

# **Statement of Response to ABP's Opinion**

*In respect of*

**Proposed Development at Block 2, Spencer Dock, Dublin 1**

*Prepared by*

**John Spain Associates**

*On behalf of*

**Spencer Place Development Company Ltd.**

**August 2019**



39 Fitzwilliam Place  
Dublin 2  
D02 ND61  
Telephone: (01) 662 5803  
E-mail [info@johnspainassociates.com](mailto:info@johnspainassociates.com)

## 1.0 **INTRODUCTION**

- 1.1 This document sets out a response to the points raised in the opinion received by An Bord Pleanála, dated 13<sup>th</sup> June 2019, in relation to the proposed strategic housing development on lands at Block 2, Spencer Dock, Dublin 1. Case Reference ABP- 304210-19.
- 1.2 The opinion noted that the documents submitted with the request to entire into consultations require further consideration and amendment to constitute a reasonable basis for an application for strategic housing development.
- 1.3 On this basis the application has been prepared and finalised on the same principles of the pre application consultation request. The items to be addressed relate to the following:
- Proposal in the context of the North Lotts and Grand Canal Dock SDZ
  - Urban Design Response and public realm
  - Shared living layout
  - Flood risk assessment and surface water management
- 1.4 Section 2 of this report sets out how the applicant has responded to each of the issues raised by the Board in their Consultation Opinion, with particular reference to HJL Architects Design Statement Response Document, and drawings prepared by the design team and which accompany this application. This Statement of Response, and the associated amendments to the scheme, in turn responds to the key issues raised by the Planning Authority in their Report on the pre-application proposals and the Board's Opinion.
- 1.5 Article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017 states:
- '(5) At the conclusion of a pre-application consultation, the Board may do either or both of the following: (b) notify the prospective applicant that specified information should be submitted with any application for permission for the proposed development, including photographs, plans, maps, drawings or other material or particulars and, where the Board considers it appropriate, either or both—'.*
- 1.6 The pre-application consultation opinion from An Bord Pleanála states pursuant to Article 285(5)(b) that the following specific information should be submitted with any application for permission:
- Photomontages and cross sections at appropriate intervals for the proposed development including how the development will interface with contiguous lands/developments including the extant permission not yet constructed.
  - All existing watercourses and utilities that may traverse the site including any proposal to culvert / re-route / underground existing drains// utilities should be clearly identified on a site layout plan.
  - A site layout plan which clearly identified the full extent of areas to be taken in charge. Relevant consents to carry out works on lands that are not included within the red line boundary. The prospective applicant is advised that all works should as far as possible be included within the red line boundary.

- A building life cycle report as per section 6.13 of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2018
- Details to address concerns raised by the Parks and Landscape Services Department as set out in their report 8<sup>th</sup> May 2019.
- Information referred to in article 299B (1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018 (if an Environmental Impact Assessment report is not being submitted)
- Details of any measures required to prevent interference with aviation.

1.7 A detailed response to each of the points raised above has been provided within this response report and has been included as part of the planning application documentation.

## **2.0 STATEMENT OF RESPONSE TO ISSUES RAISED**

2.1 An Bord Pleanála in issuing their opinion in accordance with Section 6(7)(b) considered that the documentation submitted as part of the pre application request required further consideration and amendments in order to make a planning application under Section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

2.2 The following items were raised and are addressed in detail.

### ***Item 1: North Lotts and Grand Canal Dock Planning Scheme 2014***

2.3 Item 1 of the An Bord Pleanála opinion states the following:

*“Further consideration of the documents as they relate to the overall objectives of the North Lotts and Grand Canal Dock Planning Scheme and the potential for the proposed development to give rise to “ad hoc” proposals for increases in height which may undermine the planning scheme provision particularly in relation to the permitted maximum heights. A planning rationale / justification having particular regard to SPPR3 of the Urban Development and Building Heights, Guidelines for Planning Authorities, 2018 as to why the proposal would not be considered premature pending the review of the planning scheme in respect of building heights. Further consideration of these issues may require an amendment to the documents / and or design proposals submitted.”.*

2.4 The proposed development is set within the North Lotts area, that has an established range of existing and proposed building heights across the planning scheme area including existing residential development of 12 no. storeys in City Block 1 and 12 no. storeys at City Block 2 (2C) in the planning scheme, planned 11 no. storeys in City Block 6 (immediately south west of Block 2), as well as a number of high buildings such as 29 no. storeys in City Block 15 and 15 no. storeys in City Block 17.

2.5 In the immediate vicinity of the site, an apartment scheme of 12 no. storeys is already in place in the existing Spencer Dock apartments a short distance to the west of the site in Block 1 and 11 no. storeys at Cannon Hall immediately to the north of the site along Sheriff Street as set out in figure 1 below. The planning scheme also propose buildings of up to 12 storeys fronting Station Square, including in City Block 2 (2C). The precedent of higher buildings is therefore already set within the immediate context of the subject site and therefore the provision for increased height will not give rise to “ad hoc” proposals in the planning scheme area having regard to this established context. The proposed development responds appropriately to this planning context and having regard to current national planning policy.

