



An  
Bord  
Pleanála

**Case Reference:  
ABP-311984-21**

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**Planning and Development (Housing) and Residential Tenancies Act 2016**

**Notice of Pre-Application Consultation Opinion**

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**Proposed Development: 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**

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. Further consideration of, and possible amendment to the documents with regard to the design and layout of the proposed access to the development from Rathgar Park and Orwell Mews. The documents should provide detailed design proposals which demonstrate that an appropriate standard of pedestrian, cycle and vehicular access to the site can be provided, including service vehicle access.

The extent of works proposed on lands outside the prospective applicant's control or ownership should be clearly identified and, where required, evidence of any necessary consent to implement the proposed access arrangements should be provided.

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

2. Further consideration of, and possible amendment to the documents, including 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 land use zoning objectives having specific regard to route of the proposed access road which appears to traverse lands zoned Z9 (open space) within the Dublin City Development Plan 2016.

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 report addressing the matters raised in the report of the Dublin City Council Transportation Planning Division, dated 10/12/2021. This report should include, inter alia, the following:
  - a) A detailed Traffic and Transport assessment in respect of the proposed development.
  - b) A Quality Audit in accordance with Annex 4 of the Design Manual for Urban Roads and Streets (DMURS). This assessment should include a qualitative assessment of the capacity of the road and street network providing access to the site, including Orwell Mews and Rathgar Park.
2. Further clarity with regard to the provision of private amenity space for each proposed dwelling unit, particularly at ground floor level, ensuring consistency between the submitted drawings and plans and compliance with relevant guidelines and standards.

3. The application should include 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. Where any alternative, compensatory design solutions in respect of daylight are proposed, these should be clearly identified and justified, and their effect appropriately described and / or quantified.

4. Further detail and clarity with regard to measures proposed for the protection of existing trees along the eastern site boundary.
5. Further detail describing the relationship between the proposed development and adjoining residential properties, to include detailed section drawings and additional visualisations / CGI's.
6. A revised visual impact assessment which should take account of the reduced screening effect of foliage during winter months and the potential loss of trees and vegetation due to the proposed access arrangements.
7. Details of areas intended to be taken in charge by the Local Authority.
8. A report that specifically addresses the proposed materials and finishes to the scheme, including specific detail of external 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.
9. 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. Irish Water**
- 2. Minister of Housing, Local Government and Heritage**
- 3. Heritage Council**
- 4. An Taisce**
- 5. Dublin City Childcare Committee**

**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.

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Stephen O'Sullivan  
Assistant Director of Planning  
March, 2022