

Strategic Housing Development (SHD) at Former O'Devaney Gardens, Dublin 7

Bartra ODG Limited (Applicant)



STATEMENTS OF CONSISTENCY AND MATERIAL CONTRAVENTION STATEMENT

May 2021

BMA PLANNING

Contents

1.0	INTRODUCTION.....	1
1.1	PURPOSE OF REPORT	1
1.2	PROPOSED DEVELOPMENT	1
1.3	NATIONAL AND REGIONAL POLICY	2
1.4	SECTION 28 MINISTERIAL GUIDELINES – STATEMENT OF CONSISTENCY	2
1.5	DEVELOPMENT PLAN – STATEMENT OF CONSISTENCY.....	3
2.0	NATIONAL AND REGIONAL POLICY	4
2.1	INTRODUCTION.....	4
2.2	PROJECT IRELAND 2040 – NATIONAL PLANNING FRAMEWORK	4
2.3	REBUILDING IRELAND – ACTION PLAN FOR HOUSING AND HOMELESSNESS (2016) ..	7
2.4	EASTERN & MIDLANDS REGIONAL ASSEMBLY REGIONAL SPATIAL & ECONOMIC STRATEGY, 2019-2031.....	8
3.0	STATEMENT OF CONSISTENCY – MINISTERIAL GUIDELINES	11
3.1	GUIDELINES FOR PLANNING AUTHORITIES ON SUSTAINABLE RESIDENTIAL DEVELOPMENT IN URBAN AREAS (2009)	11
3.2	SUSTAINABLE URBAN HOUSING: DESIGN STANDARDS FOR NEW APARTMENTS – GUIDELINES FOR PLANNING AUTHORITIES (2018)	16
3.3	URBAN DEVELOPMENT AND BUILDING HEIGHTS GUIDELINES FOR PLANNING AUTHORITIES (2018)	21
3.4	QUALITY HOUSING FOR SUSTAINABLE COMMUNITIES (2007).....	29
3.5	DESIGN MANUAL FOR URBAN ROADS AND STREETS (2019).....	29
3.6	CHILDCARE FACILITIES GUIDELINES FOR PLANNING AUTHORITIES (2001)	30
3.7	THE PLANNING SYSTEM AND FLOOD RISK ASSESSMENT - GUIDELINES FOR PLANNING AUTHORITIES (2009)	31
4.0	STATEMENT OF CONSISTENCY – DEVELOPMENT PLAN	32
4.1	INTRODUCTION.....	32
4.2	DUBLIN CITY DEVELOPMENT PLAN 2016 – 2022	32
4.3	OTHER LOCAL NON-STATUTORY POLICY AND GUIDANCE.....	51
5.0	MATERIAL CONTRAVENTION STATEMENT	53
6.0	CONCLUSION	61

1.0 INTRODUCTION

1.1 PURPOSE OF REPORT

This report – ***Statements of Consistency And Material Contravention Statement*** - has been prepared on behalf of Bartra ODG Limited (The Applicant) to accompany a request to An Bord Pleanála for a Stage 2 Strategic Housing Development pre-application consultation on lands at O’Devaney Gardens, Dublin 7.

The proposed development comprises a Strategic Housing Development as defined within Section 3 of the *Planning and Development (Housing) and Residential Tenancies Act 2016*.

The purpose of this report is to examine the proposed development in terms of consistency with both the relevant objectives of the Development Plan and Section 28 Ministerial Guidelines which are relevant.

As the proposed development is a Material Contravention of the Dublin City Development Plan 2016-2022, the report also includes the required Material Contravention Statement.

1.2 PROPOSED DEVELOPMENT

The site, which measures c. 5.2HA, is located in Dublin 7, at the site of the former O’Devaney Gardens residential complex. The site also includes lands to the east which were previously part of St Bricin’s Military Hospital.

The site is bounded to the north by housing on Ross Street, Ashford Place, Ashford Cottages and Ashford Street; to the east by Thor Place and St. Bricin’s Military Hospital; to the south by Montpellier Gardens and Montpellier Park residential developments; to the west by Montpellier Gardens and dwellings in dwellings on Findlater Street, Kinahan Street, Aberdeen Street, Black Street and Sullivan Street, and a housing development (56 units) under construction by Dublin City Council (DCC); and to the north west by North Circular Road and the rear of properties fronting North Circular Road.

The former O’Devaney Gardens Housing Complex was constructed in the 1950’s by Dublin Corporation and comprised 278 flats over 13 four storey blocks. All of the original 13 blocks have been demolished.

Block 1A is the DCC social housing scheme (56 units) under construction at the north western corner of the former ODG site, pursuant to ABP Ref. PL29N.JA0024; The block numbering in the proposed development has been carried forward from this initial phase.

The development is described in detail in the ***Planning Statement*** [BMA Planning] enclosed.

The proposed development (102,759sqm gross floor area - GFA) will consist of:

- 1,047no. residential units (Blocks 2 to 10) comprising a mix of one, two and three bed apartments, three bed duplex and three bed houses and all associated ancillary accommodation (100,565sqm GFA)
- Non-residential uses (2194sqm GFA) including retail / commercial units, creche and a community facility.

The gross floorspace of non-residential uses as a percentage of the overall gross floorspace is 2.1%.

1.3 NATIONAL AND REGIONAL POLICY

The following national and regional policy documents are considered in relation to the proposed development:-

- *Project Ireland 2040 - The National Planning Framework*
- *Rebuilding Ireland – Action plan for Housing and Homelessness (2016)*
- *Eastern & Midlands Regional Assembly Regional Spatial & Economic Strategy, 2019-2031*

An assessment of the consistency of the proposed development with these plans is provided in Section 2.

1.4 SECTION 28 MINISTERIAL GUIDELINES – STATEMENT OF CONSISTENCY

The following is a list of the current Section 28 Ministerial Guidelines considered in relation to the proposed development:-

- *Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009)* and associated *Urban Design Manual - Best Practice Guidelines (2009)*
- *Sustainable Urban Housing Design Standards for New Apartments – Guidelines for Planning Authorities (2018)*
- *Urban Development and Building Height Guidelines for Planning Authorities (2018)*
- *Quality Housing for Sustainable Communities (2007)*
- *Design Manual for Urban Roads and Streets (2019)*
- *Childcare Facilities - Guidelines for Planning Authorities (2001)*
- *The Planning System and Flood Risk Management - Guidelines for Planning Authorities (2009)*

The Statement of Consistency with these Section 28 Guidelines is provided in Section 3.

1.5 DEVELOPMENT PLAN – STATEMENT OF CONSISTENCY

The ***Dublin City Development Plan 2016 – 2022*** (the “Development Plan” / DCDP) is the statutory development plan for the area.

The Statement of Consistency of the proposed development with the policies and objectives of the DCDP is provided in Section 4.

1.6 MATERIAL CONTRAVENTION STATEMENT

The proposed development is a Material Contravention of the Development Plan in relation to Building Heights (Ref. Section 16.7.2). The development is also contrary to provisions of the Development Plan relating to Block Configuration/ number of units per core (Ref. Section 16.10.1).

The ***Material Contravention Statement*** in Section 5 of this report sets out the basis on which the Board may grant permission for the proposed development in accordance with Section 37(2)(b) of the *Planning and Development Act 2000 (as amended)*.

2.0 NATIONAL AND REGIONAL POLICY

2.1 INTRODUCTION

National and Regional planning policy are all perfectly aligned in relation to the imperatives of housing and urban development in Dublin in 2021. They call for high quality urban design, building height and scale greater than has been permitted heretofore and a strong focus on intensification of urban activity based on proximity to public transport and encouragement of pedestrian and cycle movement.

Housing policy more generally recognises the diversity of house types and tenures required in a contemporary inner city setting with greater scope for units of different sizes, including a greater proportion of one/two bedroom units reflecting the current trends in household in Ireland generally, but particularly in Dublin's inner city.

2.2 PROJECT IRELAND 2040 – NATIONAL PLANNING FRAMEWORK

The National Planning Framework (NPF) is the Government's high-level strategic plan for shaping the future growth and development of the country out to the year 2040.

There are 5 key elements in the NPF Strategy, 2 of which (outlined below) are relevant to proposed development. It is clearly evident that the proposed development, an inner city, urban regeneration, housing project, on lands owned by DCC and well served by public transport, meets each of these goals.

Ireland's Capital

- *“Supporting the future growth and success of Dublin as Ireland's leading global city of scale, by better managing Dublin's growth to ensure that more of it can be accommodated within and close to the city.”*
- *Enabling significant population and jobs growth in the Dublin metropolitan area, together with better management of the trend towards overspill into surrounding counties.*
- *Addressing infrastructural bottlenecks, improving citizens' quality of life and increasing housing supply in the right locations”*

Compact Growth

- *“Targeting a greater proportion (40%) of future housing development to be within and close to the existing 'footprint' of built-up areas.”*
- *Making better use of under-utilised land and buildings, including 'infill',*

'brownfield' and publicly owned sites and vacant and under-occupied buildings, with higher housing and jobs densities, better serviced by existing facilities and public transport.

- *Supporting both urban regeneration and rural rejuvenation through a €3 Billion Regeneration and Development Fund and the establishment of a National Regeneration and Development Agency."*

(Source NPF: Page 22
Emphasis added)

The National Policy Objectives most relevant to the proposed development include the following: -

National Policy Objective 3a

Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements¹⁷.

National Policy Objective 3b

Deliver at least half (50%) of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints¹⁸.

Comment:- The proposed development will provide a significant number of new dwellings within an inner City Dublin targeted for such development.

National Policy Objective 6

Regenerate and rejuvenate cities, towns and villages of all types and scale as environmental assets, that can accommodate changing roles and functions, increased residential population and employment activity and enhanced levels of amenity and design quality, in order to sustainably influence and support their surrounding area.

Comment:- The re-development of the former O'Devaney Gardens site is a significant urban regeneration project. The regeneration of the site commenced under the guidance of DCC, with the first phase of new housing (56 no. dwellings) under construction at the north west corner. The proposed development will complete the regeneration of the former O'Devaney Gardens site, providing modern purpose-built accommodation, and allowing for increased densities on this strategically located inner city site.

National Policy Objective 7

Apply a tailored approach to urban development, that will be linked to the Rural and Urban Regeneration and Development Fund, with a particular focus on:-

- Dublin;
- the four Cities of Cork, Limerick, Galway and Waterford;
- Strengthening Ireland's overall urban structure, particularly in the Northern and Western and Midland Regions, to include the regional centres of Sligo and Letterkenny in the North-West, Athlone in the Midlands and cross-border networks focused on the Letterkenny-Derry North-West Gateway Initiative and Drogheda-Dundalk-Newry on the Dublin-Belfast corridor;
- Encouraging population growth in strong employment and service centres of all sizes, supported by employment growth;
- Reversing the stagnation or decline of many smaller urban centres, by identifying and establishing new roles and functions and enhancement of local infrastructure and amenities;
- Addressing the legacy of rapid unplanned growth, by facilitating amenities and services catch-up, jobs and/or improved sustainable transport links to the cities, together with a slower rate of population growth in recently expanded commuter settlements of all sizes;
- In more self-contained settlements of all sizes, supporting a continuation of balanced population and employment growth.

Comment:- This is an urban development project. It is strategically located in inner city Dublin, close to strong employment and service centres.

National Policy Objective 12

The Government will establish a National Regeneration and Development Agency to work with local authorities, other public bodies and capital spending departments and agencies to co-ordinate and secure the best use of public lands, investment required within the capital envelopes provided in the National Development Plan and to drive the renewal of strategic areas not being utilised to their full potential. The Government will consider how best to make State lands available to such a body to kick-start its development role and to legislate for enhanced compulsory purchase powers to ensure that the necessary transformation of the places most in need of regeneration can take place more swiftly and effectively.

Comment:- The former O'Devaney Gardens site, including lands formerly part of St. Bricin's, are publicly owned lands. The proposed development is the subject of a development agreement between the applicant and DCC for the regeneration of the lands, designed to achieve their full potential. The lands are also identified in the DCDP as a Strategic Development and Regeneration Area (SDRA 11).

National Policy Objective 13

In urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.

Comment:- The scheme has been designed to meet the requirements of the DCDP and / or the relevant planning and related guidelines i.e.

- *Sustainable Urban Housing Design Standards for New Apartments – Guidelines for*

- *Planning Authorities (2018)* and
• *Urban Development and Building Height Guidelines for Planning Authorities (2018)*

In some cases, the design has relied upon the Guidelines, superseding the DCDP, to achieve a well-designed high-quality design.

National Policy Objective 27

Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages.

Comment:- A shift from the private car towards other modes of public transport and walking or cycling is promoted through the design of the development. The take up on this is expected to be good due to the strong connections and permeability integrated into the design and the choice of existing public transport modes found in close proximity as well as easy access to the city centre by foot.

National Policy Objective 32

To target the delivery of 550,000 additional households to 2040

Comment:- The proposed development will deliver 1047 dwellings which will contribute to meeting the 2040 target for additional households.

National Policy Objective 35

Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

Comment:- The design and layout of the proposed development, including the density and building heights, are a suitable design response for the regeneration of this inner-city site.

2.3 REBUILDING IRELAND – ACTION PLAN FOR HOUSING AND HOMELESSNESS (2016)

This document is the Government’s Action Plan on Housing and Homelessness. It seeks to improve the viability of housing construction and ensure that an average of 25,000 homes are produced every year in the period to 2021.

To achieve this, Five Pillars are outlined, each with specific key actions:- 1. Address Homelessness; 2. Accelerate Social Housing; 3. Build More Homes; 4. Improve the Rental Sector; and 5. Utilise Existing Housing. Pillars 2, 3 and 4 are relevant to the proposed development and the table below outlines how these objectives are met.

Comment

Pillar 2 – Accelerate Social Housing

Increase the level and speed of delivery of social housing and other State supported housing.

The proposed development is the subject of a development agreement between the applicant and DCC and will deliver significant social housing provision comprising 30% of the total units on the site with a further 20% comprising affordable housing.

Pillar 3 – Build More Homes

Increase the output of private housing to meet demand at affordable prices

The proposed development, subject to approval, will go on site in 2022 and will provide 50% of the total units as private homes in this inner city location where there is strong demand for such units.

Pillar 4 – Improve the Rental Sector

Address the obstacles to greater private rented sector delivery, to improve the supply of units at affordable rents.

The development is not a Specific BTR development but may contribute to the overall supply of rental property in the area.

2.4 EASTERN & MIDLANDS REGIONAL ASSEMBLY REGIONAL SPATIAL & ECONOMIC STRATEGY, 2019-2031

The *Regional Spatial & Economic Strategy* (RSES) is a strategic plan which provides a multifaceted approach to regional development.

The Strategy is based upon the 3 key Principles and 16 Regional Strategic Outcomes identified in the image below.