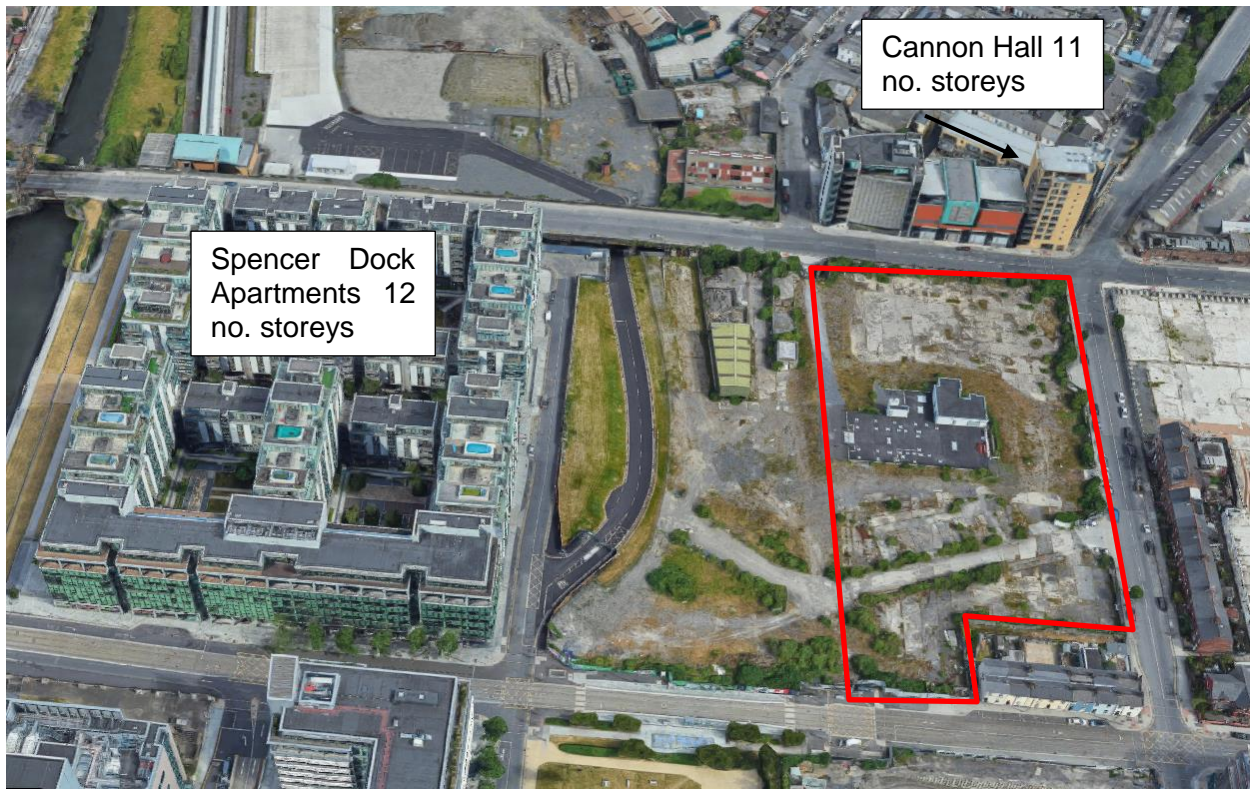


Figure 1: Aerial View of the subject site outlined in red with Cannon Hall 11 no. storeys and Spencer Dock apartment 12 no. storeys indicated.

2.6 The LVIA prepared by Chris Kennett submitted with the planning application notes the context provided by the existing building height context in the area stating:

*“the site is surrounded by buildings that already exceed the preferred minimum threshold of six storeys, indicated in the Urban Development and Building Height Guidelines, but also meet or exceed the indicative maximum heights set out in the SDZ for Block 2B and 2D (the site)”.*

2.7 A virtual fly over of the proposed development in the context of the wider docklands area has been prepared by Visual Lab and is submitted as part of this application. It is clear from the video imagery that the proposed development is set within a context capable of achieving greater heights and densities. The also highlights the strategic location of the site and the underutilisation of certain areas within the wider context which should be achieving greater heights and densities in this regard.

2.8 Figure 2 overleaf, taken from the virtual fly over of the site clearly indicates how the proposed development is in keeping with the overall context of building heights in the immediate vicinity of the site and within the wider areas of the Docklands. The existing and permitted building heights under construction present a clear precedent for this scale of development in the immediate area and highlight the appropriateness for higher buildings at this location.

2.9 The proposed building height at 12 no. storeys is therefore considered to be consistent with the overall scale of development in the area and is not considered to be an “ad hoc” proposal for height in the area.

