



An  
Bord  
Pleanála

## Record of Meeting ABP-311984-21

<b>Case Reference / Description</b>	Demolition of existing structures, construction of 132 no. apartments and associated site works. Site at the rear of 41-49 Terenure Road East, Rathgar, Co. Dublin.		
<b>Case Type</b>	Section 5 Pre-Application Consultation Request		
<b>Date:</b>	15 <sup>th</sup> March 2022	<b>Start Time</b>	2.00 pm
<b>Location</b>	Remotely via Microsoft Teams	<b>End Time</b>	3.00 pm
<b>Chairperson</b>	Stephen O'Sullivan	<b>Executive Officer</b>	David Behan

### Representing An Bord Pleanála:

Stephen O'Sullivan, Assistant Director of Planning
Conor Mc Grath, Senior Planning Inspector
David Behan, Executive Officer

### Representing Prospective Applicant:

David McDowell Reddy, A+U, Director
Simon Murray, Client Representative
Gordon Finn, Civil and Traffic Engineer
Niall Barrett, Director
John Montgomery, Partner
Barney Soanes-Cundle, Associate
Paula Galvin, Director
Simon Murray, Client representative
Rachel Condon, Senior Planner

### Representing Planning Authority

Marguerite Cahill, Executive Planner
Heidi Thorsdalen, Senior Executive Planner

Kieran Sweeny, Executive Planner
Kieran O'Neill, 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 once the Opinion has issued,
- ABP received a submission from the PA on, 15/12/2021, providing the records of consultations held pursuant to section 247 of the Planning and Development Act, 2000, as amended 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, 18/11/2021 formally requesting pre-application consultations with ABP. The prospective applicant advised of the need to comply with the definition of SHD as set out in the (Housing) and Residential Tenancies Act of 2016, as amended, in relation to thresholds of development. The representatives of ABP advised that the Inspector dealing with the pre-application consultation request would be different to the Inspector who would deal with the application when it was submitted. Recording of the meeting is prohibited.

## **Agenda**

1. **Access and Transportation**
2. **Residential amenity, including Daylight and Sunlight**
3. **Open space**
4. **Building Height and Potential Material Contravention**
5. **AOB**

## **1. Access and Transportation**

### **ABP Comments:**

- Clarification sought regarding the tenure of the proposed development, ie. Whether Build to Sell or Build to Rent.
- The prospective applicant was requested to describe the proposed access arrangements and how that solution was arrived at.
- Clarity on the ownership or right of access to Rathgar Park was sought.
- The capacity of Rathgar Park / Orwell Mews to accommodate the additional traffic should be considered.
- Clarification sought on the zoning of land and crossing of open space.
- The prospective applicant should ensure consistency between the letter of consent from Dublin City Council and the application site boundary.

#### **Prospective Applicant's Comments:**

- The proposed development is intended to be Build to Sell
- The existing use on the site accommodates c.220 no. cars, which will be significantly reduced in the proposed development. 88 no. car parking spaces are proposed.
- Several access options have been explored. The proposed solution provides for a 4.8m wide shared access road and 1.2m wide footpath.
- This is regarded as the most viable option for a development in the area.
- DCC concerns are noted and are under review currently.
- An access for use by cyclists and pedestrians will be provided along the existing lane from Rathgar Park.
- The width of the footpath in Rathgar Park will be increased.
- Half of Rathgar Park is private and half is in DCC ownership. The road has not yet been taken in charge by DCC, despite a previous option to do so.
- It was a planning condition for mews development in Rathgar Park that the road be constructed to DCC standards.
- The prospective applicant has letter of consent from DCC.
- An alternative option to route the footpath through DCC lands / along the tennis court to connect to the footpath in Herzog Park is under consideration.
- The development will not result in a significant number of trips on Orwell mews or Rathgar Park. A qualitative assessment of capacity will be undertaken.
- The implications of an access road traversing land zoned open space will be reviewed prior to any application.

#### **Planning Authority's Comments:**

- The planning authority refer to their written submission which identifies what is required in terms of any future application.
- DCC will not generally take a road in charge if it is not connected to other roads that are taken in charge.
- The assessment of road capacity must consider service vehicles and construction impacts across the overall network.
- Regard should be had to the width and availability of existing pedestrian facilities.

## **2. Residential amenity, including Daylight and Sunlight**

#### **ABP Comments:**

- The prospective applicant was requested to address PA concerns regarding impact of overlooking of adjoining houses.
- Additional section drawings and imagery should be provided demonstrating the relationship between the development and adjoining properties.
- Address inconsistencies in drawings regarding private amenity space for ground floor units.
- The prospective applicant should address compliance with Planning Guidelines in terms of Daylight and Sunlight.
- Greater clarity in the presentation of the results of the Daylight Sunlight assessment is required.

**Prospective Applicant's Comments:**

- The comments of DCC are being taken on board.
- Separation from adjoining properties to the north and south ranges from 40-60m approx.
- No openings are proposed on western side of the proposed development
- Will review the bulk and massing of development in light of the PA comments.
- The Daylight and Sunlight assessment has not been progressed in full. The results of the report to date are positive.
- Will mitigate non-compliance in Building No. 1 and 2 and may include further high-level windows.
- The east - west building line generally minimised potential overlooking

**Planning Authority's Comments:**

- Concern with overlooking but recognise that the prospective applicant has made significant effort with the setback of buildings.
- Additional visuals are required in this regard.
- Viewed from Terenure Road East, Building no. 1 may be dominant. Some step or reduction in building heights may be appropriate.

**3. Open space**

**ABP Comments:**

- The prospective applicant should address planning authority concerns regarding the design and layout of public open space.
- Final details regarding the treatment of the identified root protection zone should be clearly set out.

**Prospective Applicant's Comments:**

- Public open space provided between Building No.1 and 2
- The proposed development adjoins a public park.
- Prospective applicant will propose the payment of a contribution in lieu of open space.
- The possibility of a land swap in this regard could also be considered.
- Treatment of the boundary with the tennis courts has not yet been defined.

**Planning Authority's Comments:**

- Proposed open space between Building No.1 and 2, is not genuine public open space. The provision of such space immediately bounding the façade of a building is not appropriate.

- The application should clearly set out the treatment of the boundary with the tennis court along the proposed access road. Sections drawings should be provided.

#### **4. Building Height & Potential Material Contravention**

##### **ABP Comments:**

- The prospective applicant was advised to review previous judgments on SHD developments with regard to potential material contravention of building height, and the need to satisfy the criteria under section 3.2 of the Building Height Guidelines.

##### **Prospective Applicant's Comments:**

- Will further discuss with the planning authority.

##### **Planning Authority's Comments:**

- Have proposed that building heights might be reduced from 7 storeys to 5 storeys.

#### **5. AOB**

##### **ABP Comments:**

- Clarification sought on placement of attenuation tanks, which appear to be on the existing public laneway, and if consent had been given.

##### **Prospective Applicant's Comments:**

- Acknowledged that placement of attenuation tanks was in error on submitted drawings

##### **Planning Authority's Comments:**

- The existing use of these zoned lands is non-confirming. The development of these lands is generally welcome.

#### **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.
- A Schedule of Documents and Drawings should be submitted with the Application.

- 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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Stephen O'Sullivan  
Assistant Director of Planning  
, March 2022