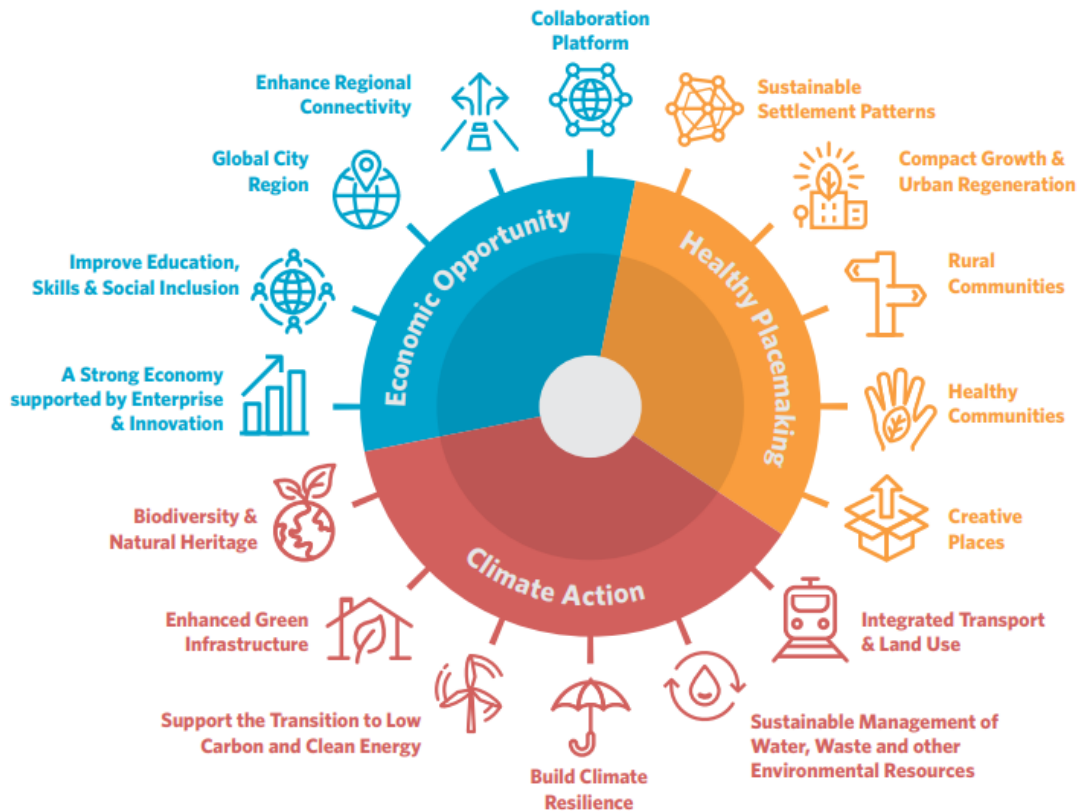


Figure 2.4 Regional Strategic Outcomes

SOURCE: Figure 2.4,
Eastern & Midlands Regional Assembly Regional Spatial & Economic Strategy, 2019-2031

The *Dublin Metropolitan Area Strategic Plan (MASP)* is a land use and transportation strategy contained within the RSES. Consolidation of Dublin City and its suburbs is part of the vision of the MASP. To achieve this, the following Guiding Principles (Section 5.3) of the MASP, relevant to the proposed development, are outlined below: -

- *Compact sustainable growth and accelerated housing delivery – To promote sustainable consolidated growth of the Metropolitan Area, including brownfield and infill development, to achieve a target of 50% of all new homes within or contiguous to the built-up area of Dublin City and suburbs, and at least 30% in other settlements. To support a steady supply of sites and to accelerate housing supply, in order to achieve higher densities in urban built up areas, supported by improved services and public transport.*
- *Integrated Transport and Land use – To focus growth along existing and proposed high quality public transport corridors and nodes on the expanding public transport network and to support the delivery and integration of ‘BusConnects’, DART expansion and LUAS extension programmes, and Metro Link, while maintaining the capacity and safety of strategic transport networks*
- *Social Regeneration – To realise opportunities for social as well as physical*

regeneration, particularly in those areas of the metropolitan area which have been identified as having high relative deprivation.

- *Co-ordination and active land management – To enhance co-ordination across local authorities and relevant agencies to promote more active urban development and land management policies that help develop underutilised, brownfield, vacant and public lands.*

(emphasis added)

The proposed development is an urban regeneration scheme of an inner-city brownfield site. The scheme will deliver a high-density scheme of modern new homes which are in close proximity to existing and planned public transport and local service provision.

This is in accordance with the principles and vision of the RSES and MASP.

3.0 STATEMENT OF CONSISTENCY – MINISTERIAL GUIDELINES

3.1 GUIDELINES FOR PLANNING AUTHORITIES ON SUSTAINABLE RESIDENTIAL DEVELOPMENT IN URBAN AREAS (2009) AND ASSOCIATED URBAN DESIGN MANUAL BEST PRACTICE GUIDELINES (2009)

These Guidelines set out the key planning principles for residential development in urban areas. The Guidelines are accompanied by a non-statutory Design Manual which illustrates how the policy principles can be translated into practice.

The principles of the Guidelines are translated into the planning and design objectives and standards contained in the Development Plan.

These objectives and standards have informed the nature, scale, density and form of development within the current scheme and ensure a plan-led approach to the development of the site.

The Urban Design Manual provides a series of criteria against which residential developments can be assessed. These are divided into 3 categories: - Neighbourhood; Site; Home.

The proposed layout, design and built form is guided by the principles set out within the Guidelines and the design criteria within the Design Manual. This ensures that the proposed development provides a variety of residential dwellings that are connected to local public transport options and accessible to existing retail and local services.



The table below outlines Consistency with the 12 Design Criteria and should be read in conjunction with the Architect’s **Design Statement** [O’Mahony Pike Architects] enclosed.

CONSISTENCY WITH SUSTAINABLE RESIDENTIAL DEVELOPMENT GUIDELINES - DESIGN CRITERIA FOR NEW RESIDENTIAL DEVELOPMENTS

The Criteria / Positive Indicators	Comment on Consistency
<p>01 Context <i>How does the development respond to its surroundings?</i></p> <ul style="list-style-type: none"> • <i>The development seems to have evolved naturally as part of its surroundings</i> • <i>Appropriate increases in density respect the form of buildings and landscape around the site's edges and the amenity enjoyed by neighbouring users</i> • <i>Form, architecture and landscaping have been informed by the development's place and time</i> • <i>The development positively contributes to the character and identity of the neighbourhood</i> • <i>Appropriate responses are made to the nature of specific boundary conditions</i> 	<p>As detailed in the Design Statement (O'Mahony Pike Architects) and other reports submitted with this application, the design of the ODG-SHD development has been informed by detailed analysis of the site and its surroundings, with particular attention paid to the treatment of immediately adjacent boundaries. It is considered that the proposals represent a positive contribution to the area as a whole in line with current policy.</p>
<p>02 Connections <i>How well connected is the new neighbourhood?</i></p> <ul style="list-style-type: none"> • <i>There are attractive routes in and out for pedestrians and cyclists</i> • <i>The development is located in or close to a mixed-use centre</i> • <i>The development's layout makes it easy for a bus to serve the scheme</i> • <i>The layout links to existing movement routes and the places people will want to get to</i> • <i>Appropriate density, dependent on location, helps support efficient public transport</i> 	<p>The development provides a new neighbourhood with on-site facilities and connections to the surrounding urban area for pedestrian, cyclists and motorists. Given the level of public transport accessibility, the scheme places strong emphasis on smarter travel and sustainable modes of transport over the private car. Refer to Section 3.2 of the Design Statement (O'Mahony Pike Architects)</p>
<p>03 Inclusivity <i>How easily can people use and access the development?</i></p> <ul style="list-style-type: none"> • <i>New homes meet the aspirations of a range of people and households</i> • <i>Design and layout enable easy access by all</i> • <i>There is a range of public, communal and/or private amenity spaces and facilities for children of different ages, parents and the elderly</i> • <i>Areas defined as public open space that has been either taken in charge or privately managed will be clearly defined, accessible and open to all</i> • <i>New buildings present a positive aspect to passers by avoiding unnecessary physical and</i> 	<p>The scheme provides a wide range of 1, 2 and 3 bedroom apartments and houses catering for a range of end users. Building will directly address the street and public realm and public open space areas are proposed and will be accessible to all and form part of the wider city green infrastructure network. Refer to Section 3.2 of the Design Statement (O'Mahony Pike Architects)</p>

<p><i>visual barriers</i></p>	
<p>04 Variety <i>How does the development promote a good mix of activities?</i></p> <ul style="list-style-type: none"> • <i>Activities generated by the development contribute to the quality of life in its locality</i> • <i>Uses that attract the most people are in the most accessible places</i> • <i>Neighbouring uses and activities are compatible with each other</i> • <i>Housing types and tenure add to the choice available in the area</i> • <i>Opportunities have been taken to provide shops, facilities and services that complement those already available in the neighbourhood</i> 	<p>In addition to the variety of house types, the development also provides resident amenities and facilities within the apartment blocks which will provide residents lounges, gyms, co-working areas etc. and the development also include non-residential uses such as retail units, community facility, café and a childcare facility to serve the new neighbourhood.</p>
<p>05 Efficiency <i>How does the development make appropriate use of resources, including land?</i></p> <ul style="list-style-type: none"> • <i>The proposal looks at the potential of higher density, taking into account appropriate accessibility by public transport and the objectives of good design</i> • <i>Landscaped areas are designed to provide amenity and biodiversity, protect buildings and spaces from the elements and incorporate sustainable urban drainage systems</i> • <i>Buildings, gardens and public spaces are laid out to exploit the best solar orientation</i> • <i>The scheme brings a redundant building or derelict site back into productive use</i> • <i>Appropriate recycling facilities are provided</i> 	<p>The development meets current policy and is in keeping with the trends for similar inner urban regeneration sites in the City. The density of the development supports the economic efficiency of public transport serving the site. The design of the development uses best practice in terms of sustainability within urban areas and this is evident in relation to transportation, energy, SUDs, and waste management.</p>
<p>06 Distinctiveness <i>How do the proposals create a sense of place?</i></p> <ul style="list-style-type: none"> • <i>The place has recognisable features so that people can describe where they live and form an emotional attachment to the place</i> • <i>The scheme is a positive addition to the identity of the locality</i> • <i>The layout makes the most of the opportunities presented by existing buildings, landform and ecological features to create a memorable layout</i> • <i>The proposal successfully exploits views into and out of the site</i> • <i>There is a discernible focal point to the scheme, or the proposals reinforce the role of an existing centre</i> 	<p>The site layout strategy has established a strong urban form that respects the locality and the established connections as well as setting up interactions with future development in St. Bricins. Building Height has been used to improve legibility and to mark the key focal points of the scheme at Link Street and the Central Park. Refer to Section 3.3 of the <i>Design Statement</i> (O'Mahony Pike Architects)</p>

<p>07 Layout How does the proposal create people friendly streets and spaces?</p> <ul style="list-style-type: none"> • <i>Layout aligns routes with desire lines to create a permeable interconnected series of routes that are easy and logical to navigate around.</i> • <i>The layout focuses activity on the streets by creating active frontages with front doors directly serving the street</i> • <i>The streets are designed as places instead of roads for cars, helping to create a hierarchy of space with less busy routes having surfaces shared by pedestrians, cyclists and drivers</i> • <i>Traffic speeds are controlled by design and layout rather than by speed humps</i> • <i>Block layout places some public spaces in front of building lines as squares or greens, and some semi private space to the back as communal courts</i> 	<p>The street network is addressed by buildings and particular consideration has been given to placed own door residential units and non-residential units to activate the streetscape and the public realm. Refer to the Design Statement (O'Mahony Pike Architects)</p>
<p>08 Public Realm How safe, secure and enjoyable are the public areas?</p> <ul style="list-style-type: none"> • <i>All public open space is overlooked by surrounding homes so that this amenity is owned by the residents and safe to use</i> • <i>The public realm is considered as a usable integrated element in the design of the development</i> • <i>Children's play areas are sited where they will be overlooked but not a nuisance</i> • <i>There is a clear definition between public, semi private, and private space</i> • <i>Roads and parking areas are considered as an integral landscaped element in the design of the public realm.</i> 	<p>The public realm and landscape strategy provide a hierarchy of space which is overlooked and safe – Refer to the Design Statement (O'Mahony Pike Architects) and Landscape Design Report (Murray & Associates)</p>
<p>09 Adaptability How will the buildings cope with change?</p> <ul style="list-style-type: none"> • <i>Designs exploit good practice lessons, such as the knowledge that certain house types are proven to be ideal for adaptation</i> • <i>The homes are energy-efficient and equipped for challenges anticipated from a changing climate</i> • <i>Homes can be extended without ruining the character of the types, layout and outdoor space</i> • <i>The structure of the home and its loose fit design allows for adaptation and subdivision, such as the creation of an annexe or small office</i> 	<p>Buildings are adaptable to evolve over time and include current best practice and technologies to foster sustainability.</p>

<ul style="list-style-type: none"> • <i>Space in the roof or garage can be easily converted into living accommodation</i> 	
<p>10 Privacy and Amenity <i>How do the buildings provide a decent standard of amenity?</i></p> <ul style="list-style-type: none"> • <i>Each home has access to an area of useable private outdoor space</i> • <i>The design maximises the number of homes enjoying dual aspect</i> • <i>Homes are designed to prevent sound transmission by appropriate acoustic insulation or layout</i> • <i>Windows are sited to avoid views into the home from other houses or the street</i> • <i>The homes are designed to provide adequate storage including space within the home for the sorting and storage of recyclables.</i> 	<p>All houses and apartments have private amenity space in accordance with Guidelines. Design has included measures to meet and surpass current Building Regulations and to provide high quality residential accommodation– Refer to the <i>Housing Quality Assessment</i> (O’Mahony Pike Architects)</p>
<p>11 Parking <i>How will the parking be secure and attractive?</i></p> <ul style="list-style-type: none"> • <i>Appropriate car parking is on street or within easy reach of the home’s front door.</i> • <i>Parked cars are overlooked by houses, pedestrians and traffic, or stored in secure underground or podium arrangements</i> • <i>Parking is provided communally to maximise efficiency and accommodate visitors without the need to provide additional dedicated spaces</i> • <i>Materials used for parking areas are of similar quality to the rest of the development</i> • <i>Adequate secure facilities are provided for bicycle storage</i> 	<p>The parking areas are convenient to the houses/ apartments but at a low level of provision in accordance with current policy. Proposals will involve mobility management initiatives to encourage use of sustainable transport modes over the private car. Bicycle parking is provided for residents and visitors. Refer to <i>Traffic Impact Assessment</i> (CS Consulting)</p>
<p>12 Detailed Design <i>How well thought through is the building and landscape design?</i></p> <ul style="list-style-type: none"> • <i>The materials and external design make a positive contribution to the locality</i> • <i>The landscape design facilitates the use of the public spaces from the outset</i> • <i>Design of the buildings and public space will facilitate easy and regular maintenance</i> • <i>Open car parking areas are considered as an integral element within the public realm design and are treated accordingly</i> • <i>Care has been taken over the siting of flues, vents and bin stores</i> 	<p>The detailed design of the development exhibits high quality materials on the buildings and the public realm. Maintenance implications have been considered in the <i>Building Lifecycle Report</i> (Aramark) and the development also recognises the taking-in-charge requirements of the Local Authority in relation to roads and public spaces.</p>

3.2 SUSTAINABLE URBAN HOUSING: DESIGN STANDARDS FOR NEW APARTMENTS – GUIDELINES FOR PLANNING AUTHORITIES (2018)

These Guidelines, hereafter referred to as the ‘Apartment Guidelines’ contain qualitative and quantitative measures for the design of apartments and related facilities including storage areas, open spaces and communal facilities. *Specific Planning Policy Requirements* (SPPRs) included in the Guidelines take precedence over policies and objectives of development plans, local area plans or SDZ planning schemes.

Section 6 of the Apartment Guidelines outlines the information required to accompany a planning application for an apartment scheme or mixed-use development including apartments.

The following is a summary of compliance with the key provisions of the Guidelines.

