



An
Bord
Pleanála

Record of Meeting ABP-305571-19

Case Reference / Description	105 no. apartments, aparthotel extension and associated site works. 36, 38,40 Herbert Park and 10 Pembroke Place, Ballsbridge, Dublin 4.		
Case Type	Section 5 Pre-Application Consultation Request		
Date:	21 st November, 2019	Start Time	10.00 am
Location	Offices of An Bord Pleanála	End Time	10.40 am
Chairperson	Tom Rabbette	Executive Officer	Mark Kielty

Representing An Bord Pleanála:

Tom Rabbette, Assistant Director of Planning
Stephen Rhys Thomas, Senior Planning Inspector
Mark Kielty, Executive Officer

Representing Prospective Applicant:

Geraldine Kennedy, Lordglen Limited
Liam McSharry, Lordglen Limited
Michael Hussey, OMP Architects
Siobhan Holohan, OMP Architects
Eoghan Deasy, EirEng
Seamus Nolan, NRB
Simon Canz, DFLA
Conor Auld, Stephen Little Associates
Eleanor MacPartlin, Stephen Little Associates

Representing Planning Authority

Elaine O'Sullivan, Executive Planner
Kieran O'Neil, Senior Executive Landscape Architect
Eileen Buck Hart, 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 4th November, 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 8th October, 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. Development strategy for the site to include elevational treatment, open space/public realm and connectivity**
- 2. Visual and residential amenity**
- 3. Surface Water Drainage**
- 4. Transport matters**
- 5. Any other matters**

- 1. Development strategy for the site to include elevational treatment, open space/public realm and connectivity**

ABP sought further elaboration/discussion on:

- Clarification as to whether this is a build-to-rent scheme or otherwise
- Address issues raised in PA opinion regarding the proposed elevational treatment, in particular when viewed from Herbert Park; materiality and finishes
- Requirement for a high quality architectural design and finish
- Have regard to interface with public realm
- Open space provision and desire that it is functional, usable and receives adequate daylight/sunlight
- Connectivity through the site

Prospective Applicant's response:

- Notes concerns in relation to elevational treatment and materials/finishes
- Commenced studies and created photomontages to tackle concerns raised,
- Agrees that the stepping and staggering of the elevations are a bit fussy,
- Plans to address issues in relation to materials used.
- Understands concerns raised by PA in relation to protection of trees within Herbert Park and their concerns regarding impacts of basement works on roots
- Feels that the information submitted is coherent,

Planning Authority's comments:

- Concerned with the proximity of the development to Herbert Park, in particular impacts of proposal on trees; impacts on canopy of the trees and impacts on roots due to construction of basement
- Considers that insufficient information was provided by the applicant in relation to this matter
- Public open space should create a buffer between proposed development and Park and the PA requests a setback to incorporate this,
- Drainage report should be submitted with application

Further ABP comments:

- Must address all issues raised when submitting application
- Should submit report addressing measures to protect trees during construction works
- Advises that the applicant to engage with PA, prior to lodging of application
- If no agreement can be made between the applicant and PA on certain aspects of the development, then a rational should be included in the application,

2. Visual and residential amenity

ABP sought further elaboration/discussion on:

- Submit the following at application stage:
 - Additional photomontage at application stage showing proposed development when trees not in foliage
 - Details of impacts on existing and future residential amenities
 - Microclimate report
 - Report showing compliance with Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2018) in relation to internal amenity standards;
 - Daylight/sunlight report

Prospective Applicant's response:

- No issue with implementing additional storage and taking on board above suggestions

Planning Authority's comments:

- Notes that the units are generous in size,
- Requests that the applicant implements more storage,
- Notes that while there are some limitations, notes that proposal meets standards in relation to daylight/sunlight

Further ABP comments:

- Suggests address the above points when submitting application.

3. Surface Water Drainage**ABP sought further elaboration/discussion on:**

- Notes that the PA has raised issues relating to SUDS (Sustainable Urban Drainage Systems)
- Issues raised in PA Opinion to be addressed

Prospective Applicant's response:

- Will address issues and liaise with PA

Planning Authority's comments:

- PA's report on the matter outlines what is required,
- Guidance relating to drainage assessment is available on the Dublin City Council's website

Further ABP comments:

- Address issues raised in PA's report,
- Flood Risk Assessment to be undertaken

4. Transport matters**ABP comments:**

- Queries extent of car parking provision, given location of the site
- Issues raised in PA Opinion to be addressed

Prospective Applicant's response:

- In terms of parking provision, have examined other similar developments, for example, in Ballsbridge
- Notes that while most people availing of these apartments would use public transport during the week, they tend to drive more during the weekend and therefore car parking provision is necessary.

Planning Authority's comments:

- Space freed up as a result in any reduction of parking, could be used as additional storage.

5. Any other matters

ABP comments:

- Height of the tower element of the development – submit justification with application,
- If tower element is considered to be a material contravention, then this needs to be included in the public notices.
- Submit the following at application stage:
 - justification for the non-provision of childcare facility
 - details relating to waste management
 - Building Lifecycle Report
 - Schedule of floor areas
 - Management details
- Issues raised need to be dealt with when submitting the application,
- The applicant and PA should liaise with regard to the aforementioned issues.

Applicants Comments:

- The applicant is unsure if there is material contravention involved with the proposed development.

Planning Authority's comments:

- The City Development Plan is under review. Notes that National Policy supersedes local policy,
- Suggests that the applicant examine the overlooking of adjacent cottages and also consider potential impact on access to daylight.

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 **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

Tom Rabbette
Assistant Director of Planning
December, 2019