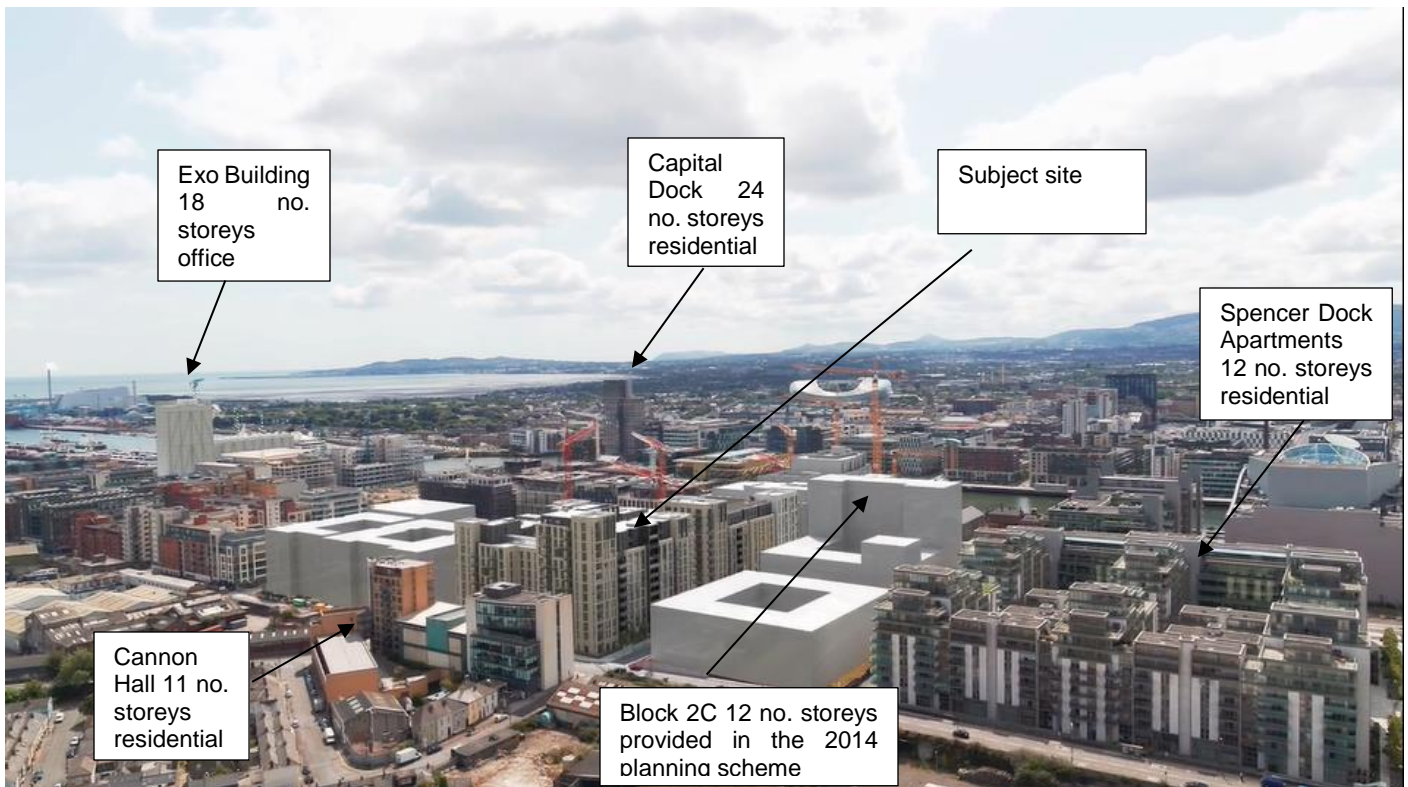


Figure 2: Extract from the flyover indicating the existing and proposed building heights in the including the subject site and the Docklands area.

2.10 The LVIA prepared by Chis Kennett and submitted with this application also notes the context of the docklands area and highlights the strategic nature of the site and the need for greater heights and densities at this location. The report states:

*“If six storeys (minimum) is considered achievable throughout many parts of the city centre, in spite of its constraints, the relatively unconstrained neighbouring Docklands, where this site is located, seems an appropriate location for significantly greater height, given its designation as a Strategic Development Zone, the supporting SDZ policies for high – density mixed use district of the city, and the modern city district character that is emerging. Its central location and strong transport links further reinforce its suitability as a location for greater height”.*

2.11 Having regard to the immediate context of development and the strategic location of the site it is considered that the proposed height of the development is appropriate in the wider existing and emerging urban design context and townscape of the area. In addition, 12 no. storeys is already provided for in the 2014 Planning Scheme in City Block 2 itself fronting Station Square, immediately adjoining the subject development. The scheme states on page 173 that:

*“Station Square: up to 12 storeys commercial, to provide critical mass while not compromising views from the Georgian mile”.*

2.12 In respect of Spencer Dock Hub, the scheme states on page 127 that:

*“It is suggested that a range of 10-12 storeys at the upper end of Spencer Dock is appropriate”.*

- 2.13 The Planning Scheme also already currently allows for 12 no. storeys within City Block 2 itself, Block 2C adjoining Building 2 proposed as part of this development. The existing and permissible building heights in the immediate vicinity of the subject site therefore have already established the appropriateness of 12 no. storeys at this location. Nonetheless the proposed development density is cognisant of the existing lower scale housing on the east side of New Wapping Street and fronting Mayor Street in City Block 2. The proposal therefore steps down in scale to 7 no. storeys on New Wapping Street and to 3 no. storeys to the north of the Mayor Street houses, providing an appropriate transition in building height and scale. The LVIA states:

*“The presence of existing two storey houses on Mayor Street Upper / New Wapping Street, at the south-eastern corner of the site, is an important consideration. The SDZ considered six and seven residential storeys being appropriate adjoining these terraces houses. The proposed development also recognises the need to respond to these dwellings and moderates building height and outlook where it adjoins the houses on Mayor Street Upper.*

*North of the terraced houses on Mayor Street Upper, building height is initially limited to two residential storeys above a commercial -height storey, stepping back before extending upwards by another four storeys; a substantial setback then occurs for one further storey. There is no outlook from the south elevation to the rear of the terraces of houses”.*

- 2.14 Having regard to the existing urban context in terms of established and proposed heights in the vicinity of the application site of similar scale to the proposed development, it is considered that the proposed scheme would not give rise to “ad hoc” proposals within the planning scheme areas as the precedent for such height already exists in the immediate vicinity of the site and further development of 12 no. storeys buildings on City Block 2, adjoining the application site, is provided for in the Planning Scheme. The proposed development is responding to the overall context of development in the area, providing for appropriate urban design principles in terms of setting and transitional heights.

- 2.15 The opinion also request that the applicant justify the proposed height of the development particularly in the context of SPPR3 of the Urban Development and Building Height Guidelines 2018 and particularly why the proposed development would not be considered premature pending the review of the planning scheme.

- 2.16 It should be noted that since the opinion was issued, clarification on the application of SPPR3 to Planning Scheme areas has been confirmed in a recent court judgement of Simons, J in *Spencer Place Development Company Limited*. It was held that the provisions of SPPR3(A) did not apply to applications decided by the planning authority, however this did not preclude the broad principles and objectives of the guidelines which both the planning authority and An Bord Pleanála shall apply. This is addressed in the opinion of Eamon Galligan SC enclosed with this application.

