



An
Bord
Pleanála

Record of Meeting ABP-307088-20

Case Reference / Description	Demolition of shed, construction of 140 no. apartments and associated site works. Lands at Cluain Mhuire, Newtownpark Avenue, Blackrock, Co. Dublin.		
Case Type	Section 5 Pre-Application Consultation Request		
Date:	1 st July, 2020	Start Time	9.30 am
Location	Via Microsoft Teams	End Time	11.00 am
Chairperson	Tom Rabbette	Senior Executive Officer	Cora Cunningham

Representing An Bord Pleanála:

Tom Rabbette, Assistant Director of Planning
Lorraine Dockery, Senior Planning Inspector
Conor McGrath, Senior Planning Inspector (observing)
Cora Cunningham, Senior Executive Officer

Representing Prospective Applicant:

David McCaffery, applicant
Rory Kunz, JSA
Meadhbh Nolan, JSA
Finighin Curraoin, Henry J. Lyons
Deirdre Walsh, DBFL
Aimee Dunne, DBFL
John Cronin, John Cronin Associates
Jim Dowdall, Enviroguide

Representing Planning Authority

Sarah Lowther, Assistant Planner
Michelle Breslin, Senior Executive Planner

Thiago Bodini, Transport Department
Mary Hegarty, Transport Department
Elaine Carroll, Drainage Planning and Water Services Department
Marc Campbell, Parks Section
Dermot O'Connor, Env – Waste Management Tech Section

Introduction

The representatives of An Bord Pleanála (ABP) welcomed the prospective applicant, Planning Authority (PA) via Microsoft Teams having regard to the Covid-19 virus.

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 25th May, 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 21st April, 2020 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 height, massing, form and density in context of PA concerns; permeability; childcare facility**
- 2. Architectural heritage**
- 3. Biodiversity**
- 4. Residential amenity**
- 5. Transportation matters**
- 6. Drainage matters**
- 7. Any other matters**

1. Development strategy for the site to include height, massing, form and density in context of PA concerns; permeability; childcare facility

ABP Comments:

- PA Opinion raises concerns regarding height, massing form
- Proposed site is height sensitive, have regard to PA comments and address in application
- ABP would not have same amount of concerns as PA regarding height having regard to approved SHD decisions in wider area
- Proposed site may take higher structure, justify height including in context of adjoining lands
- Have regard to BusConnects
- Similar approved SHD developments with similar characteristics and protected structures
- Justify what is proposed over and above Development Plan and LAP
- Have regard to Material Contravention
- Include cross sections, visualisations in application
- Address how proposed development sits relative to surrounding area
- Tree removal, prospective applicant should try to achieve balance with development site and retaining trees
- Address if more trees can be retained or consider additional tree planting
- Extant permission on proposed site, find balance regarding tree loss and compensatory measures
- PA concern with density, of not proposing higher density address how proposed development will fit in
- Proposed development would be successful if permeability proposed to adjoining site, show in application documentation
- Justify in application why creche not proposed, outline what facilities are in area including capacity, demand, etc.
- PA have issues regarding proposed development not meeting dual aspect requirement
- Difference in drawings in relation to window areas
- Submit documentation detailing single, dual, triple aspects etc.
- ABP will not accept window onto balcony as aspect
- Submit in application all details on materials and finishes
- Address ecology and biodiversity issues raised by Conservation Officer report
- Address loss of landscape having regard to architectural heritage
- Address disposal of Japanese Knotweed
- Have regard to High Court Judicial Review of Redmond v ABP in relation to institutional lands

Prospective Applicant's Comments:

- Proposed site can accept higher density over and above what is proposed
- Development Strategy meets 4 storey that's acceptable to PA, height across proposed site marginally higher having regard to and cognisant of protected structure
- Density appropriate due to proximity to Dart, centre of Blackrock and employment centres

- Basement layout impacted on trees, prospective applicant currently redesigning basement
- Some measures to remove Japanese Knotweed can take 2-3 years, propose to excavate site and ensure basement not impacted in future
- Looking at how to retain tree on eastern boundary but separating from Japanese Knotweed
- Detailed proposals on compensating tree loss, will liaise further with PA
- High quality landscaping proposed, open space is well located
- East-west connection and also on northern part of site, pedestrian connection proposed beside duplex unit on north of proposed site
- Creche not provided due to quantum of 1-bed units
- Details of creche numbers are not readily available
- Dual aspect is 72% across scheme, will submit details in application
- Prospective applicant will respond to conservation issues in applicant, no impact on protected structure
- Japanese Knotweed, vegetation and soil will all be removed to the point where there is no rhizomes are found, soil discarded by deep burial on landfill Knotweed incinerated, disposal can be carried out in Ireland
- Institutional lands relate to site to west, if considered to relation to proposed site will include in Material Contravention Statement
- Construction and Environmental Management Plan can include details of soil and rhizomes and relevant mitigation measures
- Clear demarcation regarding institutional lands, not considered attached to proposed site, Inspector in previous application did not determine lands to be institutional

