



An
Bord
Pleanála

**Case Reference:
ABP-308866-20**

Planning and Development (Housing) and Residential Tenancies Act 2016

Notice of Pre-Application Consultation Opinion

Proposed Development: Demolition of structures on site, construction of 148 no. apartments and associated site works. Tolka Industrial Estate, Ballyboggan Road, Dublin 11.

An Bord Pleanála has considered the issues raised in the pre-application consultation process and, having regard to the consultation meeting and the submission of the planning authority, is of the opinion that the documents submitted with the request to enter into consultations require further consideration and amendment to constitute a reasonable basis for an application for strategic housing development.

An Bord Pleanála considers that the following issues need to be addressed in the documents submitted that could result in them constituting a reasonable basis for an application for strategic housing development:

1. A detailed statement of consistency and planning rationale, clearly outlining how in the prospective applicant's opinion, the proposal is not premature and is consistent with local planning policies having specific regard to the Z6 zoning objective of the site where the stated objective is 'to provide for the creation and protection of enterprise and facilitate opportunities for employment creation'. Justification of the principle of a principally residential application on lands zoned Z6 given the specific policy in the Development Plan in relation to employment

generation on lands zoned Z6. The Development Plan states: 'To create dynamic and sustainable employment areas. Any redevelopment proposals on Z6 lands should ensure that the employment element on site should be in excess of that on site prior to re-development in terms of the numbers employed and/or floor space'.

Furthermore, Pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that, in addition to the requirements as specified in articles 297 and 298 of the Planning and Development (Strategic Housing Development) Regulations 2017, the following specific information should be submitted with any application for permission:

1. A detailed statement of consistency and planning rationale, clearly outlining how in the prospective applicant's opinion, the proposal is consistent with local planning policies having specific regard to the zoning objective of the site, "Z6" – 'to provide for the creation and protection of enterprise and facilitate opportunities for employment creation' and its applicability to the development site in question having regard to the concerns raised in the Planning Authority's opinion.
2. A visual impact assessment of the proposed development that addresses, inter alia, the scale and massing of the proposal in the context of the modest scale and character of existing development and transitional nature of the receiving environment, which includes single storey and two storey commercial and industrial buildings. The VIA should also address long range views from south of the canal (Rathoath Estate) and north from the Ballyboggan Road and Tolka Valley Park.
3. A robust Ecological Impact Statement Report, AA screening report and NIS which support and have regard to one another, and which inter alia, consider potential impacts on all of the Qualifying interests (QI's) of any Natura sites within the zone of potential influence of the site.

4. Further clarification regarding site specific information in relation to biodiversity including a dedicated bat survey carried out within the optimal season for bats and a breeding birds survey carried out within the optimal season for breeding birds.

5. A Housing Quality Assessment that provides details in respect of the proposed apartments set out as a schedule of accommodation, with the calculations and tables required to demonstrate compliance with the various requirements of the 2020 Guidelines on Design Standards for New Apartments. It is important that the proposal meets and preferably exceeds the minimum standards in terms of dual aspect and proportion of apartment which exceed the floor area by 10%. In the interests of clarity clear delineation / colour coding of floor plans indicating which of the apartments are considered by the applicant as dual / single aspect.

6. An assessment on how the proposed scheme ties in with the expansion of the overall area. The subject site represents a central site within employment zoned lands surrounded by small business units / commercial and industrial in nature. It is important that the proposed scheme is the right development for this location, can contribute to the area and be functionally connected to and complementary to the adjoining land uses. There needs to be strong permeability within the scheme and into adjoining lands. A developer led Masterplan with mirror image scheme for adjoining lands in particular to the west towards Ormond Print Works site and Pelletstown that addresses issues of impact upon development potential of adjoining sites (having cognisance to future development on adjoining sites and future occupants of the proposed scheme), specifically with regards to potential daylight / sunlight analysis, overlooking, overshadowing and overbearing. The Masterplan / Mirror image Scheme shall include full and complete drawings including levels and cross-sections showing the relationship between the proposed development and adjacent lands.

7. A Daylight and Shadow Impact Assessment of the proposed development, specifically with regard to:

- (i) Impact upon adequate daylight and sunlight for individual units, public open space, courtyards, communal areas, private amenity spaces and balconies.
 - (ii) Impact to adjoining lands devoid of proposed and existing landscaping and trees.
8. Response to issues raised in transportation department report dated 15th January 2021, accompanying the PA Opinion dated 22nd January 2021.
 9. Detailed landscape drawings that illustrate hard and soft landscaping, useable communal open space, meaningful public open space, quality audit and way finding. The public open space shall be usable space, accessible and overlooked to provide a degree of natural supervision. Details of play equipment, street furniture including public lighting and boundary treatments should be submitted.
 10. Response to issues raised in the Parks, Biodiversity and Landscape Services department report submitted to the Board on the 22nd January 2021.
 11. A report that specifically addresses the proposed building materials and finishes and the requirement to provide high quality and sustainable finishes and details.
 12. A report that specifically addresses site context, the locational attributes of the area, boundary treatments, open / gated / controlled linkages through the site, pedestrian and cycle connections to the wider area, in particular, along the canal, cognisance being had to national and local planning policy.
 13. A detailed Construction and demolition waste management plan.
 14. A full response to matters raised within the PA Opinion and Appended City Council Department comments submitted to ABP on the 22nd January 2021.

Also, pursuant to article 285(5)(a) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is informed that the following authorities should be notified in the event of the making of an application arising from this notification in accordance with section 8(1)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016:

1. Irish Water
2. Waterways Ireland
3. An Taisce
4. Heritage Council
5. Fáilte Ireland
6. An Chomhairle Ealaíonn
7. Transport Infrastructure Ireland (TII)
8. National Transport Authority (NTA)
9. Dublin City Council Childcare Committee.

PLEASE NOTE:

Under section 6(9) of the Planning and Development (Housing) and Residential Tenancies Act 2016, neither the holding of a consultation under section 6, nor the forming of an opinion under that section, shall prejudice the performance by the Board, or the planning authority or authorities in whose area the proposed strategic housing development would be situated, of any other of their respective functions under the Planning and Development Acts 2000 to 2016 or any other enactment and cannot be relied upon in the formal planning process or in legal proceedings.

Rachel Kenny
Director of Planning
March, 2020