- 2.17 Notwithstanding the above, SPPR3(B) states that:

*“(B) In the case of an adopted planning scheme the Development Agency in conjunction with the relevant planning authority (where different) shall, upon the coming into force of these guidelines, undertake a review of the planning scheme, utilising the relevant mechanisms as set out in the Planning and Development Act 2000 (as amended) to*

*ensure that the criteria above are fully reflected in the planning scheme. In particular the Government policy that building heights be generally increased in appropriate urban locations shall be articulated in any amendment(s) to the planning scheme”.*

2.18 A review has now been undertaken by the Development Agency and has been submitted by the City Council to An Bórd Pleanála. The proposed amendments to the SDZ Planning Scheme were submitted in accordance with Section 170A of the Planning and Development Act 2000, (as amended) and the City Council has requested that they approve under the fast track route. This is currently before the Board for decision. Proposed amendments under this section of the Act must and must comply with a list of criterion as follows to avail of the fast track route:

- (i) Would not constitute a change in the overall objectives of the planning scheme.*
- (ii) Would not relate to already developed land in the planning scheme*
- (iii) Would not significantly increase or decrease the overall floor area or density of proposed development*
- (iv) Would not adversely affect or diminish the amenity of the area that is the subject of the proposed amendment*

2.19 The City Council consider that the proposed amendments, which provide for up to 12 storeys on the northern point of the subject site, comply with the criteria.

2.20 The proposed amendments to the planning scheme submitted to An Bord Pleanála by Dublin City Council and the Development Agency in May 2019 has increased the building height permissible within Block 2 which enables greater heights on the subject site compared to the current SDZ planning scheme. The proposed amendments seek to provide building heights of up to 12 no. storeys in the north west and north east corners, with 6/ 7 no. storeys residential plus one set back, i.e. a building height of 7 to 8 no. storeys residential for the remainder of the subject site.

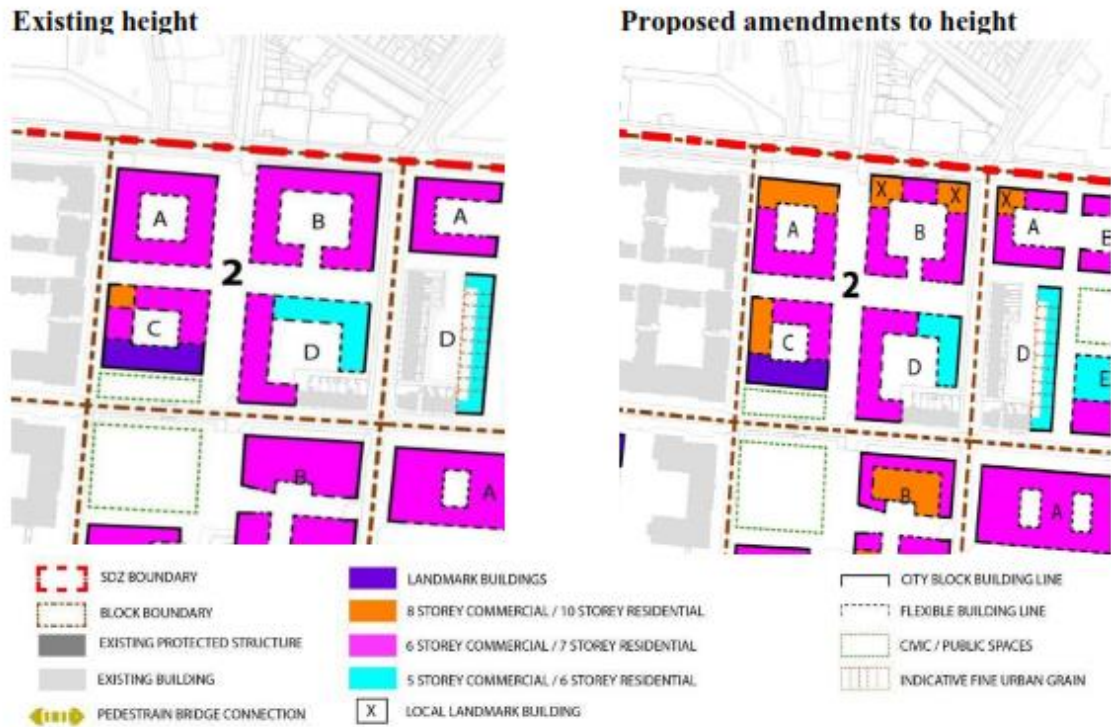


Figure 3: Existing and proposed building heights in City Block 2 (one additional set back floor is also possible in the proposed amendments)

2.21 The proposed amendments to the Planning Scheme states the following in relation to Urban Form/ Height Range as follows:

- *12 storey residential local landmarks at NE and NW corners of block 2B, to extend along no more than one third of the sub-block frontages.*

2.22 The proposed development will provide for a height of 7 to 13 no. storeys with 7 no. to 9 no. storeys comprising of the main blocks and 13 no. and 11 no. storeys to the north west and north east corners respectively. The proposed development with a height of 7 to 13 no. storeys is therefore considered to be generally in line with the proposed SDZ amendments. The remainder of the north elevation of the proposed Block 1 within the subject site fronting Sheriff Street is 9 no. storeys.

- *Block 2C to be 12 storeys (maximum) commercial (minimum 10 storeys) fronting Station Square to achieve balance between hub quantum and view lines from Georgian mile. Landscaped plaza south of block. Western side of 2C to be 8 storeys commercial / 10 storey residential.*

2.23 The subject application does not relate to Block 2C. However this again demonstrates that the appropriateness of buildings of 12 storeys in heights for City Block 2 as set out in the Planning Scheme.



- *Remaining blocks to range between 5 storey commercial / 6 storey residential and 6 storey commercial/ 7 storey residential, stepping down to 3 residential immediately north and west of the Mayor Street Terrace.*

2.24 In the remainder of Block 2B and 2D (the subject site), the proposed amendments provide for a range of 7 to 8 no. storeys in height including an additional set back floors as proposed in the amendments. Section 5.4.5 of the SDZ is also amended to include the potential of a set back floor on top of the height stated per block. The proposed development is therefore is largely compliant with this aspect of the planning scheme.