CONSISTENCY WITH SUSTAINABLE URBAN HOUSING GUIDELINES - DESIGN STANDARDS FOR NEW APARTMENTS

REQUIREMENT	COMMENT
<i>Floorspace Schedule</i>	Schedules and floorplans demonstrating compliance with the Guidelines are provided in the Housing Quality Assessment (HQA) [O’Mahony Pike Architects].
<i>Unit Mix</i>	The following unit mix is provided:- <ul style="list-style-type: none"> • 1 bed unit: 318no. 30% • 2 bed units: 567no. 54% • 3 bed units: 107no. 16%
<i>Apartment Floor areas</i>	The floor area of all apartments is in accordance with the Guidelines including SPPR3 and Appendix 1. The majority of units exceed the minimum size standards by 10%. Refer to the HQA schedules enclosed [O’Mahony Pike Architects].
<i>Dual Aspect Ratios</i>	37% of the apartments are dual aspect, meeting the requirement of SPPR 4 (increased from 33% at Stage 2). Refer to Section 6.4 and 6.5 of the Design Statement [O’Mahony Pike Architects] which addresses the issue of aspect in more detail including north-facing single aspect units.
<i>Floor to Ceiling Height</i>	The proposed development achieves a floor to ceiling height in excess of 2.7metres for ground level apartments. This is in accordance with the Guidelines and specifically SPPR 5.
<i>Lift and Stair Cores</i>	The layout of the apartment blocks (up to a maximum of 12 units per floor per core) is in accordance with the Apartment Guidelines and SPPR6. NOTE : The Development Plan predates the Guidelines and limits

	to 8 units per core (Section 16.10.1).
Internal Storage	All apartments are provided with internal storage in accordance with the requirements of the Guidelines and Appendix 1. Refer to the HQA [O'Mahony Pike Architects] enclosed.
Private Amenity Space	All apartments have private amenity space in the form of balconies and / or terraces which in all cases meets or exceeds the minimum standards in Appendix 1. Refer to the HQA [O'Mahony Pike Architects] enclosed.
Communal Facilities	The development is not a Specific BTR development. The development includes the communal facilities within the larger blocks which will be run by a management company and available to all residents of the development.
Creche	A creche is provided as part of the proposed development in Block 3.
Communal Amenity Space	The requirement for Communal Amenity Space proposed is provided in a combination of ground level amenity spaces, podium courtyards and roof terrace and exceeds the quantitative provision required based on the Appendix 1 standards. Refer Response to ABP Opinion (Specific Item 4) and the Landscape Design Report (Murray & Associates) for further detail on the public, private and communal amenity spaces proposed. Refer also to Section 6.3 of the Design Statement [O'Mahony Pike Architects] enclosed.
Children's Play	Children's play facilities are provided in the communal amenity spaces in the form of natural play space, with natural elements, tree logs, boulders, etc. as play elements set in open green spaces. Larger communal play spaces are also provided within the site, in the form of structured formal playgrounds, unstructured open space and natural playful spaces. Further details are contained in Section 4.7 of the Landscape Design Report [Murray & Associates].
Car Parking	The car parking provision for the proposed development is in line with the Apartment Guidelines. A default policy of reduced parking in central and / or accessible urban locations that are well served by public transport Refer to Section 6.0 of the Traffic and Transport Assessment [CS Consulting] enclosed for further details.
Bicycle Parking	The design and provision of the cycle storage facilities is in accordance with Section 4.17 of the Apartment Guidelines. Refer to Section 6.0 of the Traffic and Transport Assessment [CS Consulting] enclosed for further details.
Refuse Storage	The proposals for the storage and collection of waste materials from the apartments is designed in accordance with the requirements of the Guidelines. Refer to the Operational Waste Management Plan [Byrne Environmental Consulting Ltd] for further details.

Security Considerations	The proposed development meets the requirements of the Guidelines. Design features, including the natural surveillance of areas of the public realm by their adjoining blocks, ensure the spaces feel safe and secure. Privacy for ground floor apartments is achieved by either being elevated above street level and/or screened by a privacy strip.
Building Lifecycle Report	A Building Lifecycle Report [Aramark] is submitted with this application.

SPECIFIC PLANNING POLICY REQUIREMENT	COMPLIES
<p>Specific Planning Policy Requirement 1 <i>Apartment developments may include up to 50% one-bedroom or studio type units (with no more than 20-25% of the total proposed development as studios) and there shall be no minimum requirement for apartments with three or more bedrooms. Statutory development plans may specify a mix for apartment and other housing developments, but only further to an evidence-based Housing Need and Demand Assessment (HNDA), that has been agreed on an area, county, city or metropolitan area basis and incorporated into the relevant development plan(s).</i></p>	Complies
<p>Specific Planning Policy Requirement 2 <i>For all building refurbishment schemes on sites of any size, or urban infill schemes on sites of up to 0.25ha:</i></p> <ul style="list-style-type: none"> • <i>Where up to 9 residential units are proposed, notwithstanding SPPR 1, there shall be no restriction on dwelling mix, provided no more than 50% of the development (i.e. up to 4 units) comprises studio-type units;</i> • <i>Where between 10 to 49 residential units are proposed, the flexible dwelling mix provision for the first 9 units may be carried forward and the parameters set out in SPPR 1, shall apply from the 10th residential unit to the 49th;</i> • <i>For schemes of 50 or more units, SPPR 1 shall apply to the entire development.</i> 	N/A
<p>Specific Planning Policy Requirement 3 <i>Minimum Apartment Floor Areas:</i></p> <ul style="list-style-type: none"> • <i>Studio apartment (1 person) 37 sq.m</i> • <i>1-bedroom apartment (2 persons) 45 sq.m</i> • <i>2-bedroom apartment (4 persons) 73 sq.m</i> • <i>3-bedroom apartment (5 persons) 90 sq.m</i> 	Complies
<p>Specific Planning Policy Requirement 4 <i>In relation to the minimum number of dual aspect apartments that may be provided in any single apartment scheme, the following shall apply:</i> <i>(i) A minimum of 33% of dual aspect units will be required in more central and accessible urban locations, where it is necessary to achieve a quality design</i></p>	Complies

<p><i>in response to the subject site characteristics and ensure good street frontage where appropriate.</i></p> <p><i>(ii) In suburban or intermediate locations it is an objective that there shall generally be a minimum of 50% dual aspect apartments in a single scheme.</i></p> <p><i>(iii) For building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha , planning authorities may exercise further discretion to consider dual aspect unit provision at a level lower than the 33% minimum outlined above on a case-by-case basis, but subject to the achievement of overall high design quality in other aspects.</i></p>	
<p>Specific Planning Policy Requirement 5</p> <p><i>Ground level apartment floor to ceiling heights shall be a minimum of 2.7m and shall be increased in certain circumstances, particularly where necessary to facilitate a future change of use to a commercial use. For building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha , planning authorities may exercise discretion on a case-by-case basis, subject to overall design quality.</i></p>	Complies
<p>Specific Planning Policy Requirement 6</p> <p><i>A maximum of 12 apartments per floor per core may be provided in apartment schemes. This maximum provision may be increased for building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha , subject to overall design quality and compliance with building regulations.</i></p>	Complies
<p>Specific Planning Policy Requirement 7</p> <p><i>BTR development must be:</i></p> <p><i>(a) Described in the public notices associated with a planning application specifically as a ‘Build-To-Rent’ housing development that unambiguously categorises the project (or part of thereof) as a long-term rental housing scheme, to be accompanied by a proposed covenant or legal agreement further to which appropriate planning conditions may be attached to any grant of permission to ensure that the development remains as such. Such conditions include a requirement that the development remains owned and operated by an institutional entity and that this status will continue to apply for a minimum period of not less than 15 years and that similarly no individual residential units are sold or rented separately for that period;</i></p> <p><i>(b) Accompanied by detailed proposals for supporting communal and recreational amenities to be provided as part of the BTR development. These facilities to be categorised as:</i></p> <p><i>(i) <u>Resident Support Facilities</u> - comprising of facilities related to the operation of the development for residents such as laundry facilities, concierge and management facilities, maintenance/repair services, waste management facilities, etc.</i></p> <p><i>(ii) <u>Resident Services and Amenities</u> – comprising of facilities for communal recreational and other activities by residents including sports facilities, shared TV/lounge areas, work/study spaces, function rooms for use as private dining and kitchen facilities, etc. a)</i></p>	N/A
<p>Specific Planning Policy Requirement 8</p>	N/A

<p>For proposals that qualify as specific BTR development in accordance with SPPR 7:</p> <ul style="list-style-type: none"> (i) No restrictions on dwelling mix and all other requirements of these Guidelines shall apply, unless specified otherwise; (ii) Flexibility shall apply in relation to the provision of a proportion of the storage and private amenity space associated with individual units as set out in Appendix 1 and in relation to the provision of all of the communal amenity space as set out in Appendix 1, on the basis of the provision of alternative, compensatory communal support facilities and amenities within the development. This shall be at the discretion of the planning authority. In all cases the obligation will be on the project proposer to demonstrate the overall quality of the facilities provided and that residents will enjoy an enhanced overall standard of amenity; (iii) There shall be a default of minimal or significantly reduced car parking provision on the basis of BTR development being more suitable for central locations and/or proximity to public transport services. The requirement for a BTR scheme to have a strong central management regime is intended to contribute to the capacity to establish and operate shared mobility measures; (iv) The requirement that the majority of all apartments in a proposed scheme exceed the minimum floor area standards by a minimum of 10% shall not apply to BTR schemes; (v) The requirement for a maximum of 12 apartments per floor per core shall not apply to BTR schemes, subject to overall design quality and compliance with building regulations. 	
<p><i>Specific Planning Policy Requirement 9</i> <i>Shared Accommodation may be provided and shall be subject to the requirements of SPPRs 7 (as per BTR). In addition,</i></p> <ul style="list-style-type: none"> <i>(i) No restrictions on dwelling mix shall apply;</i> <i>(ii) The overall unit, floor area and bedroom floorspace requirements of Appendix 1 of these Guidelines shall not apply and are replaced by Tables 5a and 5b;</i> <i>(iii) Flexibility shall be applied in relation to the provision of all storage and amenity space as set out in Appendix 1, on the basis of the provision of alternative, compensatory communal support facilities and amenities. The obligation will be on the project proposer to demonstrate the overall quality of the facilities provided and that residents will enjoy an enhanced overall standard of amenity;</i> <i>(iv) A default policy of minimal car parking provision shall apply on the basis of shared accommodation development being more suitable for central locations and/or proximity to public transport services. The requirement for shared accommodation to have a strong central management regime is intended to contribute to the capacity to establish and operate shared mobility measures;</i> 	N/A

3.3 URBAN DEVELOPMENT AND BUILDING HEIGHTS GUIDELINES FOR PLANNING AUTHORITIES (2018)

The Building Height Guidelines support in principle: -

- Building heights of at least 3 to 4 storeys in locations outside what would be defined as city and town centre areas and which would include suburban areas.
- Buildings heights of 6 storeys at street level with scope to consider greater building heights within city centre areas including within the canal ring in Dublin and similar areas in Cork, Limerick, Galway and Waterford.

Applications for increased building heights, taller than the prevailing building heights in urban areas, can be considered and approved by the Planning Authority / An Bord Pleanala under Specific Planning Policy Requirement 3 (SPPR3) where the relevant plan (i.e. Development Plan) pre-dates these Guidelines.

The height strategy is proposed to respond to established building heights and character of the residential streets adjoining. Taller buildings will be located adjacent to the main thoroughfares and public open spaces and towards the centre of the overall SDRA11 site, with two to three storey housing and duplex units along the boundaries with established residential.

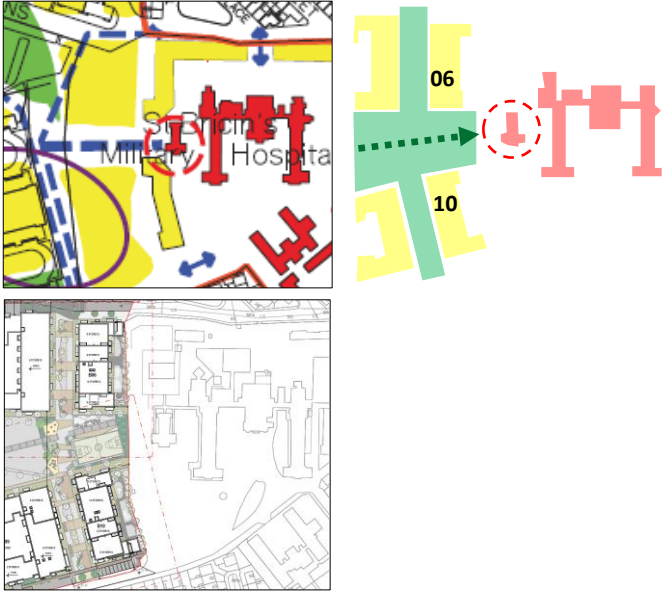
The scheme will provide an appropriate compact urban form of development to ensure an efficient usage of scarce land for this key inner-city regeneration site located in close proximity to a wide range of services and existing public transport links.

The table below outlines how the proposed development meets the development management criteria set out in the *Urban Development and Building Heights Guidelines (2018)* and therefore allows An Bord Pleanala to consider and approve the additional height proposed for this scheme.

Refer also to the Response to ABP Opinion Item 1 – Height and Placemaking – in the ***Planning Statement / Response to ABP Opinion*** (BMA Planning)

Summary of Consistency with SPPR3(A) Building Height Guidelines - Development Management Criteria

CRITERIA - PARAGRAPH 3.2	COMMENT
<i>At The Scale Of The Relevant City/Town</i>	
<ul style="list-style-type: none"> <i>The site is well served by public transport with high capacity, frequent service and good links to other modes of public transport.</i> 	<p>The site is less than 3km by road from O’Connell Street (i.e. walking/ cycling distance), some 550m from a neighbourhood centre in Stoneybatter (with TUD’s Grangegorman campus adjacent), and 650m from Heuston Station and Luas stop. There are bus stops within minutes’ walk in all directions from the site, on North Circular Road, Aughrim Street, Infirmary Road and Parkgate Street. It is also proposed – as required by the policy for SDRA 11 – that a Dublin Bus route would serve the site directly.</p>
<ul style="list-style-type: none"> <i>Development proposals incorporating increased building height, including proposals within architecturally sensitive areas, should successfully integrate into/ enhance the character and public realm of the area, having regard to topography, its cultural context, setting of key landmarks, protection of key views. Such development proposals shall undertake a landscape and visual assessment, by a suitably qualified practitioner such as a chartered landscape architect.</i> 	<p>It is significant that the Building Height Guidelines envisages/ allows for taller developments taking place in ‘architecturally sensitive areas’ in certain circumstances. The receiving environment is such an area. However, its city centre location demands that opportunity provided by the large brownfield site be optimally used for sustainable development.</p> <p>The proposed development would integrate with and enhance the urban grain, circulation network and public realm of the area by providing:</p> <p>(a) road access from North Circular Road to the north, Montpelier Gardens to the south and Swords Street to the east, and</p> <p>(b) additional pedestrian and cycle access points from Ross Street and Ashford Cottages to the north east, and Montpelier Gardens to the south.</p> <p>The proposed layout and arrangement of built form respond appreciably to the key landmark, namely St Bricin’s Military Hospital including the identified ‘focal building’ (the chapel). The proposed neighbourhood park is located and designed so that the chapel is positioned as a focal point at its eastern end.</p> <p>The proposed buildings BLD 06 and 10 are positioned and aligned in response to the main central complex of St Bricin’s – as indicated on the DCDP diagram for SDRA 11.</p>

	 <p>The Landscape and Visual Impact Assessment has been prepared by Modelworks and includes short and long range views of the site and a full assessment (Section 14.5.3 of the EIAR) of the impact of the proposed development of the surrounding areas. The visual effects assessment includes assessment of 'key views' such as views from Phoenix Park, the Liffey quays, Royal Hospital Kilmainham, North Circular Road and the neighbouring estates. The assessment found that the development would have no negative impacts on any of these views.</p> <p>Refer to the Section 4.0 on Heights & Massing Strategy in the Design Statement [O'Mahony Pike Architects] submitted.</p>
<ul style="list-style-type: none"> • <i>On larger urban redevelopment sites, proposed developments should make a positive contribution to place-making, incorporating new streets and public spaces, using massing and height to achieve the required densities but with sufficient variety in scale and form to respond to the scale of adjoining developments and create visual interest in the streetscape.</i> 	<p>The proposed development would make a positive contribution to place-making by (a) introducing a large new neighbourhood park to the townscape, (b) providing a connected network of streets and pedestrian corridors, and (c) establishing a distinct new high density residential quarter in the city centre between Stoneybatter/ Grangegorman and Phoenix Park.</p> <p>The cluster of diverse building typologies steps down in height towards the most sensitive boundaries, while employing height elsewhere to achieve place-making and visibility/ legibility objectives (in addition to density).</p> <p>The photomontages and CGIs show that the proposal would deliver a new quarter and streetscapes of distinct character and visual interest.</p>

At The Scale Of District/Neighbourhood/Street

- *The proposal responds to its overall natural and built environment and makes a positive contribution to the urban neighbourhood and streetscape*

The proposed apartment buildings are of two types, i.e. linear blocks and perimeter blocks. The design avoids monolithic forms and uninterrupted walls of building by dividing the linear blocks into distinct volumes of different heights and materials.

