

Planning and Development Acts 2000 to 2020

Planning Authority: Dublin City Council

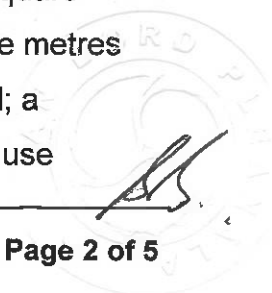
Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 29th day of January 2021 by Waterside Block 9 Developments Limited care of Tm Phillips and Associates of 80 Harcourt Street, Dublin.

Proposed Development comprises of the following:

1. Construction of 1,005 number residential units with balconies and winter gardens on all elevations arranged in three number blocks ranging in height from eight number storeys to 45 number storeys over a triple-level basement including mezzanine plant level, the former comprising: Block A (eight to fourteen number storeys including roof level terrace and extended access core; with an apartment mix of: 116 number one-bed; and 92 number two-bed; with landscaped terraces at Level 1 south east elevation, Level 8 south west elevation, Level 11 south west elevation and Level 14 roof level; Block B eight to forty one number storeys including roof level terrace and extended access core; with an apartment mix of: 172 number one-bed; and 247 number two-bed; with landscaped terraces at Level 5 south west elevation, Level 8 north west elevation and south west elevation, Level 11 north elevation, Level 12 west elevation, Level 13 east elevation, Level 14 east elevation, and at Level 41 roof level; and Block C 11 to 45 number storeys including roof level terrace and extended access core; with an apartment mix of: 207 number one-bed; 168 number two-bed; and three number three-bed units; with landscaped

terraces at Level 11 north elevation, Level 24 south, west and east elevation, Level 32 south, west and east elevation, and Level 45 roof level, incorporating a public viewing deck at Levels 44 and 45.

2. Provision of ancillary residential amenities and support facilities including: a residential study area (321 square metre), a gym and spa reception (52 square metres), a residents' games room (91 square metres), a residents' common room (110 square metres), a residents only social space (193 square metres), a management office (96 square metres), a security office (50 square metres), concierge spaces (Gross Floor Area of 369 square metres) all located at ground floor level; a residents' games room (122 square metres) located at Level 1 of Block B; a residents' common room (86 square metres) located at Level 14 of Block B; a residents' wellness club and common room (408 square metres) located at Level 24 of Block C;
3. Construction of a triple level basement, comprising two levels of basement and a mezzanine plant level (total basement area 22,499 square metres), accommodating: waste storage areas (659 square metres), plant rooms (4,228 square metres), maintenance and management offices (gross floor area of 92 square metres), residents' courier and parcel rooms (gross floor area of 210 square metres), residents' laundry rooms (gross floor area of 138 square metres), ancillary residential storage (gross floor area of 291 square metres), residents' WCs (65 square metres), a residents' gym and spa (1,529 square metres) and ancillary gym storage room (100 square metres), residents' screening rooms (240 square metres), a residents' indoor plant cultivation room (356 square metres), 176 number car parking spaces, 10 number motorcycle parking spaces and 1,693 number bicycle parking spaces, with vehicular access provided by ramp from North Wall Avenue.
4. Provision of 4,307 square metres of "other uses" as defined by the Planning and Development (Housing) and Residential Tenancies Act 2016, as amended, comprising: a childcare facility (450 square metres), a restaurant (110 square metres), an indoor Farmers' Market and food hall (299 square metres), and three number café units (110 square metres, 167 square metres and 261 square metres, respectively), all located at ground floor level; a restaurant (609 square metres) located at Level 32 of Block C; office use



(1,894 square metres) from Levels 41 to 43 inclusive at Block C; and a public bar and function room (407 square metres) located at Level 44 of Block C.

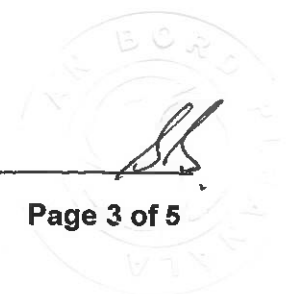
5. Provision of 84 number surface level bicycle parking spaces, a pocket park, an external market area, a winter garden and seating area, and new pedestrian lanes from North Wall Quay, North Wall Avenue and Mayor Street Upper to the centre of the site number 6. All enabling and site development works, landscaping including living walls, lighting, services and connections, waste management, interim site hoarding, and all other ancillary works above and below ground including the use of existing secant piling permitted under Dublin City Council Register Reference Number DSDZ3779/17 and DSDZ3780/17 as amended by DSDZ3042/19. Public realm works inclusive of parking and loading bays external to the planning application site boundary will be subject to agreement with Dublin City Council all located at City Block 9, North Wall Quay and Mayor Street Upper, Dublin 1.

Decision

Refuse permission for the above proposed development based on the reasons and considerations set out below.

Matters Considered

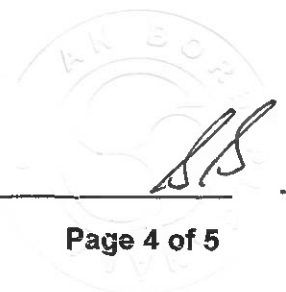
In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.




Reasons and Considerations

The proposed development materially contravenes the North Lotts and Grand Canal Dock Strategic Development Zone Planning Scheme - 2014 in respect of height and density. However, having regard to the strategic and national importance of the development of this site for housing within an area earmarked for urban regeneration, as well as national policy contained in the Project Ireland 2040 National Planning Framework and Rebuild Ireland Action plan for Housing and Homelessness 2016, and section 28 Ministerial Guidelines, the Board is satisfied that in principle the proposed development would satisfy the requirements and criteria outlined in section 37(2)(b) of the Planning and Development Act 2000, as amended as outlined in detail in the Inspector's assessment.

The Board accepted the Inspector's assessment and recommendation in respect of the potential impacts of the proposed development and agreed in full with his assessment and recommendation in this regard including that outstanding issues could be addressed by way of clarification and elaboration of the issues through the oral hearing process, in order to ensure adequate information is available to meet the Board's obligations in respect of the Specific Planning Policy Requirement 3 of the Urban Development and Building Heights Guidelines for Planning Authorities, issued by the Department of Housing, Planning and Local Government in December 2018.



However, the Board, taking into account the findings in the judgement of Justice Richard Humphreys delivered on 12th November 2020, between Dublin City Council and An Bord Pleanála and Spencer Place Development Company Limited (Notice Party) [2020 No:557 J.R.], considered that under the relevant provisions of the Planning and Development (Housing) and Residential Tenancies Act, 2016, as amended, the Board considered that it was precluded from granting permission for development, as under the Strategic Housing Development legislative provisions the Board does not have jurisdiction to materially contravene the North Lotts and Grand Canal Dock Planning Scheme.



Stephen Bohan
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.



Dated this *20th* day of *May* 2021