- *Urban blocks to Sheriff Street to remake and contain the street.*

2.25 The proposed block layout seeks to address Sherriff Street and the level change along this elevation.

- *The 7 storey residential frontage to New Wapping Street responds to the 2/3 storeys terrace opposite, more favourably than the 9 storey scheme previously certified.*

2.26 The proposed development seeks to provide for 7 no. storeys with a set back 8<sup>th</sup> storey to New Wapping Street in Block 2 and 8 no. storeys with a 2 no. storey set back to Block 1.

2.27 The proposed development is largely compliant with the building height proposed as part of the SDZ review. However it remains higher in part than the proposed amendment. In this respect, it is respectfully submitted that the proposed amendments do not fully reflect or incorporate the requirements of the National Planning Framework, the Urban Development and Building Height Guidelines and the Regional Spatial and Economic Strategy in terms of scale, height and density in this area. Therefore the maximum height provided in the amendments to City Block 2 at the subject site are 7 no. storeys with a 12 no. storey element. The planning scheme as proposed to be amended remains highly conservative in the context of National policy on building height and density, especially for a brownfield site in a city core area served by exceptionally high quality public transport. This is explained in further detail in the Statement of Consistency submitted.

2.28 It is respectfully submitted that the Board must however have regard to national policy in assessing this application even where the local planning framework including both the 2014 Planning Scheme and the proposed amendments to the planning scheme are not considered fully compliant with Government policy. In these circumstances government policy must take precedence over local policy. The proposed development is therefore considered to be an appropriate response to the national planning policy framework in this regard.

2.29 In addition, the proposed amendments to the planning scheme enable 1 no. set back floor to be provided on top of the permissible building heights on City Block 2, enabling 7 no. storeys with a set back 8<sup>th</sup> storey level to be permissible on the site.

#### 4.2.1 Section 5.4.5 Height as part of the Urban Structure

Page 174. Last sentence to be amended, i.e. "In addition to the setbacks which may be necessary for design and amenity reasons within the height envelope in Fig. 35, an additional storey, with a setback of 1.5m plus may be considered subject to a shadow analysis and a compelling urban design rationale. ~~This option for additional storey shall not apply to Blocks 1 to 5~~" This provision does not apply to any landmark or local landmark buildings

Figure 4: Extract from the Proposed amendments to the Planning Scheme.

- 2.30 Based on the proposed amendments to the planning scheme submitted by the Planning Authority, it is considered that the scale of massing of the building proposed will fit comfortably into the context of the existing and proposed buildings within the Docklands area. Figure 4 below sets out the applicant's interpretation of the proposed amendments.



Figure 5: Docklands as proposed in accordance with the City Council's proposed amendments to the Planning Scheme SDZ Heights (prepared by HJL) excluding the further additional set back floor provided for in the amendments.



Figure 6: Vision for the Docklands as proposed by the Planning Authority as submitted with the proposed amendments prepared by the planning authority (potential additional set back floor as proposed in amendments on city blocks not included in diagram).

- 2.31 The Planning Authority have stated in their submission that the proposed amendments as set out above comply with the criterion set out in the Section 170A and therefore can be considered under the fast track route. The submission states

*“the proposed amendments would have no significant impact on overall floor area or density of the proposed development in the SDZ. If implemented, the increase in commercial area respects a 6.1% increase on the original 366,000 sq.m. target figure, and the increase in the number of residential units represents an increase of 8.6% (in unit terms)”.*

- 2.32 The Planning Authority concludes in the submission that *“The Development Agency considers these proposed amendments do not have significant material impacts on the environment, and request An Bord Pleanála to expedite its decision on the proposed amendments as provided for in the fast-track mechanism set out in Section 170A of the Planning Act”.*

- 2.33 Having regard to the above, the planning authority in the submission consider the provision of additional height proposed on the application site at City Block 2 is not significant in terms of the overall planning scheme context. As such it is considered that the proposed development in a range principally of 7 to 13 no. storeys in this application is therefore not premature and is not fundamentally inconsistent with the existing planning scheme and the proposed amendments, especially, when they are considered in the context of the national planning policy framework.

- 2.34 This statement further reinforces the case that the proposed development in this application is not premature pending the review of the planning scheme as the planning authority themselves in their submission of the proposed amendments to the Board do not consider the provision of additional height would have significant material impact on the environment.

- 2.35 In addition, the City Council in its submission to An Bord Pleanála at pre application stage acknowledges the suitability of the application site for greater height than that provided in the 2014 planning scheme stating:
- “the planning authority accepts that the subject site may be capable of accommodating additional height, however it is considered that the proposed design approach, which seeks to add further height without the reassessment of the scale and massing of the development, is not considered an acceptable design response”.*
- 2.36 It should also be noted that this proposed application is made under the Strategic Housing provisions in accordance with Section 4 of the Planning and Development and Residential Tenancies Act and therefore not assessed as a section 34 application. In this regard the board is not bound by the planning scheme and is not subject to the same provisions in terms of compliance with the Planning Scheme as the City Council in making a decision on an Section 34 application under Section 170(2) of the 2000 Act and explained further in the Statement of Consistency. .
- 2.37 Therefore, it is considered that the Board can grant permission for the proposed alteration notwithstanding the provisions of the SDZ planning scheme.
- 2.38 Whilst this application is the subject of a decision of An Bórd Pleanála, it is respectfully submitted that there is a very clear planning policy framework as set out above in the National Planning Framework and the general policies and objectives of the Urban Development and Building Height guidelines, which provide a very clear basis and rationale for granting permission for the proposed development, SPPR3A, is not relied on in this application, as explained in the Statement of Consistency, rather the National Planning Framework and the general policies set out in the guidelines.
- 2.39 It is noted that the Board will consider the application in the context of government policy on urban development as set out in the national planning framework in particular, and also in the context of the relevant policies of the City Development Plan and the Planning Scheme itself, which support the principle of the development in the area at the general density and scale proposed in this application, notwithstanding the specific height limits in the Planning Scheme, which are considered inconsistent with the City Development Plan building height strategy and other objectives of the Planning Scheme and national policy.
- 2.40 Having regard to the justification set out above it is considered that the proposed development would not give rise to “ad hoc” proposals for increased heights in the area as the precedent of 12 no. storeys is already established and proposed in the Planning Scheme in the immediate vicinity of the subject site. The proposed development will therefore not undermine the planning scheme provision in terms of building height and is in keeping with the context of the wider area.
- 2.41 The planning rationale and justification set out above clearly demonstrates that the proposed development is appropriate in the context of national planning policy and not premature pending the review of the planning scheme as the principle for such height is already established and provided for in the immediate vicinity of the subject site and the legislation is in place which does not restrict An Bord Pleanála to the provisions of the planning scheme notwithstanding any review of the heights in this regard.

