



An  
Bord  
Pleanála

## Record of Meeting ABP-306158-19

<b>Case Reference / Description</b>	999 no. residential units (579 no. Build to Rent apartments, 420 no. Build to Sell apartments), childcare facility and associated site works. City Block 9, North Wall Quay, Dublin 1.		
<b>Case Type</b>	Section 5 Pre-Application Consultation Request		
<b>Date:</b>	7 <sup>th</sup> February, 2020	<b>Start Time</b>	11:30
<b>Location</b>	Offices of An Bord Pleanála	<b>End Time</b>	13:30
<b>Chairperson</b>	Tom Rabbette	<b>Executive Officer</b>	Maeve Williams

### Representing An Bord Pleanála:

Tom Rabbette, Assistant Director of Planning
Karen Kenny, Senior Planning Inspector
Maeve Williams, Executive Officer

### Representing Prospective Applicant:

Tom Phillips, Tom Phillips and Associates
Seamus Donohoe, Tom Philips and Associates
James Ronan, Ronan Group
Eoghan Leahy, Ronan Group
Paul O'Brian, HJL
Gemma Conroy, HJL
Orlaith Swords, HJL
Niall Barrett, CS
Robert Fitzmaurice, CS
Mike Martyn, Cameo
John Gleeson, IES
Pete Rodgers, ERM

Ray Palmer, KF
Richard Coleman, City Designer
Michael Dowling,

### **Representing Planning Authority**

Mary Conway, Deputy Dublin Planner Officer
Deirdre O'Reilly, Senior Planning
Gabriel Koncal, Assistant Engineer
Nicola Conlon, Senior Executive Planner
Myles Farrell, Senior Executive Planning
Edel Kelly, Senior Transportation Officer

### **Introduction**

The representatives of An Bord Pleanála (ABP) welcomed the prospective applicant, Dublin City Council (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 20<sup>th</sup> January, 2020 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 12<sup>th</sup> December, 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. Compliance with SHD Legislation,**
- 2. SDZ Planning Scheme – parameters in relation to inter alia, Building Height, Density, Block Layout, Public Realm, Use Mix and Active Frontages,**
- 3. Housing Format: Combination of BTR and BTS within blocks,**
- 4. Development strategy for the site to include, urban design considerations such as height and architectural treatment of the blocks and interface with public streets,**
- 5. Residents amenities and facilities including open space, communal facilities, support services and management,**
- 6. Residential Amenity – including the standard of amenity for future occupants and neighbouring properties,**
- 7. Car parking, and**
- 8. Any other matters.**

### **1. Compliance with SHD legislation.**

#### **ABP sought further elaboration/discussion on:**

- Compliance with SHD legislation - separation of residential and commercial elements of a mixed-use scheme; and the extent of other uses.

#### **Prospective Applicant's response:**

- Commercial floorspace comprises office and creche floorspace and is below the 4,500sqm cap for commercial floorspace.
- Resident amenities exclusive to residents and are ancillary.
- The basement floor area will serve the residential and commercial uses. It is not commercial floorspace.

#### **Further ABP comments:**

- Clarity needed in relation to extent of 'other uses' including the nature and extent of floorspace at the basement level and whether it is ancillary to the residential uses or represents 'other uses' for the purposes of the SHD legislation.
- Further clarification needed on separating the residential element of a larger mixed-use scheme from the commercial elements and whether the residential element can be considered as a standalone SHD application.
- Potential implications for EIA and cumulative assessment;
- Clarification needed in relation to timing of applications to Dublin City Council and An Bord Pleanála if two separate applications are lodged.

## **2. SDZ Planning Scheme – parameters in relation to inter alia, Building Height, Density, Block Layout, Public Realm, Use Mix and Active Frontages.**

### **ABP sought further elaboration/discussion on:**

- How the proposed development relates to the parameters of the SDZ planning scheme for City Block 9;
- The proposal to materially contravene parameters in respect of height.

### **Planning Authority's comments:**

- The proposed development is not consistent with a number of objectives of the planning scheme relating to 50:50 residential and commercial ratio, active uses to Mayor Street Upper and north wall quay, building lines, block structure and public open space.
- Concerns in relation to scale of development proposed and impact on wider framework plan for the area which addresses quantum of development and supporting infrastructure.
- SDZ process also provides a fast track provision for planning permission and applicant can avail of this process.

### **Prospective Applicant's response:**

- This SHD case is fully compliant with Rebuilding Ireland and SHD requirements.
- Material contravention statement included in relation to exceedance on height. All other parameters met.
- ABP can invoke Section 37(2)(b) for SDZ planning scheme under SHD legislation. Reference to previous SHD application ABP-304210-19 for Spencer Dock North, City Block 2.
- Previous application included a material contravention statement.

### **Further ABP comments:**

- Further clarification needed in relation to compliance with parameters of the Planning Scheme for City Block 9.
- The previous decision of the Board under SHD is before the courts. Outcome may be of interest in the context of the current proposal.

## **3. Housing Format: Combination of BTR and BTS within blocks.**

### **ABP sought further elaboration/discussion on:**

- Clarity on the location of BTR and BTS units – not indicated on plans and particulars.
- How these distinct housing formats would be operated, managed and serviced within individual blocks.

### **Planning Authority's response:**

- Need to demonstrate how both types of schemes will work side by side.

### **Prospective Applicant's response:**

- Both BTR and BTS will be built side by side and managed accordingly.
- Precedent for co-location of the two formats internationally.

