

Natalie de Róiste,
Planning Department,
Dublin City Council,
Block 4, Ground Floor,
Civic Offices,
Wood Quay,
Dublin 8

Our Ref. 24008

21 May 2024

RE: LARGE-SCALE RESIDENTIAL DEVELOPMENT (LRD)

PRE-PLANNING CONSULTATION WITH DUBLIN CITY COUNCIL

PROPOSED AMENDMENTS TO PREVIOUSLY PERMITTED STRATEGIC HOUSING DEVELOPMENT ABP REG. REF. ABP-307656-20, AS AMENDED BY ABP-312262-21, BY DCC REG REF LRD6029/23-S3 & LRD6039/23-S3 AT ASHTOWN – PELLETSTOWN, ASHTOWN, DUBLIN 15.

REQUEST REGARDING REQUIREMENT FOR SECTION 32B ('STAGE 2') LRD MEETING.

Dear Natalie,

We, Stephen Little & Associates, Chartered Town Planners & Development Consultants, 26 / 27 Upper Pembroke Street, Dublin 2, D02 X361, are instructed by, Ruirside Developments Ltd (*"the Prospective Applicant"*), to submit information to seek clarification from the Planning Authority in respect of the need for Section 32B consultation for the above-mentioned development as a result of a minor change to the nature and extent of development now being proposed from the initial pre-planning consultation held on the 3 May 2024.

Due to the minor nature of the amendments proposed on the 3 May 2024, the Prospective Applicant was seeking to proceed to the LRD Stage 3 Planning Application Stage. DCC concurred with the Prospective Applicant's request and subsequently confirmed in writing by email dated 8 May 2024 the ability in that case to proceed directly to a Stage 3 LRD Application.

At the time, proposed development related to the following proposed amendments as previously presented at the Section 247 Pre-Planning Meeting held on 3 May 2024: –

*"minor changes to Block 1 only, consisting of the following: internal revisions to the ground floor undercroft level parking layout, provision of 1no. accessible car parking space, addition of retail unit entrance/exit; the relocation of substation and meter rooms on the first floor, resulting in a subsequent minor internal floor area decrease to the permitted café unit (c.7sqm), a minor relocation of doorway, and external façade changes to accommodate the relocation of the substation and the addition of windows and ventilation louvres; with associated minor landscaping changes including **the omission of 1no. visitor parking space**. The development as otherwise permitted under ABP-307656-20 (as amended) remains the same".*

Since then, there has been a decision by the Prospective Applicant to retain the 1no. visitor car parking space and as a result relocate it, rather than omitting the space from the scheme as was previously described to the Planning Authority on 3 May 2024. We refer to the below revised summary description of as a result of this change and confirm that this is the development for which this submission now relates: –

*'In summary, the proposed amendments to the permitted scheme consists of minor changes to Block 1 only, comprising generally of the relocation of the substation and metre room on the first floor of Block 1 from the southern elevation (canal side) to the western elevation of the adjoining café unit, resulting in internal floor area layout changes, elevational changes and **the relocation of 1no. visitor car parking space**; the addition of ventilation louvres to the facades of the building; internal revision to the ground floor undercroft level parking layout including the addition of 1no. accessible car parking space; with associated minor landscaping works; all contained*

within the permitted Block 1 footprint and its curtilage. The development as otherwise permitted under ABP-307656-20 (as amended) remains the same.'

[SLA Emphasis in Bold]

This is the only change to that presented to the Planning Authority on the 3 May 2024. We refer the Planning Authority to the updated accompanying Architectural and Landscape materials additionally highlighting the relocation of the visitor car parking space, prepared by O’Mahony Pike Architects and Doyle & O’Troithigh which are enclosed with this letter.

The visitor retail space is proposed to be relocated from the permitted location along the western elevation of Block 1 adjacent to the proposed relocation of the substation and meter rooms as that space impedes access to the substation. The relocated space is proposed along the northern boundary of Block 1. We refer to the below Figure 1.



Figure 1. Extract from the Drawing ‘Site Plan – Undercroft Level 0 - Proposed’, Drawing No. ‘19016A-OMP-ZZ-ST-DR-A-1101’.

We confirm that the relocation of the space rather than omission as previously presented does not have any change on the overall permitted numbers of car parking spaces in the development, remaining at 419no. For clarify the reconfiguration of the Block 1 ground floor undercroft level car parking provides for the replacement of 1no. regular retail car parking space for the provision of 1no. accessible.