**Item 2: Urban Design Response**

2.42 Item 2 of the Board's opinion states that:

*“Further consideration of documents as they relate to the proposed increase in height and urban design response of the proposed blocks in this regard given the provisions of national and local planning policy which set out the need to ensure that development proposal incorporating increased building height, including proposals within architecturally sensitive area, should successfully integrate into / enhance the character and public realm of the area. Consideration should also be given to how the proposed development would be consistent with the objective of the planning scheme which seeks to promote sustainable higher densities and quality innovative designs achieving generous standards of residential amenity for residents. Further consideration of these issues may require an amendment to the documents and/ or design proposal submitted.*

2.43 It should be noted in the first instance that the City Council in the opinion report submitted at pre-application stage of the application process acknowledged the suitability of the subject site for increased heights and densities based on the location of the site adjacent to high quality public transport.

2.44 In addition, the report submitted at pre application stage did not raise concerns directly in respect of the proposed height of the development in terms of the number of storeys. The points raised related more to the urban context and quality of the development. The report states:

*“the planning authority accepts that the subject site may be capable of accommodating additional height, however it is considered that the proposed design approach, which seeks to add further height without the reassessment of the scale and massing of the development, is not considered an acceptable design response”.*

2.45 In this regard it is considered that the proposed height range of 7 to 13 no. storeys is considered appropriate and is in accordance with national planning polices for increased heights and densities.

2.46 In addition, as noted above national and local planning policy objectives strongly support the provision of higher densities within central urban areas well served by quality public transport links such as the subject site.

2.47 In response to item 2 of the Board opinion, the proposed development has been modified in urban design terms since the pre application consultation with An Bord Pleanála which increases the quality and architectural form of the development to enable successful integration and enhancement of the character of the area and the public realm surrounding the site. The proposed development now incorporates a variety of building heights, and significantly greater architectural modulation within the elevations to create articulation and variety in the building mass as explained in the HJL Design Statement. In this regard the height of the development has been revised in parts to respond more appropriately to the surrounding development and context of the development surrounds.

2.48 This is set out and explained in further detail in the Design Response by HJL submitted with this application.

- 2.49 The HJL design statement states that to identify the residential elements of the development, special treatment are utilised to break up the façade. Each brickwork treatment is separated by a series of glazed balconies, to read as individual elements in proportion. Where the brickwork steps inwards a metal cladding reveal is utilised to further enhance the separation between the brickwork. In the prominent corners that face onto the surrounding streets including Sheriff Street Upper, New Wapping Street and the north – south “new Street”, recessed brick reveals containing projecting bricks highlight the architectural quality.
- 2.50 Within these residential blocks the opening in the elevations are generally stacked vertically with the windows stepping in an alternating fashion drawing the observers eye to the subtle differences. A similar approach has been adopted to balconies in certain locations where extended balconies are installed in a stepping pattern to connect different massing heights.
- 2.51 The treatment of the shared accommodation is different to the residential elements in that it has a character of its own. Within the block the openings are stacked in fully vertical manner the use of alternating metal panels allows the language of the façade speak to that of the apartments while still being an individual element. The intention is to create an uncomplicated building form using clean lines, high quality materials and fine detailing.



Figure 7: Proposed building modulation as described in the Architectural Design Statement

- 2.52 The LVIA prepared by Chris Kennett states in relation to the height and design of the proposed development that:

*“in the context of the foregoing, the proposal for residential blocks ranging from 7 -13 storeys height is much more appropriate. This will add variety to the established and complementary range of buildings heights on neighbouring plots, and will contribute to a cluster of taller buildings in the locality that reinforces a positive contemporary urban landscape character and creates strong local identity. The tallest elements of the proposed*

*development will contribute diversity and visual richness to a contemporary skyline in this part of the city, complementing other building clusters nearby, such as at Grand Canal Dock, and leaving landmark buildings elsewhere to remain prominent in the landscape, including those along the Liffey Quays, at Point Square and Sir John Rogerson's Quay".*

- 2.53 A further significant change in the massing of the development relates to the omission of the southern element of Block 1 over the pumping station. The removal of this element has enabled an increased amenity to be obtained within the development in accordance with the planning scheme objective to promote sustainable higher densities and quality innovative designs achieving generous standard of residential amenity for residents. By omitting this element, the quality of the residential courtyard amenity space is significantly improved increasing the access to daylight and sunlight within this amenity area.
- 2.54 In addition, the quality of light received in the apartment units fronting the courtyard has also been significant improved increasing the overall compliance rate with the BRE guidelines.
- 2.55 The revised massing, greater articulation and modulation in height and revised elevational treatment of the buildings has also significantly improved the visual amenity of the development which is combined with improved quality of materials and finishes within the development. The proposed development is therefore considered to enhance the character of the area through this high quality architectural finish.
- 2.56 The quality of the public realm and landscaping scheme proposed and the public realm improvements as a result of the revised massing further enhance the permitted arrangement on the site. The proposed Irish Water pumping station will be screened and landscaped to provide for an enhanced visual amenity to the public realm area. The removal of the elevation above the pumping station will also open up the public realm, east west street and will provide for a brighter more open sense of place. The landscaping of the public realm is also provided to a high quality standard and is proposed to be maintained and managed by the applicant.
- 2.57 Item 2 also states that "*Consideration should also be given to how the proposed development would be consistent with the objective of the planning scheme which seeks to promote sustainable higher densities and quality innovative designs achieving generous standards of residential amenity for residents*".
- 2.58 Objective RN2 of states the following:
- To promote sustainable higher densities and quality innovation designs achieving generous standards of residential amenity for residents including spacious and adaptable interiors, high quality natural lighting, good storage facilities, private open space amenity and car parking storage.*
- 2.59 The density proposed within the development is fully supported by the quality design and high quality level of amenity provided within the development. The proposed residential development is in compliance with all of the relevant standards for apartment developments as set out in the Apartment Guidelines 2018. Full compliance with these standards is set out in the Housing Quality Assessment submitted as part of this application.

