

Development Plan Team,  
Planning and Property Development Department,  
Block 4,  
Floor 3, Civic Offices,  
Wood Quay,  
Dublin 8,  
D08 RF3F.

Date: 1<sup>st</sup> September 2022

Ref.: TD 22012

Dear Sir/Madam,

**RE: SUBMISSION ON THE PROPOSED MATERIAL ALTERATIONS TO THE DRAFT DUBLIN CITY DEVELOPMENT PLAN 2022-2028 ON BEHALF OF JMK GROUP**

**1.0 Introduction**

1.1 On behalf of our client, JMK Group, Stockhole Lane, Clonsaugh, Swords, Co. Dublin, we John Spain Associates, 39 Fitzwilliam Place, Dublin 2, wish to make a submission in respect of the Proposed Material Alterations to the Draft Dublin City Development Plan 2022-2028. Our client is a highly experienced hotel developer and operator with a number of existing hotels in Dublin and elsewhere.

1.2 This submission raises a number of requests in respect to the following proposed material alterations, which are included below based on the order they appear in the relevant sections of the Draft Plan / PMA's:

<b>Material Alteration Reference Number</b>	<b>Chapter / Objective / Section</b>
12.19	Chapter 12 - Section 12.5.3 Supporting Cultural Vibrancy in the City Objective CUO22 – SDRAs and Large Scale Developments
12.28	Chapter 12 Section 12.5.4 Supporting Key Cultural Activities Page: 453, Objective CUO35
13.5	Chapter 13 - Section: 13.2 Overarching Principles Page: 467 – 469, insert New Objective SDRAO1 in section 13.2 after 1st paragraph

1.3 The issues raised in this submission seeks to address concerns in respect to onerous requirements in respect to new developments, which will have a detrimental impact on the viability of commercial developments in the city to such extent that the requirements may preclude the developments from being delivered.

Managing Director: John P. Spain BBS MRUP MRICS ASCS MRTPI MIPi  
Executive Directors: Paul Turley BA MRUP Dip Environmental & Planning Law MIPi Rory Kunz BA (MOD) MScERM MAT&CP Dip EIA Mgmt. MIPi  
Stephen Blair BA (Mod) MRUP MIPi MRTPI Blaine Cregan B Eng BSc MSc

Senior Associate Directors: Luke Wymer BA MRUP Dip Plg & Env Law Dip PM Prof Cert Env Mgmt MIPi  
Meadhbh Nolan BA MRUP MRTPI Kate Kerrigan BA MSc MRTPI

Associate Director: Ian Livingstone MA (Hons) Town & Regional Planning, MSc. Spatial Regeneration. MRTPI

John Spain Associates Ltd. trading as John Spain Associates. Directors: J. Spain, S. Spain.  
Registered in Ireland No. 396306. Registered Office: 39, Fitzwilliam Place, Dublin 2. VAT No. IE 6416306U

## 2.0 **PROPOSED MATERIAL ALTERATIONS AND SUBMISSION REQUESTS**

- 2.1 We have reviewed the proposed material alterations to the Draft Plan and wish to highlight a number of concerns and suggested revisions to ensure that the new City Development Plan does not adversely impact on the commercial development and reuse of existing buildings in the City over the six year period of the new Plan.
- 2.2 In summary, and as set out in further detail below, the key concerns relate to Objective CUO22 requiring 5% of floorspace for cultural/artist and community use on all schemes above 10,000 sq.m and Objective CUO35 encouraging the opportunity for larger development, including hotels, to provide purpose built spaces that can accommodate evening and night time activities, which will adversely impact on the viability and delivery of commercial developments in the City.
- 2.3 We are seeking confirmation from the Planning Authority that Objective CUO22 does not apply to change of use applications and also applications to upgrade existing building floorspace. Any new policy requirement should be based on new build floorspace rather than existing floorspace.
- 1. Objective CUO22 - 5% of floorspace for cultural/artist and community use (Relating to Proposed Material Alteration 12.19 and 13.5)**
- 2.4 The Draft Plan includes Objective CUO22 relating to SDRAs and large scale developments which states that *“SDRAs and large Scale Developments- All new regeneration areas (SDRAs) and large scale developments above 10,000 sq.m. in total area must provide for 5% community, arts and culture and artist workspaces internal floorspace as part of their development at the design stage. The option of relocating a portion (no more than half of this figure) of this to a site immediately adjacent to the area can be accommodated where it is demonstrated to be the better outcome and that it can be a contribution to an existing project in the immediate vicinity. The balance of space between cultural and community use can be decided at application stage, from an evidence base/audit of the area. Such spaces must be designed to meet the identified need.”*
- 2.5 The proposed material alterations to Section 12.19 of the Draft Plan, i.e. supporting text relating to CU022, includes a proposed footnote *“{\*Such developments shall incorporate both cultural/arts and community uses individually or in combination unless there is an evidence base to justify the 5% going to one sector.}”*
- 2.6 The CU022 objective requirement is also proposed to be included in Chapter 13 SDRA under Section 13.2 (material alteration reference number 13.5), as follows:
- “Cultural Infrastructure: All new regeneration areas (SDRAs) and large-scale developments above 10,000 sq. m. in total area must provide at a minimum 5% community, arts and culture internal floorspace as part of their development. See policy CUO21, Chapter 12 for further detail.”*
- 2.7 Our client has significant concerns in respect to the above aspects of the Draft Plan and Proposed Material Alterations, and we are seeking confirmation from the Planning Authority that Objective CUO22 does not apply to change of use applications and also applications to upgrade existing building floorspace. It is submitted that any new policy requirement should be based on new build floorspace rather than reuse of existing floorspace, and that the wording of CUO22 is amended to make it clear that it does not apply to the reuse of existing floorspace.