CAR PARKING	PERMITTED	PROPOSED
Surface		
Visitor	30	30
Electric Car	6	6
Go Gar	8	8
Creche	4	4
Set Down	3	3
Disabled	7	7
Apartment	9	9
TOTAL	67	67
Undercroft		
Block 1 Retail	85	84
Retail Disabled	3	4
Resi. Parking No. 1	91	91
Resi. Parking No. 1 Disabled	4	4
Resi. Parking No. 2	163	163
Resi. Parking No. 2 Disabled	6	6
TOTAL	352	352
Total Provided	419	419
Total Residential	297	297
Residential Parking Ratio	0.4	0.4
Total Disabled Parking	20	21
Disabled Spaces %	4.8%	5.0%

Figure 2. Proposed Parking Schedule, prepared by O'Mahony Pike Architects.

We would be grateful if the Planning Authority could consider the changes above with the accompanying materials from O'Mahony Pike Architects and Doyle + O'Throithigh Landscape Architects.

We wish to highlight that the Planning Authority stated in the correspondence issued following the Pre-Planning Meeting that: –

"The applicant is advised that this declaration relates only to the issues itemised above. The applicant is advised that any additional amendments submitted with any future Stage 3 LRD application based on this declaration may be considered invalid."

In light of the above and in the interests of completeness and clarity, we would like to request confirmation again from Dublin City Council to proceed with this change directly to a Stage 3 LRD Application, without the need for a Stage 2 LRD Consultation, considering the pre-planning that was previously held. The Prospective Applicant has now chosen to relocate the 1no. visitor car parking space rather than omit the space entirely which was the situation that was previously presented to the Planning Authority. This is reflected in the updated summary description above and the plans and particulars accompanying this submission.

Conclusion

Our understanding is that the proposed planning application is LRD as the project relates to amendments of a permitted SHD development and meets the LRD threshold.

As the proposed development consists of amendments to permission previously granted under Section 9 of the SHD Act, we note the Planning Authority is restricted in considering the modifications proposed to the previously permitted development only as per Section 34 (3C) of the Act which states: -

“3C) In determining an application for permission that relates to a development in respect of a part of which permission has previously been granted—

(a) under section 9 of the Planning and Development (Housing) and Residential Tenancies Act 2016, or

(b) on foot of an application in accordance with section 32A, the planning authority concerned shall, notwithstanding section 34(2)(a), be restricted in its determination of the application, other than in respect of any assessment of the effects of the proposed development on the environment, to considering the modifications proposed by the applicant to the previously permitted development and for the purposes of determining such an application the reference in subsection (6) to "the development concerned" shall be read as a reference to "the modifications to the previously permitted development."

As per Section 247(7) of the Act, the Planning Authority may determine that no consultation is required in relation to the proposed development once they are satisfied that the proposed development is substantially the same as the permitted development and the nature, scale and effect of any alterations to the permitted development are not such that require the consultation process to be repeated. Under Section 247(7) and (8) of the Act, as amended it states: -

“(7) Where a planning authority receives a request under this section in relation to a proposed development in respect of a part of which (referred to in this section as the "permitted development") permission has already been granted under section 9 of the Planning and Development (Housing) and Residential Tenancies Act 2016 or on foot of an application in accordance with section 32A, and the planning authority is satisfied, having compared the proposed development to the permitted development, that—

(a) the proposed development is substantially the same as the permitted development, and

(b) the nature, scale and effect of any alterations to the permitted development are not such that require the consultation process to be repeated,

the planning authority may determine, notwithstanding subsection (1A), that no consultation is required under this section in relation to the proposed development and may provide a confirmation in writing to the person who made the request to that effect.

(8) A determination under subsection (7) shall not prejudice the performance by the planning authority of its functions under this Act or any regulations under this Act or any other enactment and cannot be relied upon in the formal planning process or in legal proceedings."

We consider that the proposed development is substantially the same as the permitted development. In this particular case, we would see the proposed development is **substantially the same as the permitted development**. The proposed development slightly alters the permitted commercial cafe area to facilitate the relocation of the substation. The car parking layout changes on the ground floor of Block 1 are minor and do not affect the overall provision of parking. There is the addition of 1no. accessible space at the undercroft level of Block 1, with the **relocation of 1no. surface-level car parking space** to accommodate access to the proposed substation. The addition of windows to the southern façade of the café unit can be viewed as a positive addition, increasing passive surveillance, ground floor activity and light in the development and decreasing blank facades. The overall development and LRD definition remain unaffected by these minor amendment proposals. There is no change to the total permitted SHD/LRD unit numbers, overall site layout, building height, car/bike parking, access to the site or the massing of the building as permitted under the already consented SHD development under ABP Reg. Ref. ABP-307656-20, as amended. The amendments relate only to the ground floor and first floor of Block 1 (with no additional floor area proposed) and associated minor landscaping works within the curtilage of Block 1.

