



An
Bord
Pleanála

Case Reference:
ABP-310738-21

Planning and Development (Housing) and Residential Tenancies Act 2016

Notice of Pre-Application Consultation Opinion

Proposed Development: 146 no. Build to Rent apartments and associated site works. Cody's Yard, Ossory Road, North Strand, Dublin 3.

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 proposed development is in compliance with local planning policies having specific regard to the zoning objective of the site as "Z6" – 'to provide for the creation and protection of enterprise and facilitate opportunities for employment creation'.

Justification for the principle of this primarily residential development on lands zoned Z6 should have regard to the specific policies of the Development Plan which state, inter alia, that

“A range of other uses including residential, local support businesses, are open for consideration on lands zoned Z6 but are seen as subsidiary to their primary use as employment zones. The incorporation of other uses, such as residential, recreation, and retail uses, will be at an appropriate ratio where they are subsidiary to the main employment generating uses and shall not conflict with the primary land-use zoning objective, ...”

Any consideration given to the wider Z6 lands in such statement, should acknowledge and have regard to the full range of existing uses thereon, including existing residential uses.

2. Further consideration of, and possible amendment to the drawings and design proposals to provide clarity and consistency with regard to the proposed accommodation and uses at ground floor level including the status of undercroft / “cut out” areas within the courtyard. The final design proposals in this regard should be reflected in all drawings and associated documentation accompanying the application, including inter alia, landscape design proposals, the Acoustic Design Statement, the Microclimatic Wind Analysis and the Sunlight, Daylight & Shadow Assessment.

This may require possible amendment to the documents and/or design proposals submitted.

3. Further consideration of, and possible amendment to the documents submitted, to provide full and detailed design proposals in respect of access arrangements from Ossory Road. Such proposals should provide for safe vehicular, pedestrian and cycle access to the site and demonstrate that conflicting movements do not arise at this junction.

This may require possible amendment to the documents and/or design proposals submitted.

4. Further consideration of, and possible amendment to the documents submitted in respect of the treatment and proposed diversion of the existing Irish Water foul sewer and Dublin City Council surface water sewer traversing the site. The application should demonstrate that any necessary way leave and associated maintenance requirements are provided for within the development, including any required building set-back or revised landscaping arrangements.

This may require possible amendment to the documents and/or design proposals submitted.

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. Response to the previous decision to refuse planning permission on this site under PA ref. 2219/09, ABP Ref. PL 29N.233488 and confirmation that there is no longer a requirement to secure / protect the site for the purposes of the proposed DART Underground scheme. The status of the Rail Order and any associated CPO relating to these lands should be clearly addressed.
2. Section drawings and associated imagery clearly illustrating the relationship between the proposed development and Ossory Road. The proposed boundary treatment to Ossory Road should provide for transparency and facilitate supervision of the public road and footpath from within the development.
3. The Microclimatic Wind Analysis and Pedestrian Comfort study accompanying the application should address the safety and comfort of residential amenity spaces, including communal roof terraces and private upper floor balconies, both within the site and on adjoining lands. Any required mitigation or other design measures arising from such assessment should be clearly detailed and assessed in the study.