### **Further ABP comments:**

- The onus would be on the applicant to illustrate how this will work.
- Need to be mindful of the guidance set out in chapter 5 of the apartment guidelines.

- Application should include an Operational Management Plan and details of covenant agreement for BTR units.

#### **4. Development strategy for the site to include, urban design considerations such as height and architectural treatment of the blocks and interface with public streets.**

##### **ABP sought further elaboration/discussion on:**

- The scale and overall height of the blocks proposed on the subject site given the locational context.

##### **Planning Authority's response:**

- Concerns in relation to the height of the buildings and visibility along the River Liffey and throughout the city skyline.
- Streets were designed in the Planning Scheme based on a different scale / height of buildings and not for large scale developments such as this. Need to consider the volume of people using this area. Would need to triple public realm, streets and services to accommodate the scale of development proposed.
- The SDZ planning scheme for the area is being reviewed in response to the Building Height Guidelines – SPPR3(b) and amendments are proposed having regard to urban design and place making considerations. The amendments are before ABP. The proposed SHD application significantly exceeds the proposed building heights for the area.
- Higher buildings should result in enhanced public realm. Concerns in relation to proposed spaces – narrow and without active frontages. Question over wind impacts also.

##### **Prospective Applicant's response:**

- Developments in close proximity are lower in height as they could not build higher due to the constraints of the Planning Scheme.
- Proposed scheme would be a positive feature as it is a new development of high quality for a modern part of Dublin.
- The location is at a gateway into the city. Views can be seen from different parts of Dublin.
- Will not impact on the setting of key views or historic sites.
- Scale will support the IDA in attracting new commercial business into Ireland as it will provide additional accommodation to facilitate newcomers.
- In terms of the commercial aspect, the applicant has designed up schemes that comply with the planning scheme and one that exceeds the parameters of the scheme but is acceptable to the market. The EIAR will consider cumulative impacts.

##### **Further ABP comments:**

- Need to demonstrate that a scheme of the height and scale proposed, represents an appropriate design response in place making and urban design terms in the first instance, in addition to demonstrating that the proposed development will fit into the fabric of the city. The submitted documentation is not considered adequate in this respect.
- The submitted VIA is focused on the potential for negative visual impacts on a number of selected viewpoints. Need to consider additional viewpoints and the impact on the character of the city overall.

## **5. Resident Amenities and facilities including open space, communal facilities, support services and management.**

### **ABP sought further elaboration/discussion on:**

- The quantum, quality and distribution of public and communal open space and communal facilities and support services within the development.

### **Prospective Applicant's comments:**

- Public plaza and ground level and combination of external and internal communal areas.
- Vertical greening proposed throughout the scheme. This will include hang down greenery and SUDS features.
- The open spaces will have amenities and connections between external and internal spaces.

### **Further ABP comments:**

- Important that residential amenity is not unduly compromised in high density schemes and that key standards are met.
- SPPR 8 of the Apartment Guidelines, in relation to Build to Rent, allows for a relaxation of standards on the basis of alternative, compensatory communal support facilities. Onus on applicant to demonstrate the overall quality of the scheme.
- Relaxations do not apply to Build to Sell.
- There is limited detail in relation to the quantum and function of communal open space and the internal communal amenities.
- Other comparable schemes have sought to demonstrate that the overall offer will yield a high quality of amenity and that spaces and amenities are accessible to residents. In this regard, there is limited detail on the function and usability of bridges at upper floors.

## **7. Residential Amenity – including the standard of amenity for future occupants and neighbouring properties.**

### **ABP sought further elaboration/discussion on:**

- Compliance with standards in the apartment guidelines;
- Quality of the micro-climate including sunlight, daylight, overshadowing and wind.

### **Planning Authority's comments:**

- Concerns in relation to proportion of single aspect north facing units.
- Concerns in relation to methodology used to assess sunlight, daylight, overshadowing and wind.
- The assessments show that the public open spaces and some communal open spaces are not suitable for sitting or standing.
- There are issues in terms of sunlight and daylight for apartments at lower levels.
- Inadequate assessment of impacts on adjacent developments.

### **Prospective Applicant's response:**

- All units meet the minimum floorspace and private open space standards of the guidelines.
- 34% dual aspects.
- Lift / stair core ratios met.
- Where internal storage falls short it would be provided at basement level.

- Can relook at daylight, sunlight and wind assessments.

**Further ABP comments:**

- Need to look at ratio of single aspect units at lower levels and the number of north facing single aspect units.
- Question the length of corridors at lower levels and the number of units served of each corridor – up to 15/16 no. units in some instances.
- Need to review the methodology used in daylight, sunlight, overshadowing and wind assessments and to consider the impacts of the proposed development on contiguous developments.

**8. Car Parking.**

**ABP sought further elaboration/discussion on:**

- The breakdown of residential and commercial car parking and the management of car parking.

**Planning Authority's response**

- Three level car parking. Need clarity on how many spaces will be used for either commercial and residential uses.
- The number of vehicles will impact on traffic in and around the proposed development.

**Prospective Applicant's comments**

- It is intended to provide additional car parking for the commercial scheme.
- Will relook at the level of provision.

**Further ABP comments:**

- Refer to recent Board decisions under SHD and the rates of car parking provided.

**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
- Irish Water would like prospective applicants to contact Irish Water at [cdsdesignqa@water.ie](mailto: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](mailto:spatialplanning@water.ie)

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Tom Rabbette  
Assistant Director of Planning  
XX, XX, 20XX