



An  
Bord  
Pleanála

## Record of Meeting ABP-304571-19

<b>Case Reference / Description</b>	Demolition of existing industrial warehouses, construction of 373 no. student accommodation bedspaces and associated site works. Site known as a portion of the Brewery Block, bounded by Newmarket, St. Luke's Avenue, Brabazon Place/Brabazon Row and Ardee Street (The site includes Nos. 13/14 Ardee Street and No. 29 Newmarket), Dublin 8.		
<b>Case Type</b>	Section 5 Pre-Application Consultation Request		
<b>Date:</b>	12 <sup>th</sup> July, 2019	<b>Start Time</b>	11.40 am
<b>Location</b>	Offices of An Bord Pleanála	<b>End Time</b>	12.25 pm
<b>Chairperson</b>	Tom Rabbette	<b>Executive Officer</b>	Cora Cunningham

### Representing An Bord Pleanála:

Tom Rabbette, Assistant Director of Planning
Joanna Kelly, Senior Planning Inspector
Cora Cunningham, Executive Officer

### Representing Prospective Applicant:

Niamh O'Connor, Applicant
Orla Hayes, Henry J Lyons Architects
Maoliosa Molloy, Molloy & Associates Conservation Architects
John Casey, Cora Consulting Engineers
Conor Doyle, TOC Town Planning
Patricia Thornton, TOC Town Planning

### Representing Planning Authority

Mary Conway, Deputy Dublin Planning Officer
Kieran Sweeney, Senior Executive 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, along with that file, should an application arise following the conclusion of this consultation process,
- ABP received a submission from the PA on 26<sup>th</sup> June, 2019 providing the records of consultations held pursuant to section 247 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 30<sup>th</sup> May, 2019 formally requesting pre-application consultations with ABP. Prospective applicant advised of the need to comply with definition of SHD as set out in the Act of 2016, in relation to thresholds of development. It was also noted that the Inspector dealing with the pre-application consultation request would be different to who would deal with the application when it was submitted. Recording of the meeting is prohibited.

## **Agenda**

- 1. Built Heritage and conservation to include urban design response and consideration of issues raised in Conservation Officer's report**
- 2. Residential Amenity to include residential standards and impact on surrounding residential amenity**
- 3. Surface water management and flood risk having regard to comments from Drainage Division of Dublin City Council**
- 4. Any other matters**

## **1. Built Heritage and conservation to include urban design response and consideration of issues raised in Conservation Officer's report**

### **ABP sought further elaboration/discussion on:**

- Why the Council decided not to dispose of lands at corner of St. Luke's Avenue and need to ensure development would not prejudice redevelopment of that site
- Rationale for omitting the protected structure within the applicant's ownership from the development
- Site context and changing nature of streetscape having regard to extant permissions on adjoining sites
- Concerns raised in the planning authority's opinion regarding elevational treatment along Ardee Street

### **Prospective Applicant's response:**

- Protected structure was to be refurbished and included in application, long term lease on building just signed so cannot be incorporated in proposed development
- Never intended that the protected structure would be used as student accommodation, intended to be used for ancillary purposes
- No environmental issues relating to proposed development
- 5-year plan can be included in application in relation to the external refurbishment of the protected structure
- Proposed development structurally independent, animated gable walls have been provided having regard to future development
- Discussions with PA in relation to purchase of site but not accepted by elected members, no intention to engage in any further discussions given protracted history
- Frontage onto streets created by turning corners on each of the streets
- Expected high usage of bicycle storage
- With regards the tower structure, it is not protected and there have been additions to tower, proposed to reinstate gable of tower so access to tower can be achieved
- Outbuildings of No. 10 are not protected structures

### **Planning Authority's comments:**

- Concern in relation to how site will be developed in future, assurances required in relation to how future development on corner site can be joined in to proposed development
- PA were to dispose of site, elected members did not accept proposals
- Previous application included lands, several options proposed to elected members but not acceptable
- Acknowledge security of bicycle parking, consider more glazing

### **Further ABP comments:**

- Needs to be strong rationale for not including protected structure within the application
- Suggest that consideration be given to improvement works on façade of protected structure as part of application

- Address comments raised in PA Opinion in relation to gable walls of adjoining development
- Address elevational treatment in relation to bin and bike storage, address issues raised in PA Opinion
- Clarify ownership of overall structures in application
- Sections and details of the interface of the brick vaults with the internal communal open spaces to be submitted

## **2. Residential Amenity to include residential standards and impact on surrounding residential amenity**

### **ABP sought further elaboration/discussion on:**

- Exceedance of maximum gross floor area of units
- Residential amenity having regard to impact of daylight and sunlight on adjoining apartments
- Long corridors proposed in cluster units, may wish to consider alternative arrangement of clusters

### **Prospective Applicant's response:**

- Most student accommodation would have this layout
- Longer corridors proposed to allow for sprinkler system
- Accommodation standards to be higher than PA requirement

### **Planning Authority's comments:**

- PA do not consider exceedance of maximum floor areas to constitute Material Contravention of development plan

## **3. Surface water management and flood risk having regard to comments from Drainage Division of Dublin City Council**

### **ABP sought further elaboration/discussion on:**

- Surface water management strategy for the site having regard to comments from the Drainage section of the Council
- Potential flood risk as a result of the site being located to the Poddle River

### **Prospective Applicant's response:**

- No issue in relation to flooding but will discuss further with PA and address in application
- Tributary of Poddle River runs at lower level along proposed site
- 1 in 1000 year storm event to be addressed in application

## **4. Any other matters**

### **ABP comments:**

- Acknowledge extant permission on site but should consider Variation 3 of Development Plan in application in relation to evidence of student accommodation in an area of 1km.

- Part 8 details to be indicated on site layout plan
- Suggest blocks are identified on plans for ease of identification
- Should consider changing context of streetscape and 3-D images/photomontages should include images of existing extant permissions adjacent the site to accurately reflect the context in which the proposal will be located
- Should consider whether site area in application form is correct – maybe a typo
- Clarity required Irish Water submission and proposals regarding the reconfiguration of the water network in the area

#### **Applicants Comments**

- Part 8 is detailed in Planning Report, PA indicated Part 8 may take up to 3 years to complete
- No allocated parking, public parking provided to front as part of Part 8 works
- Prospective applicant surprised with comments contained in Irish Water submission as works they propose are further away from proposed development site
- Irish Water did not raise any issue in meeting with prospective applicant, no details given in relation to proposed works

#### **Planning Authority's comments:**

- Shape and form of site will remain unchanged
- Layby along site boundary to Brabazon Row/Place will also have car parking spaces available

#### **Conclusions**

##### **The representatives of ABP emphasised the following:**

- There should be no delay in making the planning application once the public notice has been published
- 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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Tom Rabbette  
Assistant Director of Planning  
30 July, 2019