Planning Authority's Comments:

- Proposed site zoned for residential development
- Accessible site which can take higher density
- PA have concerns regarding Block A having regard to its massing relative to the protected structure, all issues set out in PA Opinion
- PA concern over tree removal
- Have regard to interface with protected structure
- Minimise impacts of tree loss and impacts to area
- Presence of Japanese Knotweed on proposed site
- PA welcome new measures to retain trees and will review any additional submitted by prospective applicant
- Achieve more balance on proposed site, consider permeable links regarding parks, links will be an asset to proposed development, demonstrate in application
- PA acknowledge issues regarding creche provision including unit types but creche is a requirement for the proposed scheme, justify in application and ensure discussions with childcare committee is provided
- Have regard to concerns raised in PA Opinion, consider softening scale and massing of proposed development
- Details relating to disposal of Japanese Knotweed to be submitted
- Incinerators may not be able to accept Japanese Knotweed and ends up in landfill
- PA don't have agreed view on institutional lands, prospective applicant should liaise further with PA

2. Architectural heritage

ABP Comments:

- Address issues raised by Conservation Officer in PA Opinion
- Liaise with PA regarding protected structure
- Applicant to satisfy themselves if proposed lands are institutional lands or not

Prospective Applicant's Comments:

- Number of viewpoints chosen regarding setting of proposed development

Planning Authority's Comments:

- Submit visual impact assessment

3. Biodiversity

ABP Comments:

- Address landscape and ecology issues including those raised in PA Opinion
- Have regard to Heron in Dalguise site and address in application
- Have regard to bat protection and derogation measures

Prospective Applicant's Comments:

- ECIA submitted will be updated for application and mitigation measures included
- Bird surveys carried out on proposed site, no Heron's found, detailed bird survey included in ECIA
- Bats protected under Wildlife Act, tress will be assessed at time of removal and derogation licence obtained from NPWS if required
- Bats currently using proposed site for feeding and foraging, these tress are to be retained on site

Planning Authority's Comments:

- SHD not referred to PA Biodiversity Officer as ABP competent authority

4. Residential amenity

ABP Comments:

- Address how new residential scheme will impact on the existing residents in the area
- Address possible 3rd party concerns that may be submitted
- Ensure future residential amenities are consistent with apartment guidelines
- Address SPPR's and storage issues raised by PA

Prospective Applicant's Comments:

- Site strategy provides residential units to north which defer to residential units adjoining proposed site
- HQA incorrectly calculated in relation to storage, full update to be provided in application

Planning Authority's Comments:

- Ensure compliance with apartment guidelines

- Ensure no overlooking between Blocks B & C

5. Transportation matters

ABP Comments:

- 98 car parking spaces proposed, 1 space per unit required by PA, provide justification in application if providing lower number of spaces, have regard to section 28 guidelines, proximity to public transport, etc.
- Prospective applicant should liaise further with PA regarding technical matters

Prospective Applicant's Comments:

- Proposed development in suitable location for reduced car parking
- High level of accessibility of site
- Quality Audit being carried out and will address pinch points
- Pedestrian crossing not included in proposed development at this point but will take on board future opening up of lands and additional pedestrian crossing movements
- Will submit Sustainable Travel Plan and justification for car parking proposed

Planning Authority's Comments:

- Submit justification regarding car parking proposals
- High standard of cycle parking required if lower car parking being provided
- Pinch points on footpaths, more detail required in application in relation to this
- Previous approved application included pedestrian crossing on road, PA would require this again as part of this application, further discussions required between PA and prospective applicant in relation to this
- Submit Sustainable Travel Plan

6. Drainage matters

ABP Comments:

- Irish Water submissions states no upgrades required
- PA raise issue in relation to surface water

Prospective Applicant's Comments:

- Will engage in further discussions with PA and Irish Water

Planning Authority's Comments:

- PA issues relating to surface water can be addressed following further consultations with the prospective applicant
- Prospective applicant should discuss further with Irish Waters regarding their comments on connections

7. Any other matters

ABP Comments:

- Some bin stores are removed from apartment blocks
- Building Lifecycle Report to be submitted with application

Prospective Applicant's Comments:

- Will discuss waste management details with PA
- Landscaping design will include lighting and any mitigation measures required in relation to any bats on site
- Prospective applicant working through PA reports and amending proposals where necessary

Planning Authority's Comments:

- Have regard to PA guidance document in relation to waste management and ensure compliance in application
- Engage with PA on this issue prior to lodging application
- Bins should be loft out within complex for collection
- Guidance should be provided to occupants regarding bin usage
- No lighting proposed, have regard to PA standards, bollard or ground venting not acceptable to PA
- Submit visuals for access points

Conclusion

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
July, 2020