4. A report that specifically addresses the proposed materials and finishes to the scheme including specific detailing of finishes, landscaping and paving, pathways, entrances and boundary treatments. Particular regard should be had to the requirement to provide high quality, durable and sustainable finishes which have regard to the context of the site.
5. Details of measures in respect of the public open space requirements of the Dublin City Development Plan 2016.
6. A report demonstrating how the development will deliver communal residential open spaces of high quality and usability, including the northerly open space at ground floor level, having regard to climatic factors, including the wind and noise environment and access to sunlight.
7. Landscaping proposals including an overall landscape masterplan for the development site including detail of tree planting, the quantity, type and location of all proposed hard and soft landscaping including details of public lighting, pedestrian entrances and boundary treatments. Detail shall include a rationale for the planting / vegetation selected having regard to the daylight and sunlight characteristics of differing areas of the site.
8. The Acoustic Design Statement should set out the recommended mitigation measures in order that they can be clearly related and assigned to each façade / individual dwelling unit within the development. The statement should also confirm that the application of the identified mitigation measures achieves compliance with identified reference values within dwelling units and private amenity spaces. The statement should also confirm that the materials and form of construction proposed as part of the application have been considered.
9. A Building Lifecycle Report in accordance with section 6.13 of the guidelines should also be submitted and shall detail the appropriate use of external materials on all elevations. This shall take account of any requirements arising from the mitigation measures identified in the Acoustic Design Statement, including proposed ventilation systems. The plan shall also address the management and maintenance of public spaces and access to the development.

- 10.** The application should be accompanied by the following:
- i. A Traffic Impact Assessment, a preliminary Construction Traffic Management Plan and a Mobility Management Plan.
 - ii. A quality audit in accordance with Annex 4 of DMURS, including a road Safety Audit.
 - iii. A rationale for the quantum of car parking proposed on the site having regard to the provisions of the SPPR8 of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, in respect of Build-to-Rent developments. A Car Park Management Strategy Plan should be provided in in this regard.
 - iv. An operational service management plan for the development, having specific regard to the uses proposed therein.
- 11.** Proposals for the management and operation of the development as a 'Build-to-Rent' scheme in accordance with Specific Planning Policy Requirement (SPPR) 7 of the Guidelines on Design Standards for New Apartments, including detailed proposals for the provision and management of support facilities, services and amenities for residents. Proposals should clearly identify those communal facilities, services and amenities whose use is intended for residents only, and differentiate from other public / employment areas.
- Management proposals should include the proposed live-work units and ensure that their design and operation will not impact on the wider residential amenities of the development. Such management proposals should also ensure that each live-work unit will be retained in single tenancy / occupancy and not sub-divided.
- 12.** A comprehensive daylight and sunlight assessment examining the proposed dwelling units and amenity / open spaces, as well as potential impacts on daylight and sunlight to adjoining properties. In preparing such assessment regard should be had to the provisions of section 3.2 of the Urban Development and Building Heights Guidelines for Planning Authorities (2018) and to the approach outlined in guides like the BRE 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'.

The assessment should provide a comprehensive view of the performance of the entire development in respect of daylight provision, including accommodation at ground and first floor levels. Where any alternative, compensatory design solutions in respect of daylight are proposed, these should be clearly identified and their effect appropriately described and / or quantified.

The assessment should also have regard to any potential impacts on daylight and sunlight arising from the noise mitigation measures proposed elsewhere in the application.

13. Have regard to the issues raised in the report of the planning authority (Dublin City Council) in relation to residential amenity and the design of private open space.
14. Measures for the control of invasive species and remediation of the site, as identified in the Ecological Impact Assessment Report, should be described, having regard to legislative requirements, including inter alia the 2011 European Communities (Birds and Natural Habitats) Regulations.
15. Address the issues and recommendations set out in the internal departmental reports of Dublin City Council, including, inter alia,
 - Engineering Dept – Drainage report dated 27/07/2021
 - Transportation Planning Division report dated 22/07/2021 and the
 - Archaeology Section report, dated 22/07/2021
16. The information referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018 unless it is proposed to submit an EIAR at application stage.

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, as amended:

1. **Córas Iompair Éireann**
2. **Commission for Railway Regulation**
3. **NTA**
4. **TII**
5. **Irish Rail**
6. **Dublin City Council Childcare Committee**
7. **Irish Water**

PLEASE NOTE:

Under section 6(9) of the Planning and Development (Housing) and Residential Tenancies Act 2016, as amended, 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 2020 or any other enactment and cannot be relied upon in the formal planning process or in legal proceedings.

Tom Rabbette
Assistant Director of Planning
September, 2021