



An  
Bord  
Pleanála

## Record of Meeting ABP-312108-21

<b>Case Reference / Description</b>	156 no. apartments. Site 10, Mayne River Avenue, Northern Cross, Malahide Road, Dublin 17		
<b>Case Type</b>	Section 5 Pre-Application Consultation Request		
<b>Date:</b>	21 <sup>st</sup> April 2022	<b>Start Time</b>	10.00am
<b>Location</b>	Remotely via Microsoft teams.	<b>End Time</b>	11.00am
<b>Chairperson</b>	Stephen O'Sullivan	<b>Executive Officer</b>	David Behan

### Representing An Bord Pleanála:

Stephen O'Sullivan, Assistant Director of Planning
Karen Hamilton, Senior Planning Inspector
David Behan, Executive Officer

### Representing Prospective Applicant:

Kevin Carron, Applicant
Martha O'Neill, Architect
Andrea Capurro, Architect
Michael Hughes, Engineer
John Ward, Landscape Architect and LVIA
Paul Turley, Planning Consultants
Yvonne McMahon, Planning Consultants
Paul Turley, Executive Director

### Representing Planning Authority

Shane Healy, Executive Planner
Nicola Condon, 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, January 13<sup>th</sup> 2022 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, 3<sup>rd</sup> December 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. Design and Layout, *inter alia*, impact on adjoining sites**
- 2. Impact on Residential Amenity, *inter alia*, separation distance between blocks, ground floor privacy, integration and phasing of public open space**
- 3. Drainage, *inter alia*, surface water treatment**
- 4. AOB**

## 1. Design and Layout, *inter alia*, impact on adjoining sites

### ABP Comments:

- Clarification sought as to how the site would knit together with adjoining site, as submitted documents are unclear
- Details such as boundary treatments, integration of open spaces etc between permitted and adjoining developments are not clear from the documentation
- Clarification sought as to how unit finishes fit into overall design
- Clarity is required around the overall height of the proposal and how it sits with the policies and objectives of the development plan.

### Prospective Applicant's Comments:

- Statement of material contravention in regard of height to be submitted with application
- LAP allows for buildings of 5 storeys plus
- 10 story building concurs with existing Walls site
- Proposed development will align with adjoining site
- Mindful of recent decisions and applications in the vicinity of the site
- Way Leave divides the 2 proposed blocks
- Proposed development is buffered by a green belt and a linear park along the Mayne River
- A LVIA statement to be submitted with application
- Finish of units is in keeping with adjoining developments

### Planning Authority's Comments:

- There is no objection to the height in principle a Material Contravention of the development plan and LAP may be required.
- Satisfied in general terms with the overall design
- Ground floor interaction with adjoining site requires further detail

## 2. Impact on Residential Amenity, *inter alia*, separation distance between blocks, ground floor privacy, integration and phasing of public open space

### ABP Comments:

- Clarification sought if balconies would overlook site 2
- Submitted documents do not adequately show treatment of open space, more clarity required
- Sunlight and daylight study needs more reference for 4<sup>th</sup> storey

### Prospective Applicant's Comments:

- Windows have been redesigned (louvered) and now face away from site 2
- Bedrooms are at gable ends with no overlooking of living rooms
- No KLD areas on gables of block A or B
- Separation between blocks will be increased

**Planning Authority's Comments:**

- Concern expressed at possible overlooking between Blocks 1 and 2

**3. Drainage, *inter alia*, surface water treatment****ABP Comments:**

- Prospective applicant was reminded of requirement to have 3<sup>rd</sup> party approval for water connectivity
- Clarification sought on surface water treatment in the basement area
- Clarification sought on pond retention area

**Prospective Applicant's Comments:**

- Prospective applicant is in possession of 3<sup>rd</sup> party letters of consent
- Prospective has confirmation of feasibility from Irish Water and talks are ongoing
- Prospective applicant will take foul water in charge
- Surface water survey is at an advanced stage
- Use of pond for surface water treatment
- Prospective applicant will address any outstanding issues at submission stage

**Planning Authority's Comments:**

- No items of concern were raised by PA

**4. AOB****ABP Comments:**

- Prospective applicant advised to be mindful of Ballyboden judgement and the requirement to ensure the transport capacity/frequency is fully addressed for any proposal with a material contravention.

**Prospective Applicant's Comments:**

- Basement parking and bicycle parking will be provided for
- Residential and rooftop amenity updated in response to PA opinion
- Rooftop garden now divided in 3 and is offset from balcony for privacy
- Strip for maintenance access
- Low hedge and railings at ground floor
- Public open space has 2 connections and 2 routes around proposed development
- A resident only route will be provided

**Planning Authority's Comments:**

- Prospective applicant advised to meet with transport section in relation to any queries they may have
- Prospective applicant to include unit mix in statement of material contravention and demonstrate consistency with NDP
- Prospective applicant to discuss unit mix with PA

## 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  
May 2022