- 2.60 In addition, the proposed development provides for high quality communal amenity space internally and externally within the residential scheme in excess of the communal open space requirements. The proposed shared accommodation also provides for a significant proportion of amenity space per person through a series of communal dining / living spaces on each floor and a roof top terrace and full ground floor area associated with the communal amenity of the future residents.
- 2.61 The proposed design of the units have also been carefully considered to cater to high quality open plan living. The layout of the proposed units enable large bright spaces to be achieved internally within each residential unit, with large glazed openings to each residential unit and a private balcony or terraced area. The level of light achieved in these spaces is also in line with the BRE recommendation and significantly improved to the courtyard units as a result of the removal of the southern elevation of Block 1.
- 2.62 The LVIA submitted with this application highlights the quality of the design in the context of the surrounding area and the contribution to the quality of the public realm. The LVIA states:
- “The site is located within a part of the city where significant change is being driven towards the creation of a major mixed use, high density, distinctly contemporary city district. The proposed development seeks to establish a strong contemporary urban character on this site, using high quality architecture, streetscapes and civic open spaces, to reinforce and enhance the character of the Spencer Dock area and thereby strengthen diversity of urban character in the city as a whole”.*
- 2.63 Full details of the architectural design changes in response to item 2 are submitted as part of a separate urban design response statement prepared by HJL Architects.

***Item 3: Shared Living Accommodation***

- 2.64 Item 3 of the opinion states:
- “Further consideration of documents as they relate to the proposed shared living accommodation format and a planning rationale/ justification for such format including the proposed quantum of two bed units considering the standards for minimum floor areas for apartments set out in the Sustainable Urban Housing ; Design Standards for New Apartments, Guidelines for Planning Authorities, 2018. Consideration should also be given to the overall management and operation of the scheme in particular the shared accommodation component with greater clarity regarding the level of support and residential services to be provided and access to such services*
- Details as to how the proposal will provide future occupants with the opportunity to experience a shared community environment among residents to the scheme should be submitted. Particular regard should be given to Section 5.17 of the Sustainable Urban house: Design standards for New Apartments, Guidelines for Planning Authorities, 2018. Further consideration of these issues may require an amendment to the documents and / or design proposal submitted”..*
- 2.65 The proposed shared accommodation format has been revised as part of this full planning application in response to the opinion of An Bord Pleanála. In this regard the layout of the shared accommodation units have been redesigned and the level of shared amenity space



has been increased within the development, with the proposed shared living / dining / kitchen facilities on each floor above the minimum standards set out in the guidelines.

- 2.66 As set out in detail in the Statement of Consistency, the proposed development provides for a range of 2 bed clusters and studio units. The proposed 2 bed type unit comprises of 2 no. separate bedrooms and a shared living / kitchen space. The two bed clusters have been designed to accommodate both single and double occupancy ranging from 2 to 4 no. bed spaces in total as follows:
- 2 bed cluster, 2 no. single bedrooms (2 bedspaces)
  - 2 bed cluster, 1 no. double bedroom and 1 no. single bedroom (3 bedspaces)
  - 2 bed cluster, 2 no. double bedrooms (4 bedspaces)
- 2.67 The 1 bed space rooms in the clusters(2 single bedroom units) comprise of c. 14.sq.m. for bedroom / ensuite with 18 sq.m. attributed to communal / living space (8 sq.m. per bed space).
- 2.68 The clusters comprising of 1 no. double unit and 1 no. single unit (3 bed spaces in total) consist of 1 no. double room of 18 sq.m. and one single of 14 sq.m. with a shared common living / kitchen area of 24 sq.m. (8 sq.m. per person)
- 2.69 The two bed clusters comprising 2 double bedroom units, (4 bed spaces in total ) consist of 2 double rooms of 18-20 sq.m. with a shared living / kitchen area of 37 sq.m. (8 sq.m. per bed space).
- 2.70 The cluster type model will provide the appropriate quantum of shared amenity space within the cluster units itself and is therefore considered to comply with the shared accommodation model. Further details are set out on this approach in the Statement of Consistency.
- 2.71 In addition to the 2 bed cluster units, the proposed shared accommodation scheme also provides for a number of studio units. The range of single occupancy and double occupancy units provides for an alternative model considered to be more appropriate for the profile this development is aimed at.
- 2.72 The proposed studio units provide for bedroom space, living space and ensuite bathroom attributed to each unit. The proposed studio unit for single and double occupancy and range in size from 29 sq.m. (single occupancy), 34 sq.m. (double occupancy). Each unit contains a bedroom and ensuite area. These are generous sizes, well above the minimum size in the guidelines.
- 2.73 To further differentiate the proposed shared units from standard residential units, additional shared facilities have been provided. The proposed design has been revised to include shared living / dining / kitchen spaces on each floor of the development adequately sized on the basis of 6 sq.m. per person for the studio type units. The proposed studio units will therefore have the use of both the facilities within their own individual units and will be provided with communal kitchen / living / dining areas on each floor of the development to provide for the shared living concept within the development for all occupiers.