This height and materials variations respond to the both the sensitivities in the buildings' immediate context and the opportunities for legibility (e.g. using height to indicate junctions/ places in the townscape).

The resulting composition of built form will generate visual interest and legibility in the internal/ adjacent streetscapes and when the scheme is seen at a distance across the townscape.

<ul style="list-style-type: none"> • <i>The proposal is not monolithic and avoids long, uninterrupted walls of building in the form of slab blocks with materials / building fabric well considered.</i> • <i>The proposal enhances the urban design context for public spaces and key thoroughfares and inland waterway/ marine frontage, thereby enabling additional height in development form to be favourably considered in terms of enhancing a sense of scale and enclosure while being in line with the requirements of “The Planning System and Flood Risk Management – Guidelines for Planning Authorities” (2009).</i> • <i>The proposal makes a positive contribution to the improvement of legibility through the site or wider urban area within which the development is situated and integrates in a cohesive manner</i> • <i>The proposal positively contributes to the mix of uses and/ or building/ dwelling typologies available in the neighbourhood.</i> 	<p>The site is characterised by its physical separation from key thoroughfares (the nearest being North Circular Road, Infirmary Road and Oxmantown Road) as well as open spaces (the nearest being Phoenix Park) and waterway frontage (the Liffey River).</p> <p>However, the proposal does use building height to generate visibility from the key thoroughfares, by positioning taller volumes to be visible from the nearest/access points from North Circular Road, Infirmary Road and Oxmantown Road (refer to the photomontages for Viewpoints 11, 5 and 15 respectively). The development would thereby achieve a presence in the wider townscape, improving legibility.</p> <p>The height of the buildings would also make the development visible (without being excessively intrusive) from certain locations in Phoenix Park and the Liffey corridor (refer to the photomontages for Viewpoints 27, 28 and 29). It would thus achieve the dual objective of contributing to character and improving legibility in the townscape of the city centre north of the Liffey.</p> <p>The proposed development would make a positive contribution to the mix of dwelling typologies by introducing a large number of 1, 2 and 3 bedroom apartments and a number of duplex units (and houses), to a part of the city centre that is dominated by historic, low density residential typologies. It would also introduce a new retail street to the townscape, thereby enhancing the mix of uses.</p> <p>The site and local area is elevated and not prone to flooding. A Site Specific Flood Risk Assessment [CS Consulting] has been undertaken and is enclosed.</p> <p>Refer also to the Design Statement [O’Mahony Pike Architects] for further details on the urban design context.</p>
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At The Scale Of The Site/ Building	
<ul style="list-style-type: none"> <i>The form, massing and height of proposed developments should be carefully modulated so as to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light</i> 	<p>The form, massing and height of all the blocks have been designed to maximise access to natural daylight, ventilation and views with particular focus on the ground / podium level corner units and courtyard spaces.</p> <p>The overall scheme has been designed by O’Mahony Pike Architects in collaboration with JVT from the outset and the daylight/ sunlight analysis has been an iterative process to constantly improve and refine the development to ensure high quality daylight to apartments and sunlight to communal amenity spaces.</p> <p>The positioning of blocks within the site with the lowest elements positioned on the shared boundaries with existing low-rise housing and the orientation of the blocks relative to neighbours has ensured that there is no undue overshadowing / loss of light to neighbouring properties</p> <p>Refer to Section 6.7 of the Design Statement [O’Mahony Pike Architects]. Refer also to the Response to the ABP Opinion – Item 2 in the Planning Statement/ Response to ABP Opinion (BMA Planning)</p>
<ul style="list-style-type: none"> <i>Appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision outlined in guides like the Building Research Establishment’s ‘Site Layout Planning for Daylight and Sunlight’ (2nd edition) or BS 8206-2: 2008 – ‘Lighting for Buildings – Part 2: Code of Practice for Daylighting’.</i> 	<p>As stated above, the proposed development has been designed by the architects in collaboration with JV Tierney regarding daylight. The modelling undertaken, following the BRE Guidelines, has produced quantitative data to inform the design of the scheme with revisions made to ensure good quality living environments.</p> <p>Refer to Section 6.7 of the Design Statement [O’Mahony Pike Architects] and the Daylight and Sunlight Analysis Report by JVT.</p> <p>Refer also to the Response to the ABP Opinion – Item 2 in the Planning Statement/ Response to ABP Opinion (BMA Planning)</p>
<ul style="list-style-type: none"> <i>Where a proposal may not be able to fully meet all the requirements of the daylight provisions above,</i> 	<p>The majority of the units proposed meet the required daylight provisions. Compensatory measures are included in the design to improve the daylight</p>

<p><i>this must be clearly identified and a rationale for any alternative, compensatory design solutions must be set out, in respect of which the planning authority or An Bord Pleanála should apply their discretion, having regard to local factors including specific site constraints and the balancing of that assessment against the desirability of achieving wider planning objectives. Such objectives might include securing comprehensive urban regeneration and or an effective urban design and streetscape solution.</i></p>	<p>provisions for the affected apartments. The Daylight and Sunlight Analysis Report by JV Tierney demonstrates that the level of daylight/ sunlight is consistent with BRE standards and, in particular, when taking into consideration the nature of the proposed development, its location and character and the wider planning objectives for this inner city regeneration site.</p>
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SPECIFIC ASSESSMENTS (POSSIBLE) TO SUPPORT PLANNING APPLICATIONS

In relation to the other specific assessments referred to in the Building Height Guidelines, these have also been considered insofar as they are relevant to the proposed development.

Specific Assessments	<p>To support proposals at some or all of these scales, specific assessments may be required and these may include:</p>	
	<p>Specific impact assessment of the micro-climatic effects such as downdraft. Such assessments shall include measures to avoid/ mitigate such micro-climatic effects and, where appropriate, shall include an assessment of the cumulative micro-climatic effects where taller buildings are clustered.</p>	<p>A <i>Microclimatic Wind Analysis and Pedestrian Comfort Report (IN2)</i> has been prepared and is enclosed with this application.</p> <p>This assessment has informed the design of the scheme and has informed mitigation of wind / micro-climate effects within public, communal and private amenity spaces</p>
	<p>In development locations in proximity to sensitive bird and / or bat areas, proposed developments need to consider the potential interaction of the building location, building materials and artificial lighting to impact flight lines and / or collision.</p>	<p>The Screening Report for Appropriate Assessment (Openfield Ecology) enclosed has found that the Project, alone or in combination with other projects, is not likely to have significant effects on the Natura 2000 Network or any of the flora and fauna in the surrounding area.</p> <p>A Bat Report is also included within the EIAR (Appendix 5A).</p>

	<p>The site is not located within or directly adjacent to any Natura 2000 site and is over 3 kms distance away from the nearest SPAs and therefore the risk of collision is imperceptible. The site is not an important site for any overwintering species</p> <p>With regard to SPPR3, no issues arise in relation to any ecological receptors e.g. via the disruption of flight lines for birds or disruption to commuting or foraging bats.</p>
<p>An assessment that the proposal allows for the retention of important telecommunication channels, such as microwave links.</p>	<p>Given its inner-city location, the height, scale and orientation of the proposed development is such that it will not impact on existing telecommunication channels or microwave links.</p>
<p>An assessment that the proposal maintains safe air navigation.</p>	<p>Under the Standardised European rules of the Air (SERA), it is not permissible to fly over built up areas at a height of less than 1000ft.</p> <p>The proposed development does not impact on the standardised approaches\departures to Dublin airport, Casement aerodrome or Westin Airport.</p> <p>The proposed development does not impact on any of the Dublin hospitals where a helipad is used.</p> <p>Source: IAIP (Integrated Aeronautical Information Package), dated 22nd April 2021</p>
<p><i>An urban design statement including, as appropriate, impact on the historic built environment.</i></p>	<p>There are no protected structure within or in the immediate vicinity of the site. The impact of the development on St. Bricin's Military Hospital complex is addressed in various reports submitted with this application and in response to the ABP Opinion.</p>
<p>Relevant environmental assessment requirements, including SEA, EIA, AA and Ecological Impact Assessment, as appropriate.</p>	<p>An Environmental Impact Assessment Report (EIAR) and an Screening Report for Appropriate Assessment are enclosed with the current application.</p>

3.4 QUALITY HOUSING FOR SUSTAINABLE COMMUNITIES (2007)

The aim of these Guidelines is to identify principles and criteria that are important in the design of housing and to highlight specific design features, requirements and standards that have been found, from experience, to be particularly relevant.

Guidance within this document is arranged under five headings as follows: -

Site Selection

The site is zoned/ designated as suitable for large scale residential development in the Development.

Design Brief, Procurement and Cost Control

The site has been designed based on the design brief presented to Dublin City Council and based on the planning and urban design framework contained in the statutory Development Plan – SDRA11.

Urban Design Objectives in the Provision of Housing

The urban design principles in this document are similar to and were consolidated into the *Guidelines For Planning Authorities On Sustainable Residential Development In Urban Areas (2009)* And Associated Urban Design Manual Best Practice Guidelines (2009). These are considered above.

Scheme Layout and Design : The 12 criteria in the 2009 *Sustainable Residential Development Guidelines* are also similar to the provisions of this 2007 Guideline in relation to layout and design, housing density and other design principles and parameters. The provisions in relation to apartment type development and general in nature and have now been superseded by the Apartment Guidelines 2018 which are considered in detail above

Dwelling Design: Chapter 5 – Dwelling Design – provides guidance on the internal layout and space provision within houses including target gross floor areas and minimum room sizes. The standards in relation to the lower density housing elements of the development (as opposed to apartments which are now subject to the 2018 Apartment Guidelines). Insofar as the proposed houses within the proposed development are concerned, all comply with the space standards detailed in Table 5.1. The more detailed provisions set down in this report are matters that are generally required to comply with the Building Regulations codes and, as such, as complied with in the proposed development.

In summary and noting that these Guidelines have been superseded by the 2009 *Sustainable Residential Development Guidelines* and the 2018 Apartment Guidelines above, the overall development, and the proposed housing units in particular, are consistent with the *Quality Housing for Sustainable Communities Guidelines, 2007*.

3.5 DESIGN MANUAL FOR URBAN ROADS AND STREETS (2019)

The *Design Manual for Urban Roads and Streets (DMURS)* aims to create well-designed streets which are not dominated by traffic but balanced to the needs of all users and appropriate to the

type of place in which the street is located.

A **DMURS Statement** [CS Consulting] is enclosed. The Statement confirms that the proposed design and layout of the road and street network is consistent with the *Design Manual for Urban Roads and Streets 2019*.

3.6 **CHILDCARE FACILITIES GUIDELINES FOR PLANNING AUTHORITIES (2001)**

The Childcare Facilities – Guidelines for Planning Authorities 2001 recommend that for new housing areas, an average of one childcare facility with a minimum capacity of 20 places for each 75 dwellings would be appropriate.

The threshold provision should be established having regard to the existing geographical distribution of childcare facilities and the emerging demographic profile of areas. Of particular importance for this regeneration project, the guidelines highlight the role of childcare provision in addressing disadvantage /social exclusion and promoting equality and also the role childcare can play in fostering economic development, particularly at the local level.

The *Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities (2018)* provide guidance on the provision of childcare facilities for new apartment developments in accordance with the demographic profile of the area. Section 4.7 of the Apartments Guidelines states that “one bedroom and studio type units should not generally be considered to contribute to a requirement for any childcare provision and subject to location, this may also apply in part or whole, to units with two or more bedrooms.”

The scheme comprises 1047no. dwellings consisting of 1, 2 and 3 bed apartments.

If we exclude the proposed 1 bed units, the proposed development comprises 729no. 2 and 3 bed units which would give a requirement for c.194no. childcare spaces based on the standard from the 2001 Guidelines (i.e. 729/75 X 20).

The 2001 Guidelines apply a minimum floor space per child of 2.32sq.m, exclusive of kitchen, bathroom and hall, furniture or permanent fixtures. Applying that standard, a childcare facility to serve the proposed development and meeting the requirement for c.194 childcare spaces would need to be a minimum of 450sq.m NET floor area. There is no figure provided for gross area but we would gross up the net figure to 4sqm to give a range of 776sqm.

A large creche is provided as part of the proposed development in Block 3 and is 489sqm excluding the external play area.

Therefore, given the inner city location of the site and the number of existing creche facilities in the vicinity, it is considered that the level of provision within the development is reasonable and compliant with Development Plan policy. (Refer to Policy SN17 and Appendix 13 of the DCDP).

The following is a list of childcare facilities within 1km of the site.

- Jumblies
- Tracey’s Tots Preschool
- Seven Dwarfs Community Playgroup

- Dunard Community Playgroup
- Tiny Toes Crèche
- Krazy Kids and Company
- Kent Playgroup Ltd / Rainbow
- Little Stars

Also in the vicinity of the subject site are Happy Days, Silver Spoon Nursery School, Blackhorse Childcare and Safari Childcare Heuston South Quarter.

The proposed creche in Block 3, taken together with existing childcare provision options in the immediate area mean that the development is well provided for in terms of childcare provision.

3.7 THE PLANNING SYSTEM AND FLOOD RISK ASSESSMENT - GUIDELINES FOR PLANNING AUTHORITIES (2009)

These Guidelines introduce comprehensive mechanisms for the incorporation of flood risk identification and management into the planning process.

A *Site-Specific Flood Risk Assessment* [CS Consulting] has been prepared and is enclosed.

Flood risk and stormwater impact on the proposed development was considered and it was found that there is no risk of flooding to the proposed development, its occupants or users and adjoining properties.

4.0 STATEMENT OF CONSISTENCY – DEVELOPMENT PLAN

4.1 INTRODUCTION

This section contains an assessment of the consistency of the proposed development with the *Dublin City Development Plan 2016 – 2022* policies and objectives.

The Development Plan sets out the policies and objectives for the development of the city over the plan period and is comprised of a Written Statement including Appendices, Zoning Maps, a Strategic Flood Risk Assessment, Strategic Environmental Report including a Non-Technical Summary and a Natura Impact Report.

