been permitted under Section 34 of the Planning and Development Act 2000, as amended that do not form part of the application proposed under the remit of Strategic Housing Development.*

In response to An Bord Pleanala's request in respect of the application drawings the scheme architects' Donnelly Turpin have addressed this in three ways:

1. An Existing Permitted set of drawings is included identifying what is the permitted scheme.
2. The Proposed Drawings have included a green dashed line indicating the extent of proposed alterations.
3. An additional set of drawings are included in the Design Statement which further highlight the areas that are only subject of this alteration application.

### 2.2 Shared Accommodation Rationale

Item 2 of the ABP Opinion requests:

*Notwithstanding that the proposal constitutes a reasonable basis for an application. The prospective applicants are required to submit an evidence-based rationale/justification for Co-Living/Shared Accommodation at this location. This consideration and justification should have regard to, inter alia, (i) the vision for the development of Phibsborough and the relevant housing and settlement policies set out in the Dublin City Development Plan 2016-2022; (ii) the Sustainable Urban Housing: Design Standards for New Apartments, specifically the guidance on Shared Accommodation Developments and in particular sections 5.18, 5.19 and 5.22 and SPPR 9 of same and (iii) the suitability of this location for Shared Accommodation with regard to accessibility and connections to employment centres and community facilities. Comprehensive information regarding the nature of the proposed use should be submitted to facilitate assessment of this issue including details of the occupation, operation and management of the scheme. The further consideration of this issue may require an amendment to the documents and/or design proposals submitted.*

In response to An Bord Pleanála's request a number of reports have been included in the Application. These include:

- Co-Living Planning Justification Report
- Co-Living Concept and Design Report
- Co-Living Demand and Location Analysis

These three reports specifically deal with the considerations set out above by An Bord Pleanála. These are then complemented by the Planning Report, the Architects Design Statement and the Transport Assessment Report.

### **2.3 Height**

Item 3 of the ABP Opinion requests:

*Notwithstanding that the proposal constitutes a reasonable basis for an application the prospective applicant is required to submit a justification/rationale for the height of the proposed development having regard to inter alia Section 3.2 of the Urban Development and Building Height, Guidelines for Planning Authorities', 2018 and Section 16.7.2 of the Dublin City Development Plan 2016-2022.*

The consideration of height and the proposed minor increase in height above that on the permitted scheme is set out in Section 7.1.2 of the Planning Report as well as the Material Contravention Statement.

### **2.4 Shared Accommodation Standards**

Item 4 of the ABP Opinion requests:

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*A detailed schedule of accommodation which indicates consistency with relevant standards in SSPR 9 of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' (2018) including a report which addresses the use of compensatory communal residential support facilities and amenities for any proposed non-compliance with Table 5a and 5b.*

As outlined in Section 2.2 above, this is considered in the Planning Justification Report, the Concept & Design Report and the Architects Design Statement.

### 2.5 Residential Amenity

Item 5 of the ABP Opinion requests:

*A report that addresses issues of residential amenity (both of adjoining developments and future occupants), specifically with regards to overlooking, overshadowing and noise. The report shall include full and complete drawings including levels and cross-sections showing the relationship between the proposed development and adjoining residential development (permitted or built) and within the proposed development and include mitigation measures, where required.*

These issues have been a key consideration of the permitted scheme and in the proposed alterations. These issues are addressed in the Architects Design Statement which sets out the proposed alterations and includes for additional diagrams. The architects drawing set sets out sections and elevations which consider many of the adjacencies and interactions with relevant structures.

In terms of overlooking this is set out in the Architects Report where alterations to one of the façade of the proposed shared accommodation blocks have been altered to minimise any overlooking between blocks and narrower points. Consideration of overshadowing is addressed in the Daylight & Sunlight Report prepared by Brady Shipman Martin and issues relating to potential noise is addressed in the Noise Report prepared by AWN.

### 2.6 Materials & Finishes

Item 6 of the ABP Opinion requests:

*Details of the proposed materials and finishes to the scheme including the treatment of roof terraces, courtyards, landscaped areas, civic plaza and public realm. Particular regard should be had to the requirement to provide high quality and sustainable finishes and details which seek to create a distinctive character for the development.*

This is set out in both the Architects Design Report and supporting drawings and also the Landscape Design Report and supporting drawings. The proposed scheme retains the permitted civic plaza and proposes alterations to address the removal of the previous included steps and ramps.

### 2.7 Interfaces

Item 7 of the ABP Opinion requests:

*Detailed drawings, cross-sections, elevations and additional CGIs of the site to demonstrate that the development provides an appropriate interface with the adjoining streets and provides for a quality public realm.*

The Architects Drawings, Architects Design Report, AVR Report and Landscape Drawings sets out how the proposed alterations ensure that the same quality of interfaces and public realm as the permitted development is continued.

## **2.8 Micro-Climate Analysis**

Item 8 of the ABP Opinion requests:

*A micro climate analysis.*

A Pedestrian Comfort Wind Study has been prepared by K8T Consulting in addition to a Daylight & Sunlight Report prepared by Brady Shipman Martin. Both reports conclude that the public and communal open spaces will be comfortable high quality spaces receiving good levels of sunlight and a calm environment.

## **2.9 Transportation Department Response**

Item 9 of the ABP Opinion requests:

*Response to issues raised in report from Transportation Planning Division in Addendum B of the PA Opinion received by An Bord Pleanála on the 22nd June 2020.*

These items are addressed in the Traffic Assessment prepared by NRB Consulting Engineers in the Operational Service Management Plan prepared by WK Nowlan, and in the Operational Waste Management Plan prepared by AWN Consulting which accompany this application.

## **2.10 Car Parking Provision**

Item 10 of the ABP Opinion requests:

*A justification/rationale for the Carparking Provision (or lack of) associated with the Shared Living Accommodation. Also, a site layout plan which clearly identifies the existing car and bicycle parking within the wider Phibsborough Shopping Centre redevelopment site. A draft Mobility Management Plan is also required.*

Please see enclosed Traffic Assessment and Travel Plan (Mobility Management Plan) prepared by NRB Consulting which addresses these issues.

## **2.11 Outline Construction Management Plan and Waste Management Plan**

Item 11 of the ABP Opinion requests:

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*A draft Construction Management Plan and a draft Waste Management Plan.*

An Outline Construction Management Plan and Construction & Demolition Waste Management Plan prepared by JJ Campbell Engineers, in addition to an Operational Waste Management Plan prepared by AWN is included in the application.

#### 2.12 Material Contravention Statement

Item 12 of the ABP Opinion requests:

*Where the prospective applicant considers that the proposed strategic housing development would materially contravene the relevant development plan or local area plan, other than in relation to the zoning of the land, a statement indicating the plan objective (s) concerned and why permission should, nonetheless, be granted for the proposed development, having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act 2000. Notices published pursuant to Section 8(1)(a) of the Act of 2016 and Article 292 (1) of the Regulations of 2017, shall refer to any such statement in the prescribed format.*

A Material Contravention Statement has been prepared by Brady Shipman Martin and accompanies the application. It sets out clear rationale as to why An Bord Pleanala can permit the proposed alterations even though a Material Contravention of the Dublin City Council Development Plan, with regards to height, has occurred.

### 3 CONCLUSION

The Response set out herein outlines that the specific items requested by An Bord Pleanala to be contained within an SHD application for the site at Phibsborough Shopping Centre, have been both considered and included.

In conclusion, it is respectfully submitted that the proposed development is consistent with the proper planning and sustainable development of the area, and with all relevant national, regional and local planning policies and guidelines and that the proposal should be permitted by An Bord Pleanala.