- 2.8 For example, the conversion of an existing building to use as an aparthotel is being progressed for a planning application at present. The proposed development has a total GFA c.13,700 sq.m which includes including 9,700 sq.m of existing floorspace. The development includes a small café/restaurant which is intended to be utilised by the general public.
- 2.9 The 5% of the total floorspace for community, arts and culture workspace equates to 685 sq.m which is very substantial for this development considering it is proposed to reuse c 9,700 sq.m of existing floorspace. This requirement in the Draft Plan and the proposed material alterations will consequently affect the viability for redevelopment proposals including the reuse of this vacant building on a small infill site within the inner city. It is submitted this requirement for 5% of total floorspace for community and cultural/art floorspace is not appropriate for developments which reuse the existing buildings from a viability perspective and that retrofitting existing space for cultural floorspace will be difficult to achieve on small infill sites. We therefore request the Planning Authority to clarify that this requirement does not apply to buildings being reused.
- 2.10 Unlike the requirement for Part V for housing developments, whereby contributions costs are met by the Planning Authority through public funding, construction costs for cultural / arts and community floorspace are borne entirely by the developer. This will consequently affect the viability of development schemes at a time of significant construction cost inflation which is already threatening viability and delivery of developments throughout the city. The Development Plan should seek to avoid exacerbating these difficulties for redevelopment of vacant and central infill sites in the city. Such a requirement in the new Development Plan will result in developments not coming forward and will outweigh any major benefit for cultural, artists and community facilities in the city.
- 2.11 It will be difficult to find viable users for such floorspace that can pay for fit out cost and service charges and therefore, if this objective is included in the new Plan, it is likely that this objective will result in significant extents of vacant floorspace in all areas of the City. A financial contribution in lieu would be a more effective way to enhance cultural / arts and community provision in the City.
- 2.12 It is also pointed out that aparthotels and hotels are often developed to specific requirements of the particular brand or end-user, who apply strict controls on the layout and configuration of the aparthotel or hotel. A cultural /arts or community space such as that being required in the Objective is not part of the delivery or business model for these brands. Any such requirement is likely to discourage such brands from investing in this jurisdiction compared to other locations where such an onerous requirement does not apply.

### **Requested Amendment**

- 2.13 The requested amendments below use the text provided in the Proposed Material Alterations to the Draft Plan and the requested text to be removed outlined in ~~red~~ and proposed additional text is show in blue.

**Requested Amendment No. 1 relating to Material Alteration Reference Number 12.19 Chapter 12 - Section 12.5.3 Supporting Cultural Vibrancy in the City  
Page: 448, Objective CUO22 SDRAs and large Scale Developments**

*All new regeneration areas (SDRAs) and large scale developments above 10,000 sq.m. in total area must provide for 5% community, arts and culture and artist workspaces internal floorspace as part of their development at the design stage. The option of relocating a portion (no more than half of this figure) of this to a site*

*immediately adjacent to the area can be accommodated where it is demonstrated to be the better outcome and that it can be a contribution to an existing project in the immediate vicinity. The balance of space between cultural and community use can be decided at application stage, from an evidence base/audit of the area. Such spaces must be designed to meet the identified need.*

**“{\*Such developments shall incorporate both cultural/arts and community uses individually or in combination unless there is an evidence base to justify the 5% going to one sector.}”**

**Community, arts and culture and artist workspaces will normally be located on-site, however, in instances it may be more appropriate to seek a financial contribution towards its provision elsewhere in the vicinity. This would include cases where it is not feasible, due to site constraints or other factors, e.g. where it would be better to locate the spaces elsewhere in the wider area. In these cases, financial contributions may be proposed towards the provision and enhancement of existing community halls and cultural and artist workspace areas in the locality, in fulfilment of this objective.**

**This requirement does not apply to developments which involve works for the reuse/upgrade existing buildings and/or seek the change of use of existing buildings.**

**Requested Amendment No. 2 relating to Material Alteration Reference Number 13.5 Chapter 13 - Section: 13.2 Overarching Principles  
Page: 467 – 469, insert New Objective SDRA01 in section 13.2 after 1st paragraph**