4.2 DUBLIN CITY DEVELOPMENT PLAN 2016 – 2022

The *Dublin City Development Plan 2016-2022* (DCDP) is the relevant statutory Development Plan for the area. The DCDP is divided into 7 Volumes.

The Written Statement is reviewed in the Table below on a Chapter by Chapter basis with a comment on “consistency” in each case.

Table 4.1: Review of *Dublin City Development Plan 2016-2022* - Written Statement

Chapter	Comment on Consistency
<i>Chapter 1 Strategic Context for the City Development Plan 2016 – 2022</i>	The contents of this Chapter are general in nature and are noted insofar as the proposed development is concerned.
<i>Chapter 2 Vision and Core Strategy</i>	<p>The DCDP Core Strategy provides for consistency with guidance strategies and policies at national and regional level. Following on from this guidance, a key aspect of the core strategy is that future expansion, whether housing or mixed uses occur on a phased basis and in tandem with high-quality rail-based public transport. The settlement strategy prioritises this expansion spatially within the inner-city, key district centres and Strategic Development and Regeneration Areas (SDRA’s).</p> <p>The DCDP designates 18 areas as SDRA’s which are capable of delivering a significant quantum of residential and employment development.</p> <p>Figure 2 “Core Strategy Map” and Table E “Capacity of Sub-areas of the City for Residential Development” introduces O’Devaney Gardens as SDRA 11. It is noted that the site has a capacity of c. 1,000</p>

	<p>residential units.</p> <p>Table F “<i>Schedule of Proposed Statutory Local Area Plans/Strategic Development Zones to Deliver the Core Strategy</i>” lists a Schedule of Proposed Statutory Local Area Plans etc. with <i>Stoneybatter, Manor Street and O’Devaney Gardens Local Area Plan</i> identified as no.7.</p> <p><u>Conclusion:</u> The proposed development of the subject site for a development of the nature and scale proposed is therefore consistent with the City Council’s vision for this part of the City and consistent with the Core Strategy.</p> <p>The referenced Local Area Plan has yet to come to fruition. DCC have confirmed in the Stage 2 pre-consultation discussions with ABP that there is no proposal at this time to prepare an LAP for the wider area.</p>
<p>Chapter 3 Addressing Climate Change</p>	<p>The contents of this Chapter are general in nature and are noted insofar as the proposed development is concerned.</p> <p><u>Conclusion:</u> The proposed development encourages a shift from the private car to more sustainable modes of transport and active travel. Electric vehicle charging points will be provided and the proposed residential car club vehicles will be self-charging hybrids.</p> <p>The development also includes design elements involving use of sustainable energy and the applicants will endeavour to maximise the energy efficiency of the development in accordance with or better than the building regulations in force at the time of construction of the development.</p>
<p>Chapter 4 Shape and Structure of the City</p>	<p>Figure 4 shows Key Views and Prospects in Dublin City Centre. Royal Hospital Kilmainham has key views and prospects which are onlooking to the entrance of Phoenix Park.</p> <p><u>Conclusion:</u> The proposed development does not adversely impact on any views or prospects identified in the Development Plan and is therefore consistent with the Plan. The Landscape and Visual Impact Assessment submitted as part of the current application demonstrates this and refers to the Key Views and Prospects in the Development Plan.</p>
<p>Chapter 5 Quality Housing</p>	<p>Section 5.5.9 discusses Regeneration in Dublin city. The Council has identified the need to create sustainable communities in several key regeneration areas and O’Devaney Gardens is named specifically as</p>

	<p>one of these areas.</p> <p>Policy QH26 is in relation to Regeneration, and it states that it is a policy <i>“To promote the transformation of the key regeneration areas into successful socially integrated neighbourhoods including those on the Main Inner City Regeneration Areas Map and promote area regeneration in parts of the city which require physical improvement and enhancement in terms of quality of life, housing and employment opportunities, including the Docklands”</i></p> <p>Figure 5 identifies O’Devaney Gardens as a Main Inner-City Regeneration Area.</p> <p><u>Conclusion:</u> The development of the subject site for a development of the nature and scale proposed is consistent with the City Council’s policy on housing.</p>
Chapter 6 City Economy & Enterprise	The contents of this Chapter are general in nature and are noted insofar as the proposed development is concerned.
Chapter 7 Retailing	The contents of this Chapter are general in nature and are noted insofar as the proposed development is concerned.
Chapter 8 Movement & Transport	<p>The proposed development is served by a high frequency bus service on North Circular Road and is within walking distance to Heuston Station and both the green and red Luas lines.</p> <p>Objective MT01 seeks <i>“To encourage intensification and mixed-use development along existing and planned public transport corridors”</i>.</p> <p>Policy MT08 seeks to promote and facilitate bicycle parking at suitable locations.</p> <p>Please refer to Map J of the DCDP (below).</p> <p><u>Conclusion:</u> The proposed development is in accordance with the Council’s transportation policies in that</p> <ul style="list-style-type: none"> (a) it is well served by public transport (b) it discourages private car use through its parking provision (c) it provides infrastructure and facilities to encourage sustainable travel modes (pedestrians and cyclists) <p>Refer to Traffic Impact Assessment [CS Consulting].</p>
Chapter 9 Sustainable	The contents of this Chapter are general in nature and are noted

Environmental Infrastructure	insofar as the proposed development is concerned.
Chapter 10 Green Infrastructure, Open Space and Recreation	<p>Figure 14 is a Strategic Green Network of Dublin City and surrounds. It highlights ‘Core Green Areas’ and ‘Hub Areas’ which include terrestrial core areas, parks, public open space & graveyards as well as blue and green corridors throughout the city. There is provision shown for ‘Parks, Public Open Space & Graveyards’ on the O’Devaney Gardens site.</p> <p>Similarly, Figure 15 shows all existing and proposed City Centre Green Routes. There is an existing route located within walking distance of the site.</p> <p><u>Conclusion:</u> The proposed development provides open space and connections in accordance with the SDRA11 objectives and is consistent the Council’s policy on Green Infrastructure, Open Space and Recreation.</p> <p>Refer to Landscape Architect’s Report [Murray & Associates].</p>
Chapter 11 Built Heritage and Culture	<p>There are no protected structures on site.</p> <p>St. Bricin’s Military Hospital is located adjacent to the eastern site boundary. The Record of Protected Structures does not include any structures within this site.</p> <p>No.’s 44-60 North Circular Road, which adjoin the north west boundary (adjoining the proposed Block 2), are listed as Protected Structures .</p> <p><u>Conclusion:</u> The proposed development is consistent with the Development Plan policies relating to built heritage and culture.</p>
Chapter 12 Sustainable Communities & Neighbourhoods	<p>The contents of this Chapter are general in nature and are noted insofar as the proposed development is concerned, including policies on regeneration, community facilities, childcare, playgrounds / MUGA etc.</p> <p>A social infrastructure audit is required under Objective SN15.</p> <p><u>Conclusion:</u> DCC has informed and approved the provision of a Community Facility (Block 5) and a Creche (Block 3) on the site, it is considered that the requirements of Objective SN15 have been met in this instance. This has been based on the consultation that has been undertaken by the</p>

	<p>DCC O’Devaney Gardens team over many years.</p> <p>In addition to the Community Facility and Creche, the scheme also provides a number of retail / commercial Units (Blocks 5 and 7) and additional ancillary residential support facilities are included as part of the residential blocks for residents.</p> <p>Childcare Facilities</p> <p><i>The Childcare Facilities – Guidelines for Planning Authorities 2001</i> recommend that for new housing areas, an average of one childcare facility with a minimum capacity of 20 places for each 75 dwellings would be appropriate.</p> <p>The threshold provision should be established having regard to the existing geographical distribution of childcare facilities and the emerging demographic profile of areas. Of particular importance for this regeneration project, the guidelines highlight the role of childcare provision in addressing disadvantage /social exclusion and promoting equality and also the role childcare can play in fostering economic development, particularly at the local level.</p> <p><i>The Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities (2018)</i> provide guidance on the provision of childcare facilities for new apartment developments in accordance with the demographic profile of the area. Section 4.7 of the Apartments Guidelines states that “one bedroom and studio type units should not generally be considered to contribute to a requirement for any childcare provision and subject to location, this may also apply in part or whole, to units with two or more bedrooms.”</p> <p>The scheme comprises 1047no. dwellings consisting of 1, 2 and 3 bed apartments.</p> <p>If we exclude the proposed 1 bed units, the proposed development comprises 729no. 2 and 3 bed units which would give a requirement for c.194no. childcare spaces based on the standard from the 2001 Guidelines (i.e. 729/75 X 20).</p> <p>The 2001 Guidelines apply a minimum floor space per child of 2.32sq.m, exclusive of kitchen, bathroom and hall, furniture or permanent fixtures. Applying that standard, a childcare facility to serve the proposed development and meeting the requirement for c.194 childcare spaces would need to be a minimum of 450sq.m NET floor area. There is no figure provided for gross area but we would gross up the net figure to 4sqm to give a range of 776sqm.</p> <p>A large creche is provided as part of the proposed development in Block 3 and is 489sqm excluding the external play area.</p>
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Therefore, given the inner city location of the site and the number of existing creche facilities in the vicinity, it is considered that the level of provision within the development is reasonable and compliant with Development Plan policy. (Refer to Policy SN17 and Appendix 13 of the DCDP).

The following is a list of childcare facilities within 1km of the site.

- Jumblies
- Tracey's Tots Preschool
- Seven Dwarfs Community Playgroup
- Dunard Community Playgroup
- Tiny Toes Crèche
- Krazy Kids and Company
- Kent Playgroup Ltd / Rainbow
- Little Stars

Also in the vicinity of the subject site are Happy Days, Silver Spoon Nursery School, Blackhorse Childcare and Safari Childcare Heuston South Quarter.

Community Facility

A ground floor unit in Block 5c, fronting the local street, is proposed as part of this application to be used as a Community Facility (157sq.m).

The applicant has engaged with DCC on the use of the community facility unit and it has been confirmed that this will be a multi-purpose space available for public meeting / information provision; Informal adult training classes; space for activities such as Pilates, martial arts, wellbeing activities, etc.; one-off activities associated with the arts, exhibitions, etc. Further detail is contained in the letter from DCC attached to this document (Appendix A).

Given the location of the proposed development within Dublin city centre, there is a significant provision of communal facilities within the vicinity of the subject site. The O'Devaney Gardens site is within walking distance to Phoenix Park which is the largest urban park in Dublin city centre. The following community facilities are located within the catchment area of the site.

- An Siol Community Centre (900m)
- Stoneybatter Community Training Centre (1km)
- Dunard Community Centre (1.4km)
- St. Paul's Community Centre (1.7km)
- North West Inner City Network (1.7km)
- GAA Clubs (St Brendan's GAA Club, DIT GAA Club, Civil Service GAA Club)
- Boxing Clubs (Arbour Hill Boxing Club, Avona Boxing Club and Smithfield Boxing Club)

- Pilates / Yoga (Two Palms Yoga, Om Yoga, BodyFirm Pilates, Progressive Pilates Academy)
- Auhrim Street Sports Hall
- Auhrim Street Scout Group

In addition to the above, it is noted that the following important amenities are located in close proximity to the ODG site: -

- Grangegorman Campus 1.8km
- Phoenix Park ¹ 0.2-0.5km
- Dublin Zoo 1 km
- Royal Hospital Kilmmainham 2.8km
- Croppies Acre Memorial Park 1km
- Irish National War Memorial Park 2km

Schools

There are a number of educational facilities located within proximity to the O'Devaney Gardens site. These include several primary and secondary schools, as well as the TU Grangegorman campus.

The proposed development does not include a primary or secondary school. However, there are educational facilities located within close proximity to the development site and it is considered that these are sufficient to meet any demand arising from the proposed development. Below is a list of Primary, Secondary and Third level educational facilities within the vicinity of the site: -

Primary

- St. Gabriel's Primary School
- Stanhope Street Primary School, Dublin 7
- Educate Together National School, Dublin 7
- St James Primary School

Secondary

- Stanhope Street Girls Secondary School
- Colaiste Mhuire, Cabra West, Dublin 7
- St.Paul's CBS Secondary School, Dublin 7
- Presentation Primary School, George's Hill

Other

- St John of God Special School
- Worldwide Global Schools

The TU Grangegorman Campus is also located close to the current application site

¹ Entering through the North Road entrance, the playground, lake, and sports grounds are within easy walking distance.

<p>Chapter 13 Monitoring, Implementation and Development Management</p>	<p>Section 13.3.9 states that DCC may require the submission of EIAR to accompany planning applications which would be likely to have a significant impact on the environment.</p> <p>The remaining contents of this Chapter are general in nature and are noted insofar as the proposed development is concerned.</p> <p><u>Conclusion:</u> The proposed SHD development is over the 500 units EIA threshold and therefore an EIAR has been submitted with this application.</p>
<p>Chapter 14 Land Use Zoning</p>	<p>The lands are zoned Z14 <i>Strategic Development and Regeneration Areas</i> (SDRAs) where it is the objective <i>'To seek the social, economic and physical development and/or rejuvenation of an area with mixed use, of which residential and "Z6" would be the predominant uses.'</i> (Section 14.8.13).</p> <p><i>'Residential'</i> is listed as a permissible use under this zoning objective. The non-residential uses proposed are also permissible under the Z14 zoning objective.</p> <p><u>Conclusion:</u> The proposed development is consistent with the Development Plan zoning objective for the site – Z14.</p>
<p>Chapter 15 Strategic Development and Regeneration Areas</p>	<p>The subject site is part of the <i>Stoneybatter, Manor Street and O'Devaney Gardens</i> Strategic Development and Regeneration Area (SDRA11).</p> <p>The development principles which apply to SDRA11 are as follows: -</p> <p style="text-align: center;"><u>SDRA 11 Stoneybatter, Manor Street and O'Devaney Gardens</u></p> <p><i>"The O'Devaney Gardens public housing complex was constructed in 1954 by Dublin City Council and originally consisted of a total of 278 residential units contained in 13 four-storey blocks. Today, just four of the blocks remain on the site² with the remainder cleared for re-development. To the south-west of the site, along Infirmary Road, is another significant land bank once owned by the Department of Defence, now under the control of Dublin City Council and available for re-development. Together these sites have an area of c. 10 hectares and form a Strategic Development and Regeneration Area (SDRA11) within the City.</i></p>

² These blocks have since been demolished.

In order to progress the development of this key site, Dublin City Council prioritises the compilation, development and implementation of a statutory based local area plan for the Stoneybatter district. The boundary upon which the statutory based local area plan will apply is the North Circular Road to the north, Infirmary Road to the west, Montpelier Hill to the south and the boundary of the Grangegorman SDZ to the east.

The key guiding principles for developing this strategic development and regeneration site include:

The strategic location context of this site within the city (close to the amenities of the Phoenix Park, Heuston Station and the new Criminal Courts of Justice), its potential positive contribution to the character of the city and the potential that exists for greater synergies to Stoneybatter and Grangegorman will be valued and promoted; there is an opportunity for a mid-rise residential building towards the centre of the site, similar to that within the Grangegorman SDZ.

The development of a high-quality residential quarter comprising quality new homes supported by a complementary range of mixed commercial, community and recreational facilities will be promoted for this site. The site will provide for a mix of tenure with social, affordable and private housing all provided on site.

