



An  
Bord  
Pleanála

## Record of Meeting ABP-306203-20

<b>Case Reference / Description</b>	415 no. Build to Rent apartments with all associated site and development works. Site formerly known as the IDA Ireland Small Business Centre/Newmarket Industrial Estate bounded by Newmarket, Brabazon Place, St. Luke's Avenue and Newmarket Street, Newmarket, Dublin 8.		
<b>Case Type</b>	Section 5 Pre-Application Consultation Request		
<b>Date:</b>	3 <sup>rd</sup> February, 2020	<b>Start Time</b>	11.30 am
<b>Location</b>	Offices of An Bord Pleanála	<b>End Time</b>	12.50 pm
<b>Chairperson</b>	Tom Rabbette	<b>Executive Officer</b>	Cora Cunningham

### Representing An Bord Pleanála:

Tom Rabbette, Assistant Director of Planning
Karen Hamilton, Senior Planning Inspector
Cora Cunningham, Executive Officer

### Representing Prospective Applicant:

Simon Fox, Applicant
Andrew Bain, Applicant
Ray Ryan, BMA Planning
Vivienne Boylan, BMA Planning
David McDowell, Reddy Architecture + Urbanism
Tim Bergin, Reddy Architecture + Urbanism
Tony Reddy, Reddy Architecture + Urbanism
John Considine, Barret Mahoney Consulting Engineers
Gavin Foy, Ait Landscape Architecture
Brian McCaffrey, KSN Project Managers

## **Representing Planning Authority**

Rhona Naughton, Senior Planner
Liam Currie, Executive Planner
Heidi Thorsdalen, Senior Executive Planner – Transportation

### **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 23<sup>rd</sup> January, 2020 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 18<sup>th</sup> December, 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. **Existing proposal for a hotel development (Reg Ref 4743/19).**
2. **Development Strategy for the site to include inter alia:**
  - **Quality and design of public/ semi- public open space provision;**
  - **Public realm, connectivity and permeability through the sites.**
  - **External materials.**
3. **Residential Amenity.**
4. **Transport and Traffic.**
5. **Drainage Matters.**
6. **Any other matters**

## **1. Existing proposal for a hotel development (Reg Ref 4743/19)**

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

- Current application for hotel with PA, decision due 20/02/2020
- Justification for lodging 2 separate applications on the site
- Redline includes the walkway and hotel

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

- Propose to deliver entire scheme as soon as possible
- Hotel not included in SHD application due to its size, both applications conceived as 1 development
- Prospective applicant not involved in previous application on site
- Public realm from LAP to be delivered in both applications in case either site cannot be delivered, public realm proposals identical in both applications
- Prospective applicant intends to lodge SHD application as soon as possible
- Applicant name common in both applications, hotel application also includes operators name
- Design team have been involved in other developments where there has been overlaps
- Act of good faith in including walkway in both and allows for PA to enforce in both applications

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

- Walkway important part of Liberties LAP
- Concerns raised in relation to potential planning enforcement matters (should they arise in the future) given two separate applications but with overlap
- Require some comfort in relation to the applicants, as both names in the application with DCC and the pre-application differ
- Commencement notices for both developments will have to be lodged at the same time or clearly state which application that the walkway is included in

## **2. Development Strategy for the site to include inter alia:**

- **Quality and design of public/ semi- public open space provision;**
- **Public realm, connectivity and permeability through the sites.**
- **External materials.**

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

- Private/Public/Communal open space provision – clarity of documentation in relations to proposals, offset only relates to private open space and storage
- Treatment on Newmarket Street and taking Part 8 into consideration, Part 8 decision imminent
- Details in relation to external materials not clear

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

- Open space provision will be clearly defined in application
- Private balconies being provided
- Communal areas and roof gardens are referred to in planning report, these areas exceed guidelines
- Communal as per SPPR8 this is in addition to communal outdoor open space

- No public open space being provided, allowances available but not included
- Comments raised in PA Opinion taken into consideration and will address in application
- Access to communal areas off central core
- Prospective applicant has been in discussion with 3<sup>rd</sup> parties in relation to public realms
- Own door entrances into some lower ground apartments, retail at ground level with windows overlooking
- 3 ESB substations within buildings, access to be provided to same
- Prospective applicant has tried to improve and enhance surrounding streets and also protect street activities
- Through route needs to look nice and function, have to consider if a through route would be proposed if a masterplan was being prepared for the area now
- Walkway will be privately managed and include CCTV
- 2 loading bays had been proposed in previous application, this application proposes 1 long loading bay
- Service strategy document may be of benefit
- Parks Department satisfied with proposed treatment of St. Luke's
- Predominantly brick finishes in differing colours, more detail studies required, courtyard include brick finishes, other finishes can be considered
- 3-D modelling will be submitted with application

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

- Amenity space spans entire ground floor, no screening provided
- How is access provided from habitable areas?
- Consider reconfiguration of layout of hotel at street level
- Issue of through route raised in section 247 meetings and nothing has been resolved
- Issues relating to levels, these must feel safe, lift will not be used between levels as no one will know what they are coming out to on the other level
- Lots of services running off layby
- Fly through of the public realm was provided as part of section 247 meetings which shows the difference in levels

#### **Further ABP comments:**

- Allowances for private open space reduction is made up for in communal open space
- No public open space being provided, SHD application in Connolly an example of provision of layout of amenity provision for BTR
- Show compliance in relation to open space provision in application for both private and communal
- PA Opinion raises issue in relation to absence of private amenity space and the absence of separation screens for some balconies
- Have regard to access and design of communal areas
- Offset of treatments from Cork Street to Newmarket Street
- If no destinations are provided through walkway it may not be used as a through route
- Surveillance key to this proposal

- Further discussions required with PA in relation to treatment of St. Lukes
- Submit CGI's in relation to treatment of streets
- Provide cross sections on Cork Street
- Have regard to height, material contravention – justify in application with photomontages and CGI's

### **3. Residential Amenity**

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

- Residential support services – balconies not included in all units

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

- Intention that Café is for public use and includes the public square which can be accessed by the general public until the Café closes
- Propose to restrict the length of time refuse bins are left on street, will consider further
- Large north facing façade difficult to provide dual aspect on, implications with design, will consider further and address in application

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

- Have regard to daylight/sunlight analysis, VSR may have to be altered to take into account the permission on the adjoining site

#### **Further ABP comments:**

- No laundry provision
- Consider if seating areas/break out areas are functional
- Clarify if proposed Art Studio/Café for private or public use
- May have to provide justification/clarification if Café is part of residential support services
- Give clear definition in relation to refuse and waste on proposed site
- Dual aspect include protruding windows, ABP may not consider these as dual aspect

### **4. Transport and Traffic**

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

- Prospective applicant currently working through all items raised in PA Opinions and will address in application
- Refinement of proposed development ongoing since pre-app lodged
- Looking at delivering dual aspect with variations to the long street façade

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

- Services and deliveries proposed on all corners of proposed site, may require further consideration and discussion with prospective applicant
- No issue with proposed car parking, address car clubs and EV charging
- Have regard to proposed fire tender access

### **5. Drainage Matters**

**ABP comments:**

- Assess issues in relation to impact on basement

**Prospective Applicant's response:**

- Will address issues in application

**6. Any other matters****ABP comments:**

- Address issues relating to conservation
- Address issues relating to archaeology as proposed site is located in an area of high archaeological interest

**Applicants Comments**

- Details will be submitted in application, some of the information has already been prepared for previous application

**Planning Authority's comments:**

- Floor plans relating to hotel amenities to be included in application

**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  
February, 2020