



An
Bord
Pleanála

Record of Meeting ABP-305702-19

Case Reference / Description	The demolition of buildings, construction of 105 no. apartments and associated site works. Charleville, Harbour Road, Dalkey, Dublin 18.		
Case Type	Section 5 Pre-Application Consultation Request		
Date:	27 th November, 2019	Start Time	2.30 pm
Location	Offices of An Bord Pleanála	End Time	3.50 pm
Chairperson	Rachel Kenny	Executive Officer	Cora Cunningham

Representing An Bord Pleanála:

Rachel Kenny, Director of Planning
Ronan O'Connor, Planning Inspector
Cora Cunningham, Executive Officer

Representing Prospective Applicant:

Francis Rhatigan, Winterbrook (Dalkey) Limited
Conor Rhatigan, Winterbrook (Dalkey) Limited
Laura Brock, Brock McClure Planning Consultants
Caitlin O'Shea, Brock McClure Planning Consultants
Richard Doorley, Henry J Lyons
Eimear Arthur, Henry J Lyons
Sean Cassidy, Mitchell & Associates
Gorgon Finn, CS Consulting
Robert Fitzmaurice, CS Consulting
Colm Clarke, Scott Cawley

Representing Planning Authority

Cáit Ryan, Senior Executive Planner

Alex Fahey, Executive Planner
Tom Kilbride, Executive Engineer (Transportation Planning)
Marin Danciu, Executive Engineer (Drainage Planning)

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 12th 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 16th 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. **Design and Conservation/Layout/Residential Standards (including height/massing/impact on Protected Structures/open space/dual aspect provision)**
2. **Neighbouring Residential Amenity**
3. **Transport (including cycle and pedestrian links/permeability/car and cycle parking provision/proposed infrastructure upgrades)**
4. **Site Services (Water supply/Surface Water/Foul/Required upgrades)**
5. **Trees/Ecology/Appropriate Assessment**
6. **Childcare**
7. **Any other matters**

1. Design and Conservation/Layout/Residential Standards (including height/massing/impact on Protected Structures/open space/dual aspect provision)

ABP sought further elaboration/discussion on:

- The height, bulk and massing of the proposal, and the visual impact from Harbour Road/ABP sought additional CGIs from different viewpoints.
- The impact of the proposal on the setting of surrounding Protected Structures/ABP sought additional commentary on same within the application documents/Additional CGIs showing development in the context of the various Protected Structures would be useful in this regard.
- ABP sought further information on the open space strategy proposed, including how variety in child play spaces has been considered/ABP sought clarity in relation to the Planning Authority's comments on same.
- ABP sought clarification in relation to the number of dual aspect units provided and queried how the applicant has sought to maximise same/sought clarification in relation to the Planning Authority's comments on same.

Planning Authority's comments:

- Number of concerns as raised in PA Opinion including height in the context of the County Development Plan and the 2018 Building Height Guidelines.
- Proposal was considered to be over-scaled, having regard to the proximity to the road and the adjacent site/Height was considered excessive at this location.
- The report of the Conservation Officer deals with the issues in relation to the Protected Structures.
- PA considered that the proposal should provide 50% dual aspect/noted the difference of opinion between PA and prospective applicant in relation the required provision of dual aspect units.
- Note that the application has not provided a centrally located open space area that would be overlooked by majority of apartments.
- Landscaping on periphery rather than centrally located
- The main points in PA Opinion have been previously outlined Section 247 meetings.

Prospective Applicant's response:

- Proposal has had regard to National Policy, which encourages greater density and more efficient use of land, and has expanded on what has been previously permitted in light of same.
- Development has been radically re-designed from what was previously approved, the concept has changed and the density increased.
- The documents as submitted illustrate what the prospective applicant's intention is.
- Design is a modern interpretation of the Maritime Terrace schemes which are characteristic of this coastal area/ Design concept considered appropriate for area.
- Have had regard to concerns raised by PA in section 247 meetings including the concern in relation to height and impact on the streetscape of Harbour Road.

- Mitigated height with recessed 5th storey/Mitigated impacts on Harbour Road with landscaping.
- Additional drawings/CGIs/Photomontages will be submitted in line with ABP requests.
- Disappointed with PA Opinion regarding the scheme.
- In relation to dual aspect is noted that it is more difficult to provide dual aspect with higher density schemes/however the proposed provision of 44% dual aspect is above the 33% requirement.
- Orientation of the scheme allows for better daylight/sunlight/there are no north/north-east facing apartments.
- Standard of amenity high even in single aspect units.
- The open space strategy provides usable space around the perimeter of the site/Central amenity space could be used as sunroom and as an inside/outside space.
- When considering the provision of children's play space, regard was had to the potential age profile of the future occupants.
- Will indicate location of vents on the landscape drawings at application stage and will address issues raised in PA Opinion.