The development of attractive new streetscapes with mixed typologies of high-quality accommodation, a high-quality public realm and active street frontages will be promoted to complement the architectural legacy of streetscapes adjoining this location, including the special streetscapes of the North Circular Road, Infirmary Road and Oxmantown areas

Accessible locations for commercial and community facilities to encourage interaction between the site and established communities adjoining will be promoted

The development of a neighbourhood park as a key feature of the design to provide recreational amenities, encourage community interaction and provide a focal point/meeting place for the wider local community; the location will be bounded by high quality streetscapes accommodating commercial, community and residential uses to generate activity, encourage active use of the space and provide

passive surveillance. To provide space for an all-weather pitch, multiple use games area (MUGA), community centre, and community garden. Provide quality open green spaces consisting of a minimum of 15% of the site area. Green spaces can serve as sites of social exchange and communicate a respect for nature as a guiding design principle for the site.

The established character of streets and residential amenities for adjoining residents will be respected in the urban design proposals and layout of a new development; opportunities for new building forms to aid legibility through the scheme and create streetscapes of visual interest will incorporate appropriate height transitions from site boundaries and propose locations that avoid negative impact on adjoining residential boundaries

Permeability through the site will be promoted to integrate the location more successfully with the adjoining community; the existing bus route will be retained and incorporated along a main boulevard route connecting the North Circular Road to Montpellier Gardens; opportunities for connections with streets to the north-east boundary, with particular emphasis on walking and cycling routes, will be encouraged

To have regard to the physical integration and regeneration potential of Manor Street/Stoneybatter as important streets/radial routes in the redevelopment proposals for this area.”

DCDP 2016-2022, Page 284 - 286

Fig.31 (below) defines **SDRA 11** and illustrates the key elements of residential, mixed use and open space uses and indicative connections to the wider area.

Conclusion:

In response to SDRA11, the following points are noted in terms of consistency with the Development Plan:-

- **Strategic Location** – The proposed development is located at a prime location adjacent to Phoenix Park, Heuston Station and Stoneybatter. It is also within walking distance of Dublin City Centre.
- **Access, Connections and Permeability** – the proposed development will have 3 entrances to the site, from North Circular Road (north / north west access), Montpellier Gardens via Infirmary Road (South / west) and Thor Place (East). In addition to this, 2 pedestrian / cycle only connections are

	<p>provided to the adjoining residential communities of Ross Street and Ashford Cottages and beyond. Within the site, connectivity and permeability has been designed into the layout, with the boulevard providing a strong north south connection. The green open spaces are also key connection routes, north – south and east- west.</p> <ul style="list-style-type: none"> • Height - SDRA 11 does not prescribe maximum heights for the site. It does identify the site as suitable for a mid-rise building (ie. up to 50 metres) towards the centre of the site and this objective is consistent with the justification presented in this application for the 14 storey building (Block 07). Refer to Building Height Guidelines (2018) above and Response to ABP Opinion Item 1 for the building height justification and rationale.. • High Quality Residential Quarter – the proposed development provides a high-quality residential quarter of quality new homes supported by a complementary range of mixed uses. The development of attractive new streetscapes with mixed typologies of high-quality accommodation, quality public realm and active street frontages are features of the proposal. • Mix of Uses – Included as part of the development are ground floor retail / commercial units, a crèche, and a unit dedicated to a community facility. • Childcare facility – A crèche facility is proposed as part of the development. • Mix of Tenure – House and apartments are proposed comprising a mix of 1,2 and 3 bed apartments, 3 bed duplex units and 3 bed houses with scope to accommodate a wide range of tenures. 30% of the units will be handed over to DCC as turnkey social housing units and a further 20% will be made available for affordable purchase. The remaining 50% will be private tenure. • Streetscapes/ Active Frontages – Active frontages and linkages are provided throughout the scheme consistent with the guiding principles. This includes the boulevard which will run through the site providing a link to all character areas within the scheme; the link street with a mix of retail/commercial and community uses; the neighbourhood park and café/restaurant. In addition, own door access is proposed to ground floor residential units. • Open Space / Neighbourhood Park - The scheme is characterised by a large central open space. A north-south link from Montpellier Gardens / Montpellier Park to the new Link Street is proposed between these blocks. This space will be used for passive and active recreation, including a Multiple Use Games Area (MUGA) space and playground. A second area of open space is provided at the northern end. This space includes
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	<p>a community garden. Refer to Landscape Design Report (Murray & Associates)</p> <ul style="list-style-type: none"> • Community Facility – A unit dedicated as a community facility is provided in the proposed development and has been designed in consultation with Dublin City Council who will operate the proposed facility. • Residential boundaries - The scheme responds to its surroundings through the use of higher density blocks in the centre of the site and lower density blocks adjoining residential boundaries. Building forms adjoining Ross Street and Ashford Cottages respects the existing character of the neighbouring streets. • Manor Street/Stoneybatter - The design and layout of the scheme integrates well with the wider area through a series of connections and quality public open space. <p>Conclusion: On the basis of the foregoing, it is submitted that the proposed development is consistent with SDRA11.</p>
<p>Chapter 16 Development Standards</p>	<p>All Development Standards included in Chapter 16 have been considered and the development has incorporated these principles and standards insofar as they are relevant to the proposals (e.g. Design, Principles & Standards – Section 16.2, Landscaping – Section 16.3)</p> <p>Density Standards (Section 16.4), Plot Ratio (Section 16.5) and Site Coverage (Section 16.6) Sustainable residential densities are promoted in the DCDP, with no quantitative figures prescribed. Instead, densities should take an urban design and quality led approach. Plot Ratio / Site Coverage. The <u>indicative</u> plot ratio for Z14 Areas is 1.0 – 3.0 and the <u>indicative</u> Site Coverage for Z14 Areas is 50%. Comment: - In terms of density standards, the scheme provides for just over 200units per hectare; a site coverage of c. 45%; and a plot ratio of c.2.0.</p> <p>Building Height in a Sustainable City (Section 16.7) Section 16.7.2 of the Development Plan deals with Building Height in the city. The building height limits which apply at this location are 28metres (commercial) and 24 metres (residential). Comment: The development exceeds the Development Plan height limitations and, as such, is a material contravention of Section 16.7.2. Refer to the discussion in Section 3.3 of this Report where this Material Contravention is justified with reference to SPPR3 of the <i>Building</i></p>

Heights Guidelines 2018 and the **Material Contravention Statement** presented in Section 5 of this Report.

Standards for Residential Development (Section 16.10)

Sections 16.10.1-16.10.3 contain standards for housing mix, apartment size, storage, orientation, configuration, private open space etc. The proposed development has incorporated these standards into its design and layout, except insofar as they are superseded by the Apartment Guidelines 2018.

In relation to Unit Mix the DCDP (*Ref. DCDP Section 16.10.1 Residential Quality Standards – Apartments: Mix of Residential Units*), limits the number of one bed apartments to a maximum of 25-30% and the number of three or more bed apartments to a minimum of 15%.

Comment:

The following unit mix is now provided:-

- 1 bed unit: 318no. 30%
- 2 bed units: 567no. 54%
- 3 bed units: 107no. 16%

The percentage of one bed apartments proposed is now 30% and the percentage of three bed apartments is 16%. The number of one bed units has decreased from 32% at Stage 2 and the number of three bed units has increased from 11%. Therefore, the proposed development, which previously contravened the DCDP standards in relation to unit mix, now complies with DCDP.

Childcare Facilities (Section 16.18/ Appendix 13)

The provision of a creche as part of the proposed development must be considered with regard to existing facilities in the area and the demographic profile.

Comment:

A crèche is provided as part of the development and is considered sufficient to meet the needs of the development in accordance with Development Plan policy

Car / Cycle Parking Standards (Sections 16.38-16.39 and Tables 16.1-16.2)

The site falls within Zone 2 for the purpose of parking control with a maximum standard of 1 space per dwelling. 1 cycle parking space is required per unit.

Comment:

Car Parking Standards - The proposed parking provision is below the maximum allowable on the site. The parking provision is justified with

reference to the type of residential development proposed, its inner-city location and proximity to public transport, and the policy position in the 2018 Apartment Guidelines (including SPPR8). A residential car club is proposed for resident's use. Refer to **Traffic Impact Assessment** [CS Consulting].

Cycle Parking Standards

The proposed development will provide residents cycle parking spaces, which exceeds the DCDP requirement and additional cycle spaces are provided in the public realm for visitors. The overall provision is in compliance with the DCDP. Refer to the **Traffic Impact Assessment** [CS Consulting].

Open Space (Section 16.10.1 – 16.10.4)

The requirement for public open space is 10%.

The private open space requirement for apartments matches the Appendix 1 standards of the 2018 Apartment Guidelines. The requirement for private open space for houses is 5-8sqm in inner city locations.

The qualitative and quantitative standards for communal amenity space is outlined in Section 16.10.1. Some of the standards have been superseded by the Apartment Guidelines 2018.

Comment:

The 10% requirement for public open space is exceeded in the proposed development and c.16% is provided.

The private open space requirement for apartments and houses is adhered to in the proposed development.

The qualitative and quantitative communal amenity space requirements for apartments (Section 16.10.1) has been adhered to in the proposed development, except insofar as they are superseded by the Apartment Guidelines 2018.

The proposed development is also consistent with the Development Management provisions of the Development Plan in relation to Standards for Residential Development and Childcare Facilities.

Conclusion:

The proposed development is a material contravention of Section 16.7.2 as some building heights exceed the maximum set down. Refer

	<p>to the discussion in Section 3.3 of this Report where this Material Contravention is justified with reference to SPPR3 of the <i>Building Heights Guidelines 2018</i> and the Material Contravention Statement presented in Section 5 of this Report.</p> <p>The Development also materially contravenes the <i>DCCP</i> in relation to Block Configuration standards (by providing 12 apartments per floor per core). Refer to Sections 3.3 and 5 of this Report, as noted above.</p>
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Comment:

Strategic Development and Regeneration Area 11 (SDRA11) support the comprehensive redevelopment of the site as now proposed.

The layout proposed achieves the design and layout objectives for SDRA11 and, in particular, takes due cognisance of the future development potential of the remainder of the SDRA at St. Bricsin's Military Hospital