**Cultural Infrastructure: All new regeneration areas (SDRAs) and large-scale developments above 10,000 sq. m. in total area must provide at a minimum 5% community, arts and culture internal floorspace as part of their development. See policy CUO2~~12~~, Chapter 12 for further detail.**

**Community, arts and culture and artist workspaces will normally be located on-site, however, in instances it may be more appropriate to seek a financial contribution towards its provision elsewhere in the vicinity. This would include cases where it is not feasible, due to site constraints or other factors, e.g. where it would be better to locate the spaces elsewhere in the wider area. In these cases, financial contributions may be proposed towards the provision and enhancement of existing community halls and cultural and artist workspace areas in the locality, in fulfilment of this objective.**

**This requirement does not apply to developments which involve works for the reuse/upgrade existing buildings and/or seek the change of use of existing buildings.**

**2. Objective CUO35 - To provide for purpose spaces that can accommodate evening and night-time activities (Relating to Proposed Material Alteration 12.28)**

- 2.14 The Draft Plan includes Objective CUO35 which seeks “To encourage the opportunity presented by new larger developments within the city to provide high quality, designed for purpose spaces that can accommodate evening and night time activities, such as basement/roof level “black box” spaces that can be used for smaller scale

*performances/theatre/dance venues, and for flexibility in the design of larger spaces, such as conference spaces, to be adaptable for evening uses.”*

- 2.15 The proposed material alterations to Section 12.28 proposes the following revisions to Objective CUO35:

*‘To encourage the opportunity presented by new larger developments, **{including a requirement for all large hotels\*}**; to provide high quality designed for purpose spaces that can accommodate evening and night time activities, such as basement/roof level “black box” spaces that can be used for smaller scale performance/theatre/**{music}**/dance venues, and**{/or}** for flexibility in the design of larger spaces, such as conference spaces, to be adaptable for evening uses. **{\*Over 100 bedrooms}**’*

- 2.16 We note this Objective is not a requirement for all new developments and is similar to CUO22 objective to provide for community and cultural/arts floorspace in the city however it is submitted that a ‘black box’ spaces for evening and night time activities are not feasible nor appropriate uses in most hotels and therefore this is not a viable or reasonable requirement for all hotel developments.
- 2.17 Hotels usually provide amenity areas for hotel guests and provide areas open to the public, i.e. café/restaurant, however the requirement for black box spaces for night time activities would not be facilitated within hotel developments. This objective is considered to be very restrictive and particularly onerous for hotel development and we request that the proposed material alteration to Objective CUO35 to be omitted.
- 2.18 As above, aparthotels and hotels are often developed to specific requirements of the particular brand or end-user, who apply strict controls on the layout and configuration of the aparthotel or hotel. A ‘black box’ space for evening and night time activities such as that being required in the Objective is not part of the delivery or business model for these brands. Any such requirement is likely to discourage such brands from investing in this jurisdiction compared to other locations where such an onerous requirement does not apply.
- 2.19 It is also submitted that over 100 bedrooms is not considered to be a ‘large hotel’ by the industry as defined in the proposed material alterations. A large hotel usually consists of 300+ bedrooms and a medium/midscale is usually under 300 rooms. It is also unclear how Objective CUO35 would apply to aparthotel developments.

### **Requested Amendment**

#### **Chapter 12**

#### **Section 12.5.4 Supporting Key Cultural Activities**

#### **Page: 453, Objective CUO35 Purpose Spaces for Evening and Night Time Activities**

*‘To encourage the opportunity presented by new larger **regeneration** developments, ~~**{including a requirement for all large hotels\*}**~~; to provide high quality designed for purpose spaces that can accommodate evening and night time activities, such as basement/roof level “black box” spaces that can be used for smaller scale performance/theatre/**{music}**/dance venues, and**{/or}** for flexibility in the design of larger spaces, such as conference spaces, to be adaptable for evening uses. ~~**{\*Over 100 bedrooms}**~~’*

### **3.0 SUMMARY & CONCLUSION**

- 3.1 In conclusion, the submission seeks to highlight our client's concerns in respect of the Proposed Material Alterations to the Draft Plan which will result in significant implications for the delivery of commercial development and reuse of existing buildings in the city. The proposed material alterations will place considerable additional burdens on developers which will increase costs associated with the delivery of development within the Inner City.
- 3.2 The key concerns relate to Objective CUO22 requiring 5% of floorspace for cultural/artist and community use on all schemes above 10,000 sq.m and Objective CUO35 encouraging the opportunity for larger development, including hotels, to provide purpose built spaces that can accommodate evening and night time activities, which will adversely impact on the viability and delivery of commercial developments in the City.
- 3.3 We trust that the Planning Authority will consider the contents of this submission when finalising the Dublin City Development Plan 2022-2028 and we look forward to reviewing the contents when published.

Yours faithfully,



---

**John Spain Associates**