Further ABP comments:

- ABP noted that the trees have been removed as part of previously approved scheme.
- Applicant needs to address the any concerns the PA has in relation to height, scale and massing/Views from Harbour Road/Additional supporting documentation may be required.
- ABP noted that the PA Opinion raises concerns in relation to residential standards namely dual aspect and open space/Applicant should have regard to same.
- ABP considered the provision of more variety of spaces/ provision of more of a variety of child play spaces within the scheme may be warranted.

2. Neighbouring Residential Amenity

ABP comments:

- ABP sought clarification in relation to what trees are being retained on site/noted that the existing/remaining trees on site could provide a level of screening that could mitigate against potential overlooking of adjacent sites.
- ABP stated that applicants need to ensure no material overlooking/loss of daylight/sunlight/overshadowing would result from proposal, having regard to surrounding residential properties.
- ABP noted that impact on visual amenity would be an issue/Additional CGI's from Church Road would be required.
- Have regard to school building in relation overlooking/overshadowing/of building itself and any associated play areas.

Planning Authority's comments:

- Have regard to comments raised in PA Opinion in relation to impacts on residential amenity.

Prospective Applicant's response:

- Prospective Applicants stated existing trees will be retained on site.
- Relevant reports/drawings will be provided in relation to addressing impacts on amenity including impacts on adjoining residential properties and the school building and play areas.
- Noted that there was still sufficient setbacks from the surrounding sites, as per the previously approved scheme.
- Noted existing buildings on the site had impacts on the school.

3. Transport (including cycle and pedestrian links/permeability/car and cycle parking provision/proposed infrastructure upgrades)**ABP sought further elaboration/discussion on:**

- The level of car parking provision/noted the accessibility of the site/national policy sought a reduction in car parking provision on accessible sites.
- ABP stated that justification for the level of car parking will be required.
- Potential links through the site from Church Road.

Planning Authority's comments:

- Proximity to DART is recognised/Transport Department require 1:1 car parking provision.
- Consider number of surface cycle parking spaces should be increased.
- No EV charging points shown on drawings.
- PA considered a revised pedestrian entrance should be provided north of vehicular entrance to avoid conflict with vehicle movements/PA have no issue with provision of 2 pedestrian entrances.
- PA consider provision of pedestrian entrance on northern part of proposed site would be desirable.

Prospective Applicant's response:

- Given the site's proximity to the DART line, the future occupants of the units were likely to use public transport and the car parking spaces will be used mainly for car storage.
- Car ownership high in area and therefore car parking will be required.
- Will provide justification for level of car parking at application stage.
- Cycle parking will provided in additional locations/will have regard to PA Opinion in relation to usability and stacking.
- Links through the site from Church Road not possible due to lands in 3rd party ownership.
- There is an informal pathway in place from Church carpark from Church Road to Harbour Road.
- EV ducting to be provided, grants then available for individual buyers
- Would consider the provision of a pedestrian entrance at the north-eastern boundary/however noted the difference in levels on the northern part of site.

Further ABP comments:

- Previous ABP decisions have established a precedent with regards to car parking provision in accessible locations.

- Provide strategy for car parking proposed.
- PA Opinion raise concern with cycle parking provision\nnoted that previous ABP decisions have accepted a lower provision.
- Provide all documentation in relation to provision of EV charging.

4. Site Services (Water supply/Surface Water/Foul/Required upgrades)

ABP comments:

- Lack of detail included in documentation as relates to site services which is also noted in the PA Opinion.

Planning Authority's comments:

- Sought clarification in relation to foul water proposals.
- PA have concern in relation to the proposed site of the attenuation tank on the site/additional discussions with the prospective application are required in relation to same.

Prospective Applicant's response:

- The prospective applicant noted that attenuation is proposed at basement level/basement doesn't cover entire footprint of building/additional discussions will take place with the Planning Authority in relation to site services and the attenuation proposals/additional details will be provided at application stage.

5. Trees/Ecology/Appropriate Assessment

ABP comments:

- Application should be clear in relation to trees being retained/replaced/planting proposals.
- Ecology Report includes AA screening - this should be a separate document.
- Ensure consistency in all documentation submitted.
- Have regard to bats found on site and take necessary measures.

Planning Authority's comments:

- Have regard to comments in PA Opinion in relation to AA screening.
- Re-examine the proposed site having regard to invasive species

Prospective Applicant's response:

- Will review AA screening
- No Bat Survey included in documents of previous permission/was included as a condition of permission

6. Childcare

ABP comments:

- ABP noted that justification for lack of a childcare facility would need to be provided.

Planning Authority's comments:

- Availability of spaces in childcare facilities in area limited and currently no proposals for any further facilities in the future

Prospective Applicant's response:

- Only 4 units in the proposed development would generate demand for childcare.
- Would provide justification at application stage.

7. Any other matters

- **None of the parties had anything further to add**

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

Rachel Kenny
Director of Planning
December, 2019