



An
Bord
Pleanála

Record of Meeting

ABP-304210-19

Description	Amendment to a permitted development Ref. No. DSDZ2896/18 and as amended by reg. ref. no. DSDZ4279/18. Permission sought for increase in units from 349 to 471 no. apartment units and the change of use of the permitted aparthotel development to co-living to provide for 105 no. shared accommodation units. City Block 2, Spencer Dock, Site bounded by Sheriff Street Upper to Wapping Street to the east and a development site to the west (also part of Block 2), Dublin 1.		
Case Type	Section 5 Pre-Application Consultation Request		
Date:	27 th May 2019	Start Time	12:00 p.m.
Location	Offices of An Bord Pleanála	End Time	13:30 p.m.
Chairperson	Tom Rabbette	E.O.	Ciaran Hand

Representing An Bord Pleanála:

Tom Rabbette, Assistant Director of Planning
Joanna Kelly, Senior Planning Inspector
Ciaran Hand, Executive Officer

Representing Prospective Applicant:

John Spain- Planning Consultant John Spain Associates
Stephanie Byrne – Planning Consultant John Spain Associates
Paul O'Brien – Architect HJL
Neal Patterson- Architect HJL
Robert Fitzmaurice – Engineer CS Consulting
Niall Barrett – Engineer CS Consulting
Ray Price – Client RGRE
Gary Cooper – Client RGRE

Cian Twomey- CS Consulting Engineer
James Ronan- RGRE Client

Representing Planning Authority

Mary Conway – Deputy Dublin Planning Officer
Colm Harte – Executive Planner
Edel Kelly – Senior Transportation Officer
Nicola Conlon – Senior Executive Planner
Gareth Hyland (Assistant Planner – Environment and Transportation)

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, along with that file, should an application arise following the conclusion of this consultation process,
- ABP received a submission from the PA on 10th May 2019 providing the records of consultations held pursuant to section 247 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 15th April 2019 formally requesting pre-application consultations with ABP. Prospective applicant advised of the need to comply with definition of SHD as set out in the Act of 2016, in relation to thresholds of development. It was also noted that the Inspector dealing with the pre-application consultation request would be different to who would deal with the application when it was submitted. Recording of the meeting is prohibited.

Agenda

- 1. Building Height and Urban Design response having regard to comments set out in the planning authority's opinion**
- 2. Rationale for the proposed shared accommodation format including provision of residential support services and amenities**
- 3. Surface water management and Flood Risk to include comments set out in the planning authority's opinion from the Water Services Department.**
- 4. Any other Matters**

- 1. Building Height and Urban Design response having regard to comments set out in the planning authority's opinion**

ABP sought further elaboration/discussion on:

- Principle of increasing of height within the planning scheme area
- Status of the review in respect of the planning scheme
- Justification for the proposed heights
- Qualitative nature of the Urban Design response and how it integrates/enhances character of the area

Planning Authority's comments:

- Planning Scheme currently under review with regards the height strategy (having regard to the publication of the Urban Development & Building Height Guidelines 2018) and due to be lodged in coming week with ABP
- Consider that there must be clarity regarding heights within the scheme and has concerns regarding 'ad-hoc' proposals which may undermine the scheme.
- The Minister for Housing gave a response to a parliamentary question posed in the Dáil on 20th February 2019 in respect of SPPR 3 in the guidelines (a copy of which was given to the applicant and the inspector in this meeting).
- PA consider that the Urban Height Guidelines do not apply to individual applications within the scheme's area but rather a review of the entire scheme is required under SPPR 3.
- There is a concern that a precedent can be set and the urban structure in the North Lotts area undermined
- There needs to be placemaking and height in the right places
- This can only be achieved if the SDZ is reviewed as a whole
- The bulk, scale and massing are a concern with the blocks appearing monolithic
- Need to further consider the urban design response

Prospective Applicant's response:

- The extant permission did not include co-living
- Considers that a precedent has been set in the Cherrywood SHD application within the SDZ which has been granted permitting heights in excess of those provided for in the scheme
- This is not a section 34 application
- The board is not bound by section 170 of the Act
- The location contains buildings of a similar scale

- This proposed development is not a radical departure from permitted schemes.
- Considers that Paragraph A of the SPPR 3 allows consideration on an application by application basis and paragraph B allows for a review of the scheme
- With regard to placemaking, reviews and changes to the design have taken place
- Sunlight and daylight analysis have been done
- This is a well-articulated urban design
- More articulation can be examined

Further ABP comments:

- Have regard to the P.A opinion in particular the concern of creating a precedent for 'ad-hoc' applications within the SDZ and potential for undermining the scheme pending the outcome of the review.
- Suggested that the context of the Cherrywood application is different and may not be interpreted as precedent.
- Concerns about the scale and bulk of the structure which should be considered further
- Should provide more details as to how the building enhances and integrates into the area
- Context is important and suggest that plans show adjoining sites that have extant permissions but not yet constructed

2. Rationale for the proposed shared accommodation format including provision of residential support services and amenities

ABP sought further elaboration/discussion on:

- Format of the proposed shared accommodation
- How the scheme will be managed particularly the shared living component
- Provision of support services and communal areas as provided for in the Apartment Guidelines

Planning Authority's comments:

- This is a good location for shared living
- Unsure if this is high-quality co-living or low-quality apartments
- The minimum bedroom sizes are being met
- The shared living communal spaces on each floor is limited

Prospective Applicant's response:

- This proposed development exceeds the required space in respect of shared living
- Room sizes are larger with a better communal context
- Consider that the format is higher end shared living format

Further ABP comments:

- Need to justify the proposed format and how occupants will be enticed to engage in 'shared living concept' given independent nature of the units

- There needs to be evidence of how residents will experience shared living environment within the scheme
- The intended use/function of all communal areas should be clearly identified
- Management and operational details should be submitted
- Consider the access arrangement to media room and gym on 7th floor

3. Surface water management and Flood Risk to include comments set out in the planning authority's opinion from the Water Services Department.

ABP sought further elaboration/discussion on:

- Outstanding water issues as highlighted in water services report

Planning Authority's comments:

- No comment

Prospective Applicant's response:

- Any outstanding issues can be discussed with water services prior to lodgement of an application

Further ABP comments:

- There is no further information sought at application stage and advised to liaise with water section

4. Any other matters

ABP comments:

- If there are archaeological issues they should be addressed
- Advised to consult with the Irish Aviation Authority given overall height
- The pre-application documents state that an EIAR will be submitted
- Have regard to the proximity of the proposed DART underground and ensure proposal does not undermine this project in any way

Planning Authority's comments:

- No comment regarding the requirement for an EIAR
- Application for higher density should be considered in holistic manner and potential for impacts on planning scheme having regard to mobility strategy, capacity of infrastructure etc.
- High density will have cumulative impacts
- Demonstrate that models like GoCar have been consulted and provision is made to ensure ease of access e.g. surface car parking for GoCar.

Prospective Applicant's Comments:

- Archaeological monitoring has taken place with no outstanding issues
- Correspondence has been sent to the Irish Aviation Authority

- Prospective applicant's view that an EIAR is not required – may seek legal opinion

Conclusions

The representatives of ABP emphasised the following:

- There should be no delay in making the planning application once the public notice has been published
- Sample notices, application form and procedures are available on the ABP website
- Proposed development must be specifically described in public notices as build to rent housing for long-term rental housing
- Irish Water would like prospective applicants to contact Irish Water at cdsdesignqa@water.ie **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 Direct of Planning

June 2019