



An
Bord
Pleanála

Record of Meeting ABP-310738-21

Case Reference / Description	146 no. Build to Rent apartments and associated site works. Cody's Yard, Ossory Road, North Strand, Dublin 3.		
Case Type	Section 5 Pre-Application Consultation Request		
Date:	22 nd September 2021	Start Time	2:30 pm
Location	via Microsoft Teams	End Time	4:30 pm
Chairperson	Tom Rabbette	Executive Officer	Helen Keane

Representing An Bord Pleanála:

Tom Rabbette, Director of Planning
Conor McGrath, Senior Planning Inspector
Helen Keane, Executive Officer

Representing Prospective Applicant:

Cian McMorow, Applicant
Evin Power, HJL Architects
Ian McDonald, HJL Architects
Niall Barrett, CS Engineers
Chris Shackleton, Daylight Consultant
Linda Maher, TBS Landscape and Visual
Paul Turley, JSA Planning
Tiarna Devlin, JSA Planning

Representing Planning Authority

Neasa Moylan, Executive Planner
Gareth Hyland, Executive Planner, Roads Planning Department

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 30th July 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 2nd July 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. Compliance with Development Plan zoning objective, Z6
2. Design Strategy
3. Residential amenity; Amenity Space, Noise, Daylight and sunlight
4. Access and transport
5. Water, drainage infrastructure and flooding
6. Any Other Matters

1. Compliance with Development Plan zoning objective, Z6

ABP Comments:

- ABP notes that the site is zoned Z6, for primarily employment purposes.
- The proposed development is predominantly residential.
- Land use zoning objectives have a special status in terms of material contravention procedures and a key question for any SHD application is the principle of compliance with the zoning objective.
- Note current SHD application 310609 which is also on Z6 zoned lands. A decision on this application is due on the 12th October 2021.
- Refer also to ABP ref. 302155 (Crown Paints, Coolock) for previous determination on Z6 lands.
- It is noted that there is already a substantial amount of residential development within this Z6 block in Crosbies Yard.

Prospective Applicant's Comments:

- Have looked at Crosbies Yard, similar Z6 zoning requirements did not apply when it was originally granted in 2002.
- There were some earlier discussions with Irish Rail with regard to adjoining Z6 lands however, Irish Rail retain a requirement for the use of these lands.
- The development can deliver on the regeneration objectives of the SDRA for this area.

Planning Authority's Comments:

- The issue of zoning was raised at the s.247 meeting.
- The PA is not opposed to residential development on the proposed development site, but the zoning is for employment.
- Do not want to set a precedent for other Z6 lands.
- The interpretation of Z6 zoning has changed over the years.
- The current development plan is being reviewed but the site is still seen as important for employment generation.
- Previous residential developments on Z6 zoned lands elsewhere referred to a lower number of units.

2. Design Strategy

ABP Comments:

- The prospective applicant is to outline the height strategy and respond to the PA's comments regarding the visual impacts of the proposed development.
- Clarify residential access and circulation via the most northerly stair core, through the basement carpark, in terms of convenience and accessibility.

- Address inconsistencies in the ground floor plans and provision of cut out / undercroft spaces.
- Describe the design approach to the Live-Work units and consider the amenity impact of mixing of private residential spaces with employment spaces (the live/work units).
- Ensure that any potential Material Contravention issues are fully addressed in the application.

Prospective Applicant's Comments:

- The proposed development presents a design challenge.
- The prospective applicant has taken into consideration the noise, sunlight and offsetting from the boundaries.
- There is a significant setback from the north of the proposed development site.
- The railway forms the foreground to the views to the area and is an important mitigator.
- The prospective applicant has taken the PA's comments on board in relation to the height and is preparing further photomontages.
- The view along West Road toward the proposed development is mitigated by the railway and the buildings are stepped down to the north.
- There is a main reception area at lower ground level which will serve all residential units and there is also a lift available at basement level.
- The northern lift core is seen more as a service / secondary access.
- The design seeks to keep the live/work units side by side. All of the live/work units are 2nd floor units.
- Will review the location of live/work units with regard to protecting residential amenity.

Planning Authority's Comments:

- The PA still has concerns regarding impacts on dwellings facing the proposed development from West Road.
- The prospective applicant is to have consideration for comments within the submitted PA report.
- The PA welcomes the introduction of live/work units and the variation in their size.

3. Residential Amenity; Amenity Space, Noise, Daylight and sunlight

ABP Comments:

- Review the quality of proposed communal open spaces having regard to environmental conditions.
- The prospective applicant is to respond to the PA's comments regarding private amenity spaces and residential amenity.