- 2.74 It is noted that the top floor of the development contains 2 no. two bed cluster units and 1 no. studio unit. The communal space associated with the studio unit is therefore provided on the floor below in this case, given this small space.
- 2.75 In addition, the proposed development provides for a range of additional communal facilities at ground floor level for the use of the entire shared accommodation scheme including gym, meeting rooms, co-working space, cinema room etc and back of house area. The development will also provide for a roof terrace to serve the overall shared accommodation scheme. The combination of shared living / dining / kitchen facilities for all residents on each floor and the communal facilities at ground floor level will ensure that a strong shared living experience will be provided for all occupants notwithstanding the quality of the individual units proposed.
- 2.76 It is considered that the quantum and quality of amenities and communal shared services provided within the development clearly identified this scheme as a shared scheme as opposed to an apartment development. These facilities are provided within the 2 bed clusters and on each floor for the studio units, ensuring good access to shared facilities by all tenants. In addition resident support facilities are also provided within the development including linen store, refuse store, cycle store and staff / management services. Full details are set out in the Design statement prepared by Henry J Lyons Architects.
- 2.77 In this regard it is considered that the justification as set out adequately addresses the opinion and highlights the significant benefits of the communal facilities within the shared accommodation scheme.

***Item 4: Flood Risk and Surface Water Management***

- 2.78 Item 4 of the opinion states:

*“Further consideration of documents as they relate to flood risk and surface water management for the development lands. Regard should be given to the requirements of the Local Authority in respect of the site- specific flood risk assessment, incorporation of SUDS measures for the scheme and how the proposed development will cater for tidal locking having particular regard to the comments raised in the Water Services report submitted with the Planning Authority’s report dated 7<sup>th</sup> May 2019. Further consideration of these issues may require an amendment to the documents and / or design proposals submitted”.*

- 2.79 The flood risk assessment and surface water management for the development lands have been designed in accordance with the Local Authority’s specific flood risk assessment and the North Lotts and Grand Canal Dock Planning Scheme, NLGCDPS, DCC 2014. The planning authority in their submission raised a query in relation to the proposed volume of storm water attenuation to be provided. CS consulting can confirm that the proposed volume of storm water to be provided is in accordance with the requirements of the North Lotts and Grand Canal Dock SDZ. The proposed development has provided attenuation for the predicted 1 in 100 year extreme storm event increase by 20% for climate change with an additional 570m<sup>3</sup>/ha provided.
- 2.80 Full details of the proposal is set out in the Engineering Services Report and Flood Risk Assessment prepared by CS Consulting.

### **3.0 STATEMENT OF RESPONSE TO SPECIFIC INFORMATION REQUIRED**

3.1 The following sets out how the applicant has addressed the Board's request for additional specific information in respect of the proposed development pursuant to article 285(5)(b) of the 2017 Regulations.

- **Item No.1** – Photomontages and cross sections at appropriate intervals for the proposed development including how the development will interface with contiguous lands/ developments including the extant permission not yet constructed.

3.2 The subject application is accompanied by a cross sectional drawings of the surrounding sites and photomontages from a number of view points surrounding the development

- **Item No.2** – All existing watercourses and utilities that may traverse the site including any proposal to culvert / re-route / underground existing drains// utilities should be clearly identified on a site layout plan.

3.3 All existing watercourses and utilities on the site are shown on the site location plan as required. In addition, a full detailed engineering site plan of all the relevant services is submitted as part of the planning application documentation.

- **Item No. 3** – A site layout plan which clearly identified the full extent of areas to be taken in charge. Relevant consents to carry out works on lands that are not included within the red line boundary. The prospective applicant is advised that all works should as far as possible be included within the red line boundary.

3.4 The existing public footpath on Sheriff Street and New Wapping Street in ownership of Dublin City Council as indicated in the map attached to the letter of consent will remain taken in charge. No other areas within the red line boundary are proposed to be taken in charge. Please see letter of consent supplied by Dublin City Council and JCBRA setting out the areas to be taken in change map.

- **Item No. 4** – A building life cycle report as per section 6.13 of the Sustainable Urban Housing : Design Standards for New Apartments, Guidelines for Planning Authorities, 2018

3.5 A building life cycle report has been prepared and is submitted with the planning application documentation.

- **Item No. 5** – Details to address concerns raised by the Parks and Landscape Services Department as set out in their report 8<sup>th</sup> May 2019.

3.6 All of the items raised in the parks department report have been included within the revised landscape design statement and drawings.

- **Item No. 6** – Information referred to in article 299B (1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018 (if an Environmental Impact Assessment report is not being submitted)

3.7 A EIAR has been prepared and is submitted as part of the planning application. It is considered that notwithstanding the development is below the threshold of requiring an EIAR, for consistency with the pre application, a full EIAR has been submitted.

- **Item No. 6** – Details of any measures required to prevent interference with aviation.

3.8 The IAA have been contacted and informed of the proposed development, however a formal response was not received. However, based on previous advice, a fixed red type C medium intensity obstacle light at the top of the structure will be provided within the development to ensure appropriate air navigation. In addition, details of crane erection will also be agreed with the IAA prior to the assembly of further crane erection on the site.

#### 4.0 **CONCLUSION**

4.1 This document outlines how the items outlined in the pre-application consultation opinion from An Bord Pleanála in relation to a proposed development at Spencer Dock, City Block 2, Dublin 1.

4.2 The document also addresses the specific information requested by An Bord Pleanála and identifies the source or location of the response within the planning submission documentation.

4.3 The relevant prescribed authorities identified in the pre-application consultation opinion from An Bord Pleanála have also been notified of the submission of the planning application in accordance with Section 8(1)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016.

4.4 The layout and design changes incorporated into the final scheme are considered to result in improvements to the overall proposed development and ensure that a high-quality scheme is presented to the Board for approval.

4.5 It is respectfully submitted that the proposed development is consistent with the proper planning and sustainable development of the area, and is consistent with all relevant national, regional and local planning policies and guidelines and therefore should be granted planning permission in this regard.



---

John Spain Associates