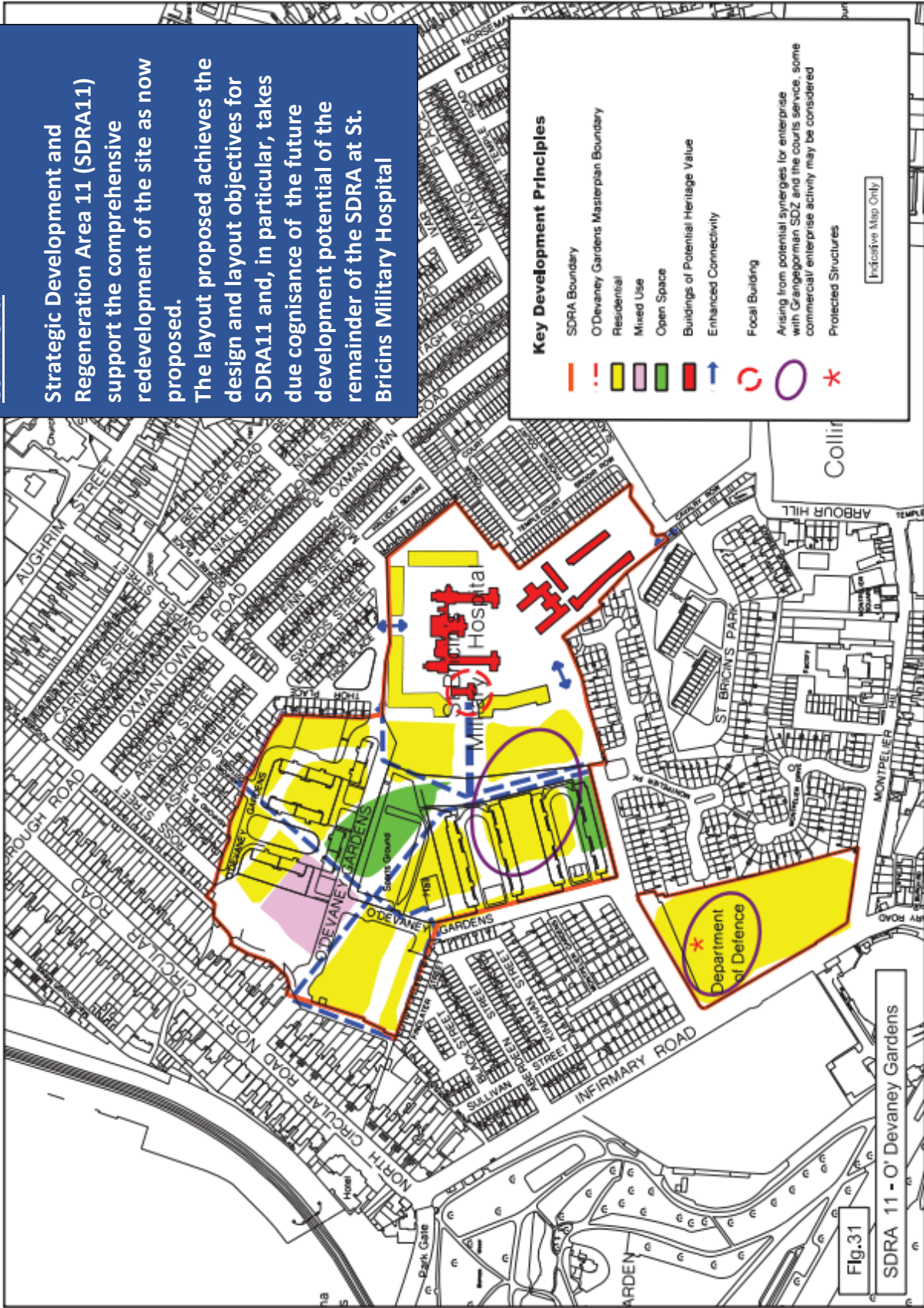


Fig.2 Core Strategy

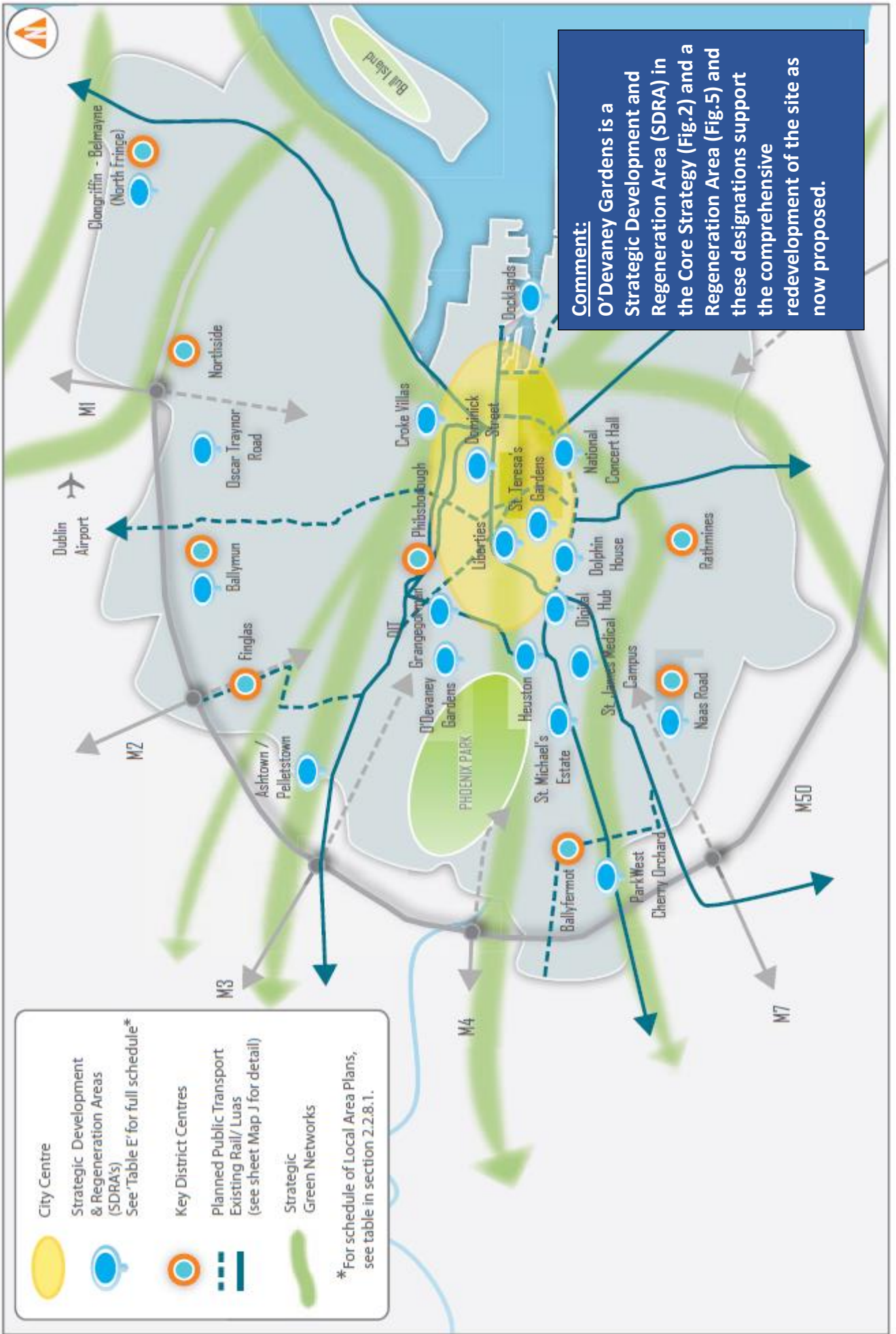
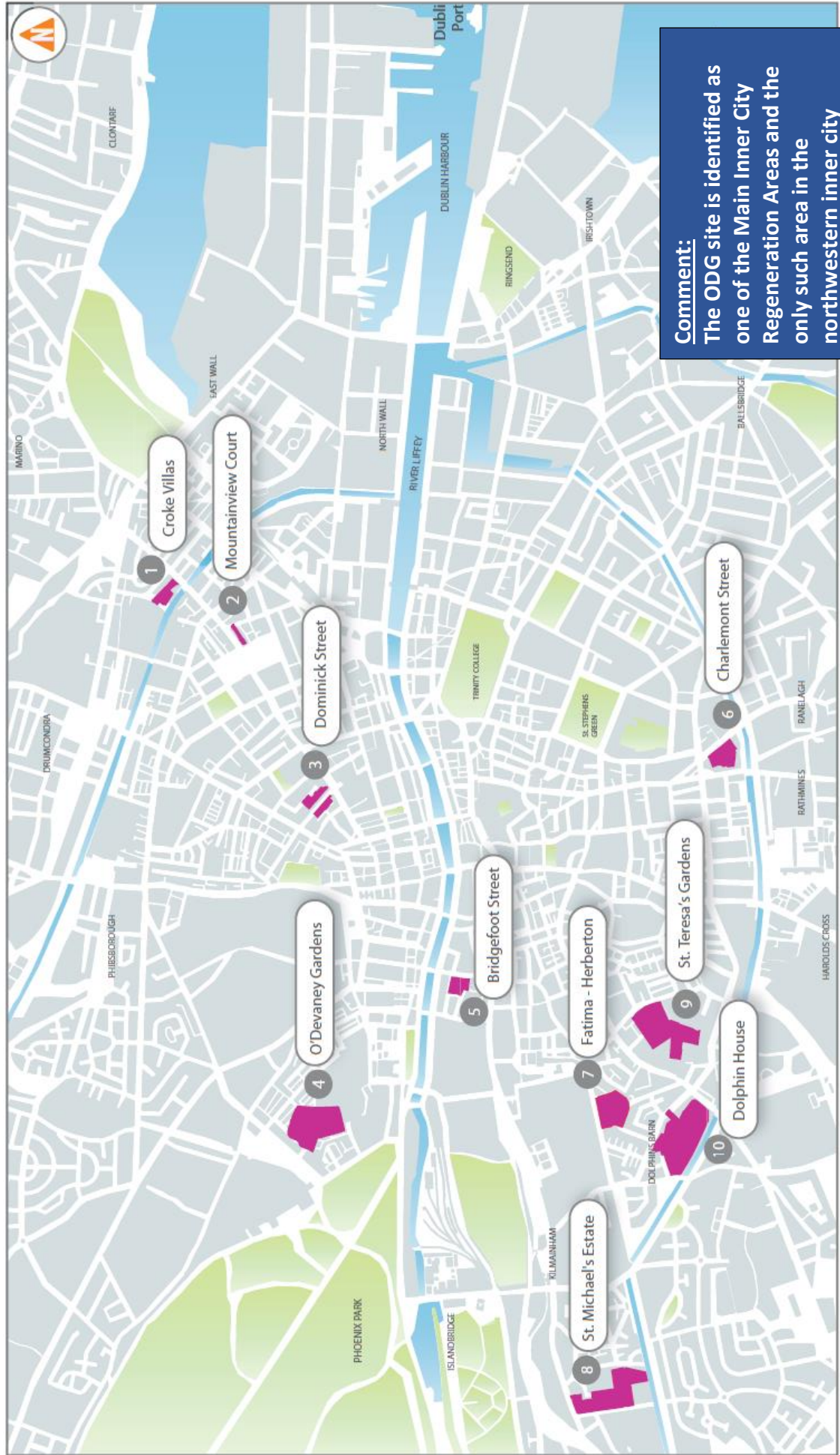


Fig.5 Main Inner City Regeneration Areas



Comment:
The ODG site is identified as one of the Main Inner City Regeneration Areas and the only such area in the northwestern inner city

Fig.10 City Centre Integrated Transport



Comment:

The proposed development is in accordance with the Councils transportation policies in that

- it is well served by public transport
- it discourages private car use through its parking provision
- it provides infrastructure and facilities to encourage sustainable travel modes (pedestrians and cyclists)

Ref. Fig 10 and Map j below

Note ;

See also Sheet Map J, which illustrates public transport proposals under the National Transport Authority's Transport Strategy for the Greater Dublin Area 2016-2035.

-  Key Transport Interchange
-  Existing DART, Mainline Rail & Stations
-  Existing Red LUAS Line & Stations
-  Existing Green LUAS Line & Stations
-  Proposed Phoenix Park Rail Tunnel
-  Proposed Metro & Stations
-  LUAS Cross City Line (2017)

4.3 OTHER LOCAL NON-STATUTORY POLICY AND GUIDANCE

In addition to the above policy documents, the proposed development is guided by the following DCC documents: -

4.3.1 O’Devaney Gardens Land Initiative/ Regeneration Project, 2017

This non-statutory plan sets out a vision for the site with the feasibility study identifying the key constraints and opportunities. The following points are noted with reference to the “Summary of Proposals” (page 16): -

- Housing Mix – the housing mix / tenure will reflect the DCC brief. See **Section 2.2** of this report for more details.
- Development Potential – Refer to **Table 1** and **Table 2** of this Report (Section 2).
- Inclusion of Phase 1A – The permitted DCC units (56 no. units) under construction, are an integral part of the proposed design and are referred to as “Phase 1A” in this report.
- Sensitive to adjacent communities – The transition in heights between the proposed buildings and the existing communities has been carefully considered.
- Provision of Retail / Community and recreation facilities – A mix of active ground floor and outdoor uses are proposed. These are outlined in **Section 2.2** of this Report.

4.3.2 Greening Stoneybatter Strategy (July 2020) Draft

In July 2020, the Dublin City Council Parks, Biodiversity and Landscapes Services prepared the *Greening Stoneybatter Strategy*. This document was prepared on behalf of Dublin City Council and show the evolving ODG layout as it was at the time of publication in July 2020. While it is a non-statutory document, it does usefully illustrate how the proposed development integrates with the wider Stoneybatter district in terms of the emerging open space and green infrastructure resources in this rapidly growing inner city location.

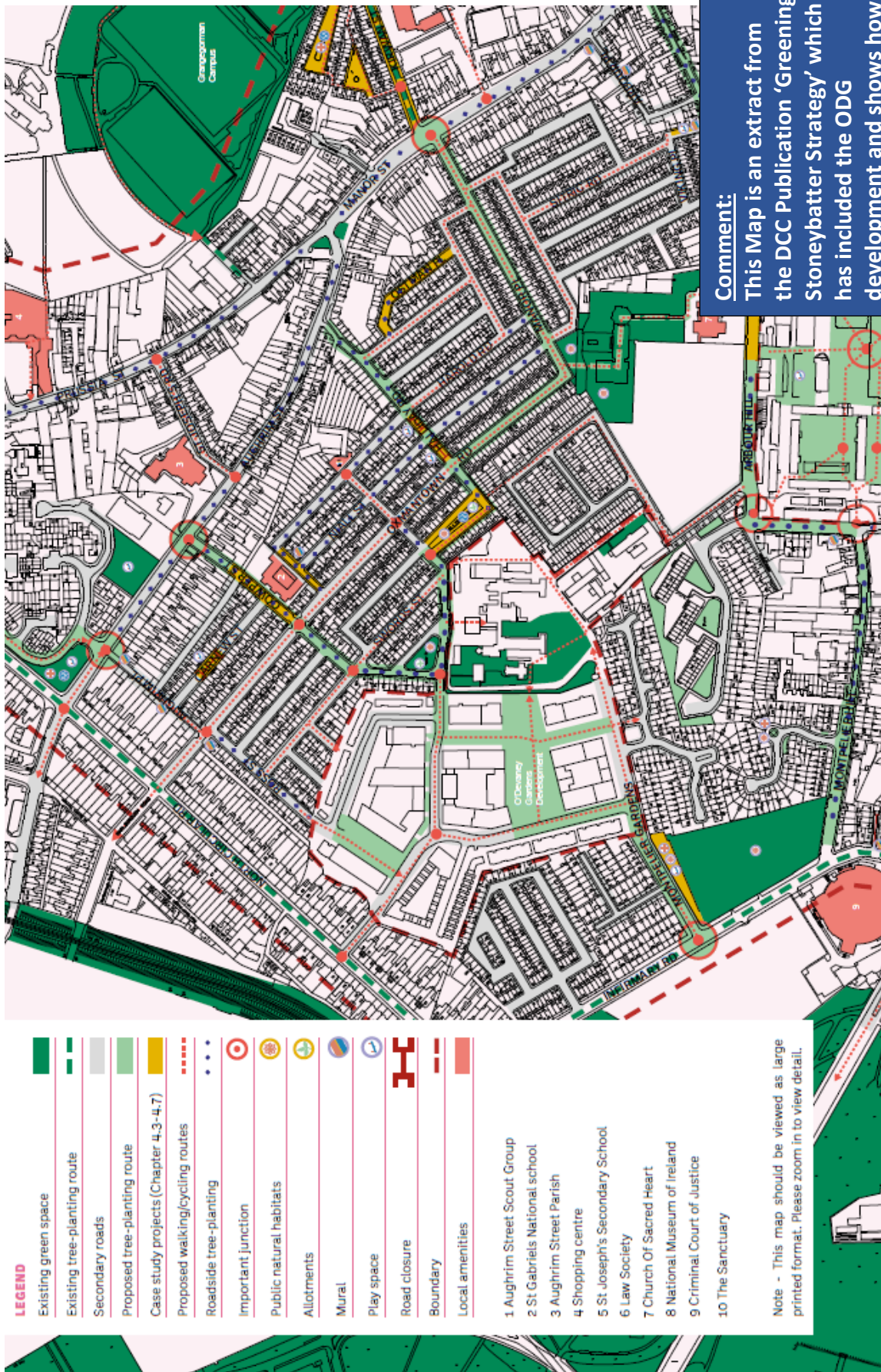


Figure 6: Extract from Area Wide Strategy Map

5.0 MATERIAL CONTRAVENTION STATEMENT

The proposed development is a Material Contravention of the *Dublin City Development Plan 20016-2022* in relation to the following:-

- **Building Heights (Ref: DCDP Section 16.7, Building Height in a Sustainable City, 16.7.2 Height Limits and Areas for Low-rise, Mid-rise and Taller Development).**

The Development Plan has a maximum building height limit of 24 metres in the DCDP (Section 16.7.2). This is equivalent to approximately 8 storeys of residential development. The proposed development includes buildings ranging from 3 – 14 storeys and therefore elements of the buildings over approximately 8 storeys are in contravention of the Development Plan.

SDRA 11 does not prescribe maximum heights for the site but does identify the site as suitable for a mid-rise building towards the centre of the site. This objective is consistent with the justification presented in this application for the 14 storey building (Block 07) but may not stretch to the other buildings which exceed 8 storeys (ie. Blocks 05, Block 07, Blocks 09, Blocks 6 and 10). Therefore, insofar as Material Contravention and building height is concerned, we note that the scheme does not comply with Section 16.7.2 and may not comply with the SDRA11 provisions in relation to building height. Refer to Building Height Guidelines (2018) above and Response to ABP Opinion Item 1 for the building height justification and rationale..

SPPR3 of the Building Height Guidelines (2018) enables consideration proposals involving building height in excess of Development Plan limits where criteria outlined in the Guidelines are satisfied.

The justification of the height strategy proposed is provided in the ***Planning Statement /Response to ABP Opinion*** under ABP Opinion Item 1 and supported by various other reports submitted with this application. This also includes a diagram illustrating the elements of the development that exceed the Development Plan height threshold.

- **Block Configuration (Ref. DCDP Section 16.10.1 Residential Quality Standards – Apartments: Block Configuration)**

A maximum of 8 units per core per floor for the development is permitted in the DCDP. (Ref. DCDP Section 16.10.1 Residential Quality Standards – Apartments: Block Configuration).

The proposed development exceeds this in two of the apartment blocks – Block 05A and 07A. Details are provided below.

Section 9(6) of the *Planning and Development (Housing) and Residential Tenancies Act 2016*

In accordance with Section 9(6) of the *Planning and Development (Housing) and Residential Tenancies Act 2016* the Board may grant permission for a proposed strategic housing development that materially contravenes the development plan or local area plan, other than in relation to zoning.

'(6)(a) Subject to paragraph (b), the Board may decide to grant a permission for a proposed strategic housing development in respect of an application under section 4 even where the proposed development, or a part of it, contravenes materially the development plan or local area plan relating to the area concerned.'

The 2016 Act states that the Board may only grant permission if Section 37(2)(b) of the Act of 2000 applies.

'(6)(c) Where the proposed strategic housing development would materially contravene the development plan or local area plan, as the case may be, other than in relation to the zoning of the land, then the Board may only grant permission in accordance with paragraph (a) where it considers that, if section 37(2)(b) of the Act of 2000 were to apply, it would grant permission for the proposed development.'

Section 37(2)(b) of the Act of 2000 (as amended) states as follows: -

'37(2)(b) Where a planning authority has decided to refuse permission on the grounds that a proposed development materially contravenes the development plan, the Board may only grant permission in accordance with paragraph (a) where it considers that—

(i) the proposed development is of strategic or national importance,

(ii) there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned,

or

(iii) permission for the proposed development should be granted having regard to regional spatial and economic strategy for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government,

or

(iv) permission for the proposed development should be granted

having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.'

On the basis of the above, it is submitted that the Board may grant permission for the proposed development in accordance with Section 37(2)(b)(i) and (iii) having regard to the following :-

Section 37(2)(b)(i) – The proposed development is of strategic and national importance.