As regards the **nature, scale and effect of any alterations to the permitted development** the proposed development is of identical scale to that already permitted and the nature is marginally different in our opinion. The amendments proposed are minor and are largely contained within Block 1's existing building envelope already permitted and result in very minor changes to the external appearance of the building resulting from

the repositioning of the substation/meter room and windows. It is of course a matter for the Planning Authority to determine whether due to the nature, scale and effect of these alterations whether it is considered necessary to conduct formal LRD consultations under Section 32B and it would not be appropriate for the Prospective LRD Applicant to do so.

We would therefore be of the opinion that the proposed amendment to the consented scheme results in substantially similar or the same development, as this relates to Block 1 and its curtilage and as it relates to the wider consented scheme, respectively.

We wish to clarify that the Planning Authority previously deemed the amendments (excluding the relocation of the visitor car parking space) to be substantially the same as the permitted development and the nature, scale and effect to not require further pre-planning, stating the following: –

“In this context, I confirm that the planning authority is satisfied, having compared the proposed development to the permitted development, that: (a) the proposed development is substantially the same as the permitted development, and (b) the nature, scale and effect of any alterations to the permitted development are not such that require an LRD meeting, and that no further pre-planning consultation is required in relation to the proposed development.”

We would therefore respectfully submit that this should allow the Planning Authority to conclude, in accordance with S.247(7)(a) and (b) of the Planning Act, that the prospective proposed development inclusive of the revised change to relocate the visitor space rather than omit, is substantially the same as the permitted development, and that the nature, scale and effect are not such that require the consultation process to be repeated.

We accept of course that it is for the Planning Authority to determine whether further formal LRD consultation under Section 32B of the Planning Act is required, and that it would not be appropriate for the Prospective Applicant to determine this.

We would therefore be grateful for the Planning Authority’s confirmation of whether the prospective applicant may now proceed to make the LRD application for the proposed amendments to Block 1, without the need for a further Section 32B LRD meeting and/or opinion, having regard to the foregoing.

We trust that this is in order and would ask that all future correspondence in relation to this planning file be directed to this office.

Yours faithfully,



Rian McGrattan
STEPHEN LITTLE & ASSOCIATES

21 May 2024

ENCLOSURES

Enclosed herewith are the following documents: -

1. Architectural drawings, prepared by O'Mahony Pike Architects.
2. Design Statement, prepared by O'Mahony Pike Architects.
3. Schedules of Accommodation, prepared by O'Mahony Pike Architects.
4. Landscape Drawing, prepared by Doyle + O'Troithigh Landscape Architects.

Wednesday, May 8, 2024 at 15:09:45 Irish Standard Time

Subject: RE: Rathborne 725 LRD Retail Amendment - S.247 Pre-Plan Meeting Request Email 1/4
Date: Wednesday 8 May 2024 at 15:08:18 Irish Standard Time
From: [REDACTED]
To: [REDACTED]
CC: [REDACTED]
Attachments: [REDACTED]

Dear Rian,

I refer to our Section 247 pre-planning consultation last week (3 May 2024) by video call regarding the information submitted by email dated 29 April 2024 in relation to a potential application for planning permission to amend the SHD development permitted under SHD0016/20 (ABP-307656-20), and subsequently amended by ABP-312262-21 (our ref SHD0016/20A), LRD6029/22-S3, and LRD6039/23-S3.

Proposed amendments as discussed were as follows:

- *minor changes to Block 1 only, consisting of the following: internal revisions to the ground floor undercroft level parking layout, provision of 1no. accessible car parking space, addition of retail unit entrance/exit; the relocation of substation and meter rooms on the first floor, resulting in a subsequent minor internal floor area decrease to the permitted café unit (c.7sqm), a minor relocation of doorway, and external façade changes to accommodate the relocation of the substation and the addition of windows and ventilation louvres; with associated minor landscaping changes including the omission of 1no. visitor parking space. The development as otherwise permitted under ABP-307656-20 (as amended) remains the same*

In this context, I confirm that the planning authority is satisfied, having compared the proposed development to the permitted development, that: (a) the proposed development is substantially the same as the permitted development, and (b) the nature, scale and effect of any alterations to the permitted development are not such that require an LRD meeting, and that no further pre-planning consultation is required in relation to the proposed development.

As discussed, the amendments will be assessed under the Dublin City Development Plan 2022-28. We look forward to receiving your planning application in due course.

The applicant is advised that this declaration relates only to the issues itemised above. The applicant is advised that any additional amendments submitted with any future Stage 3 LRD application based on this declaration may be considered invalid.

Kind regards,
Natalie

[REDACTED]
[REDACTED]
[REDACTED]