- Address the development plan requirement to provide public open space at application stage and liaise with the planning authority regarding any financial contribution.
- There are three train lines bounding the site, provide further detail at application stage on their function and frequency in relation to noise.
- Describe the influence of the noise environment on the design process and the layout and orientation of residential development on the site.
- Confirm that acoustic design report had regard to proposed materials in the scheme.
- Confirm whether the noise environment for external communal open space was assessed, including the northern communal open space.
- Assess if the provision of winter gardens was taken into consideration for the daylight / sunlight assessment.
- Have regard to the timing / hours of activity on the adjacent train line, including maintenance works, not just the frequency of the activity.
- Identify any acoustic barriers along the railway.
- Provide consistency in the floor plans being assessed for daylight.
- If a Winter Garden is to be included for the purposes of calculating internal daylight, a strong rationale and justification is required.
- The nature and effect of any compensatory measures should be clearly identified.

Prospective Applicant's Comments:

- The layout of development and the adjoining elevated train line mitigate the impacts of wind.
- The prospective applicant has taken the PA's comments into consideration in relation the play areas.
- The prospective applicant is looking at the feasibility of additional roof terrace / open space areas, including at 7th and 8th floor levels. This may impact on SUDS measures, however, and is under review.
- The communal open space is accessible only to the future residents.
- It is proposed to pay a contribution in lieu if it cannot provide public open space.
- The adjacent site is not under the control of the prospective applicant for the purposes of providing open space.
- Can elaborate further in the transport report in relating to train frequency.
- Daylight and sunlight was the driving force in consideration of layout and the use of the western elevation.
- Winter gardens and a high quality of glazing are included for noise mitigation.
- Notwithstanding its central location and scale, the development will not have significant daylight or sunlight impacts on its surroundings.
- The impact on neighbours is fully in compliance with BRE guidelines.

- The proposed open space achieve approx. three times the minimal requirement in terms of sunlighting.
- High levels of compliance with BRE standards for internal daylighting are achieved and can be further improved. This will be further increased where Winter Gardens are included for the purpose of calculating daylight levels.
- Winter Gardens will function as part of the living space of the apartments
- The primary noise mitigation occurs at the Winter Garden window, rather than the internal apartment window.
- The proposed development site is unique, and facilitates the height proposed.

Planning Authority's Comments:

- Lighting to the courtyard is an issue and the prospective applicant is to consider this in the design and specification of this area.
- Root terraces can provide alternative amenity space for residents with good lighting and views of the area.
- The PA looks forward to seeing the proposed revisions to the layout of apartments to improve residential amenity.
- The development plan requirement is for 10% open space and the PA has concerns in relation to the deficit of public open space in the north inner city.
- Will liaise with the prospective applicant regarding a possible financial contribution.
- A compliance rate of 100% for daylighting in new build development is crucial. Give consideration to compensatory factors if it cannot be met.

4. Access and transport

ABP Comments:

- ABP notes that the prospective applicant has been in discussions with Irish Rail with regard to the requirements / implications of the Dart Underground project.
- The prospective applicant is to seek formal confirmation from the National Transport Authority that they do not have any objections to the proposed development. Liaison with DCC may be required in this regard.
- Give consideration to the development plan objectives to protect the Dart Underground route.
- The access design is deficient.
- Have regard also to the current quality of pedestrian facilities at this location and interaction with the proposed entrance.
- A DMURS (Design Manual for Roads and Streets (DMRS)) statement was submitted but the design is not finalised yet.

Prospective Applicant's Comments:

- Have not yet had discussions with the National Transport Authority but can seek to engage with them before application stage.
- A DMURS (Design Manual for Roads and Streets) statement will be submitted at application stage when the design is complete.
- The PA's consent is required for works outside the boundary.
- There will be an independent safety audit of the entrance arrangements.

Planning Authority's Comments:

- The PA can engage with the National Transport Authority regarding the proposed development.
- The prospective applicants have engaged with the PA in relation to the entrance design.
- The PA is satisfied in principle in this regard and will engage further with the prospective applicant in relation to any issues.
- The red line boundary can be extended with the consent of DCC.

5. Water, drainage infrastructure and flooding**ABP Comments:**

- There are two wayleaves crossing the proposed development site, there are no agreements on these diversions.
- The prospective applicant is to ensure that the site location maps clearly identify any wayleaves crossing the site as required in the regulations.
- Address DCC comments on the flood risk assessment.

Prospective Applicant's Comments:

- There have been discussions regarding the diversion of these sewers. These works will require some revision to the footprint of development on the site.
- The prospective applicant will be further liaising with the PA and Irish Water in order to reach an agreement prior to lodging an application.
- Further elaboration will be provided in the SSFRA as required by DCC.

Planning Authority's Comments:

- The landscaping and planting of areas within and adjoining the new wayleave should be considered and co-ordinated with the drainage layout.

6. Any other matters

ABP Comments:

- Ensure that there is coordination of documents at application stage.

Prospective Applicant's Comments:

- There are no Appropriate Assessment (AA) screening issues.

Planning Authority's Comments:

- No further comments.

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 [≡](#) **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.

Tom Rabbette
Assistant Director of Planning
September, 2021