- The development is a strategic development in the context of the regeneration of the area. The site is 5.2 hectares of prime development lands within Dublin's inner city and such land banks are scarce.
- A key aspect of the Dublin City Development Plan (DCDP) Core Strategy is that future expansion prioritises the inner city, key district centres and Strategic Development and Regeneration Areas (SDRA's). The DCDP designates 18 areas as SDRA's which are capable of delivering a significant quantum of residential and employment development. The subject site is within Strategic Development and Regeneration Area (SDRA 11 - *Stoneybatter, Manor Street and O'Devaney Gardens Strategic Development and Regeneration Area*). Figure 2 "*Core Strategy Map*" and Table E "*Capacity of Sub-areas of the City for Residential Development*" includes O'Devaney Gardens/ SDRA 11 and it is noted that the site has a capacity of c. 1,000 residential units. Therefore, it is considered that Dublin City Council clearly identifies the subject site as being of strategic importance in the context of its statutory Development Plan.
- The *National Planning Framework* (NPF) (Objective 32) and the *Government's Action Plan on Housing and Homelessness - Rebuilding Ireland* (Pillar 3) seeks to increase housing delivery. The *National Planning Framework* includes objectives that encourage increased residential densities through a range of measures including increased building heights (Objectives 13 and 35). The proposed development which delivers 1047 residential units is a significant proportion of the residential supply within the inner city and is therefore of national importance in terms of its role in fulfilling the NPF objectives.

Section 37(2)(b)(iii) - Permission should be granted having regard to regional spatial and economic strategy for the area and Guidelines under section 28

Eastern & Midlands Regional Assembly Regional Spatial & Economic Strategy, 2019-2031 - The *Regional Spatial & Economic Strategy* (RSES) is a strategic plan which provides a multifaceted approach to regional development. The *Dublin Metropolitan Area Strategic Plan* (MASP) is a land use and transportation strategy contained within the RSES. Consolidation of Dublin City is a key tenet of the vision of the MASP.

The proposed development is consistent with the regional spatial and economic strategy for the area and adheres to the 'Guiding Principles' in Section 5.3 of the MASP for the following reasons:

- The development of this brownfield and infill development will promote sustainable consolidated growth of the Metropolitan Area.
- It will assist in achieving the target of 50% of all new homes within or contiguous to the built-up area of Dublin City and suburbs
- It will accelerate housing supply
- It will promote higher densities supported by public transport accessibility including 'Bus Connects' and LUAS
- It will assist in social regeneration as well as physical regeneration in an inner city site with has experienced high relative deprivation.
- The Development Agreement promotes more active urban development of these underutilised/ vacant publicly owned lands

Section 37(2)(b)(iii) - Permission should be granted having regard to Section 28 Guidelines

Building Height

With reference to the proposed building heights above the 24metre threshold prescribed in the DCDP, the *Urban Development and Building Heights Guidelines for Planning Authorities* (2018) support in principle greater building heights within the city centre areas.

The Guidelines also allow an application for increased building heights to be considered and approved under SPPR3(A), subject to meeting specific development management criteria.

As demonstrated in Section 3.3 of this Report, An Bord Pleanála can consider and approve the additional height proposed for this scheme on the basis that it complies with SPPR3(A) and the associated criteria outlined in the Building Height Guidelines.

In summary, the following considerations support the criteria to be considered to meet the requirements of SPPR3(A)

At The Scale Of The Relevant City/Town

- The site is less than 3km by road from O'Connell Street (i.e. walking/ cycling distance), some 550m from a neighbourhood centre in Stoneybatter (with TUD's Grangegorman campus adjacent), and 650m from Heuston Station and Luas stop. There are bus stops within minutes' walk in all directions from the site, on North Circular Road, Aughrim Street, Infirmary Road and Parkgate Street. It is also proposed – as required by the policy for SDRA 11 – that a Dublin Bus route would serve the site directly.
- SDRA11 specifically identifies the opportunity for a mid rise building on site
- It is significant that the Building Height Guidelines envisages/ allows for taller developments taking place in 'architecturally sensitive areas' in certain circumstances. The receiving environment is such an area. However, its city centre location demands that opportunity provided by the large brownfield site be optimally used for sustainable development.
- The proposed development would integrate with and enhance the urban grain, circulation network and public realm of the area by providing:

- road access from North Circular Road to the north, Montpelier Gardens to the south and Swords Street to the east, and
- additional pedestrian and cycle access points from Ross Street and Ashford Cottages to the north east, and Montpelier Gardens to the south.
- The proposed layout and arrangement of built form respond appreciably to the key landmark, namely St Bricin’s Military Hospital including the identified ‘focal building’ (the chapel). The proposed neighbourhood park is located and designed so that the chapel is positioned as a focal point at its eastern end.
- The proposed buildings BLD 06 and 10 are positioned and aligned in response to the main central complex of St Bricin’s – as indicated on the DCDP diagram for SDRA 11.
- The ***Landscape and Visual Impact Assessment*** has been prepared by Modelworks and includes short and long range views of the site and a full assessment (Section 14.5.3 of the EIAR) of the impact of the proposed development of the surrounding areas.
- The visual effects assessment includes assessment of ‘key views’ such as views from Phoenix Park, the Liffey quays, Royal Hospital Kilmainham, North Circular Road and the neighbouring estates. The assessment found that the development would have no negative impacts on any of these views.
- The proposed development would make a positive contribution to place-making by (a) introducing a large new neighbourhood park to the townscape, (b) providing a connected network of streets and pedestrian corridors, and (c) establishing a distinct new high density residential quarter in the city centre between Stoneybatter/Grangegorman and Phoenix Park.
- The cluster of diverse building typologies steps down in height towards the most sensitive boundaries, while employing height elsewhere to achieve place-making and visibility/ legibility objectives (in addition to density).
- The photomontages and CGIs contained within the Design Statement (O’Mahony Pike Architects) show that the proposal would deliver a new quarter and streetscapes of distinct character and visual interest.

At The Scale Of District/Neighbourhood/Street

- The proposed apartment buildings are of two types, i.e. linear blocks and perimeter blocks. The design avoids monolithic forms and uninterrupted walls of building by dividing the linear blocks into distinct volumes of different heights and materials.
- This height and materials variations respond to the both the sensitivities in the buildings’ immediate context and the opportunities for legibility (e.g. using height to indicate junctions/ places in the townscape).
- The resulting composition of built form will generate visual interest and legibility in the internal/ adjacent streetscapes and when the scheme is seen at a distance across the townscape.
- The site is characterised by its physical separation from key thoroughfares (the nearest being North Circular Road, Infirmary Road and Oxmantown Road) as well as open spaces (the nearest being Phoenix Park) and waterway frontage (the Liffey River).

- However, the proposal does use building height to generate visibility from the key thoroughfares, by positioning taller volumes to be visible from the nearest/access points from North Circular Road, Infirmary Road and Oxmantown Road (refer to the photomontages for Viewpoints 11, 5 and 15 respectively). The development would thereby achieve a presence in the wider townscape, improving legibility.
- The height of the buildings would also make the development visible (without being excessively intrusive) from certain locations in Phoenix Park and the Liffey corridor (refer to the photomontages for Viewpoints 27, 28 and 29). It would thus achieve the dual objective of contributing to character and improving legibility in the townscape of the city centre north of the Liffey.
- The proposed development would make a positive contribution to the mix of dwelling typologies by introducing a large number of 1, 2 and 3 bedroom apartments and a number of duplex units (and houses), to a part of the city centre that is dominated by historic, low density residential typologies. It would also introduce a new retail street to the townscape, thereby enhancing the mix of uses.
- The site and local area is elevated and not prone to flooding. A **Site Specific Flood Risk Assessment** [CS Consulting] has been undertaken and is enclosed.
- Refer also to the **Design Statement** [O'Mahony Pike Architects] for further details on the urban design context.

At The Scale Of The Site/ Building

- The form, massing and height of all the blocks have been designed to maximise access to natural daylight, ventilation and views with particular focus on the ground / podium level corner units and courtyard spaces.
- The overall scheme has been designed by O'Mahony Pike Architects in collaboration with JVT from the outset and the daylight/ sunlight analysis has been an iterative process to constantly improve and refine the development to ensure high quality daylight to apartments and sunlight to communal amenity spaces.
- The positioning of blocks within the site with the lowest elements positioned on the shared boundaries with existing low-rise housing and the orientation of the blocks relative to neighbours has ensured that there is no undue overshadowing / loss of light to neighbouring properties
- As stated above, the proposed development has been designed by the architects in collaboration with JV Tierney regarding daylight. The modelling undertaken, following the BRE Guidelines, has produced quantitative data to inform the design of the scheme with revisions made to ensure good quality living environments.
- The majority of the units proposed meet the required daylight provisions. Compensatory measures are included in the design to improve the daylight provisions for the affected apartments. The **Daylight and Sunlight Analysis Report** by JV Tierney demonstrates that the level of daylight/ sunlight is consistent with BRE standards and, in particular, when taking into consideration the nature of the proposed development, its location and character and the wider planning objectives for this inner city regeneration site.

In accordance with the the Guidelines, other specific assessments referred to in the

Building Height Guidelines, these have also been considered insofar as they are relevant to the proposed development. They include

- *Microclimatic Wind Analysis and Pedestrian Comfort Report (IN2)*
- Screening Report for Appropriate Assessment (Openfield Ecology)
- Design Statement (O’Mahony Pike Architects)
- Environmental Impact Assessment Report (EIAR)

Apartment Standards

In relation to the proposed block configuration (*Ref. DCDP Section 16.10.1 Residential Quality Standards – Apartments: Block Configuration*), the 8 units per core (maximum) standard is exceeded in Block 5 (specifically Block 05A) and Block 7 (specifically Block 07A) in the proposed development.

The *Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities* (2018) allows for a maximum of 12 units per core per floor (SPPR6).

In no case does the number of units per core per floor exceed 12 units per core as permissible under SPPR6 of the Apartment Guidelines.

The table below provides details of the apartment blocks and number of exceedances of the units per core standard. This provision does not apply to Blocks 03, 04 and 08 which do not have lifts/ cores.

Block	Units per core	Comment	DCDP Compliant Y/N
Block 02	7 per core	With 14units served by 2 cores	Y
Block 03	n/a	n/a	n/a
Block 04	n/a	n/a	n/a
Block 05A	11 per core		N
Block 05B	max 7 per core	With 13 units served by 2 cores	Y
Block 05C	max 7 per core	With 13units served by 2 cores	Y
Block 05D	max 6 per core	With 18 units served by 3 cores	Y
Block 06	max 6 per core	With 11 units served by 2 cores	Y
Block 07A	max 11 per core	With 21 units served by 2 cores	N
Block 08	n/a	n/a	n/a
Block 09A	max 8 per core	With 16 units served by 2 cores	Y
Block 09B	max 8 per core	With 16 units served by 2 cores	Y
Block 10	max 6 per core	With 11 units served by 2 cores	Y

Conclusion

The Statement of Consistency above demonstrates substantial compliance with the policies objectives and specific development standards outlined in the Dublin City Development Plan 2016-2022. This Material Contravention Statement notes that the application is contrary to

the Development Plan in relation to Building Heights (Ref. Section 16.7.2) and Block Configuration/ number of units per core (Ref. Section 16.10.1) and sets out the basis on which the Board may grant permission for the proposed development in accordance with Section 37(2)(b) of the *Planning and Development Act 2000 (as amended)*.

6.0 CONCLUSION

The following summarises how the proposed development is consistent with National, Regional and Local Policy (i.e. the *Dublin City Development Plan 2016-2022*) and relevant Section 28 Guidelines. This section also summarises where the proposed development is not consistent with the *Dublin City Development Plan 2016-2022*, and where a Material Contravention applies, provides the justification to allow the Board to consider and approve the proposal.

National/ Regional

- The background to the overall O’Devaney Gardens project is the urgent need to provide more housing in this State. This is a core principle of national, regional and local policy documents. At National and Regional level, the strategy focuses on compact growth, regeneration and intensification of urban activity with housing and increased densities in areas better serviced by public transport and existing facilities.

Section 28 Ministerial Guidelines

- The principles of the *Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009)* have been translated into the policies, objectives and development standards of the DCDP. This has ensured a plan-led approach to the development. Consistency with the Design Criteria in the associated *Urban Design Manual Best Practice* has also been demonstrated in this Report.
- The design and layout of the proposed apartments are consistent with the standards for internal floor areas, rooms sizes, private amenity space and communal amenity space as set out in the *Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2018)*. Comprehensive schedules and floorplans demonstrating compliance with the standards will be provided within a *Housing Quality Assessment* submitted with the Stage 3 planning application.
- The proposed development relies upon SPPR3(A) of the *Urban Development and Building Heights Guidelines for Planning Authorities (2018)* in relation to proposed building heights above 24m. It is demonstrated in Section 3.3 of this Report that the proposed development meets SPPR3(A) and the associated criteria and therefore the Board can consider and approve the additional height sought.
- The dwellings have been designed to comply with the requirements of the design standards set out in the *Quality Housing for Sustainable Communities (2007)*.
- The enclosed *DMURS Statement* [CS Consulting] confirms that the road and street network are consistent with the *Design Manual for Urban Roads and Streets (2019)*.

- A creche is provided as part of the proposed development, in compliance with the *Childcare Facilities Guidelines for Planning Authorities* (2001) and the 2018 Apartment Guidelines.
- A *Site Specific Flood Risk Assessment* [CS Consulting] has been prepared in accordance with *The Planning System and Flood Risk Assessment Guidelines for Planning Authorities* (2009).

Dublin City Development Plan 2016-2022

- The site is zoned Z14 with the following zoning objective:- *“To seek the social, economic and physical development and/or rejuvenation of an area with mixed use, of which residential and ‘Z6’ would be the predominant uses”* and all uses proposed are *permissible*.
- The *Stoneybatter, Manor Street and O’Devaney Gardens Strategic Development and Regeneration Area* (SDRA 11) is one of the important public housing regeneration areas identified in the Development Plan. In accordance with its guiding principles, the proposed development provides a high-quality residential quarter of quality new homes supported by a complementary range of mixed commercial and community facilities, including a creche, for this site. The development of attractive new streetscapes with mixed typologies of high-quality accommodation, quality public realm and active street frontages are features of the proposal.
- The proposed development has incorporated the relevant Development Management standards into its design and layout, except in so far as they are superseded by the 2018 Apartment Guidelines.
- In relation to building height, the heights of the apartment blocks exceed the 24m maximum height and therefore a material contravention of the Development Plan occurs. The additional height however is justified with reference to the 2018 Building Height Guidelines and specifically SPPR3(A). On the basis that the development meets the criteria of SPPR3(A), the Board can consider and approve the additional height sought.
- The proposed development also materially contravenes the DCDP in respect of block configuration i.e. no. of units per core but this can be justified with reference to SPPR6 of the 2018 Apartment Guidelines.
- The level of parking provided on site is in accordance with the DCDP, with the low level of provision further justified with reference to the type of residential development proposed, its inner-city location, proximity to a variety of public transport modes and the 2018 Apartment Guidelines. A car club for residents is also proposed on site, providing an alternative to car ownership for residents.
- Public, Private and Communal Amenity Spaces are provided in the development in

accordance with the requirements of the DCDP. In relation to public open space, both the 10% public open space requirement and 15% 'quality open green space' requirement under SDRA 11 are met. Active and passive facilities are provided in the Central Park and Northern Park including large, grassed areas, planted areas, places for sitting and gathering, playground and MUGA. The Communal Amenity Space provision, which is provided at grade, in podium level courtyards or at roof level, exceeds the standards set in Appendix 1 of the Apartment Guidelines (which matches with the DCDP standard). Finally, private open space is provided in the form of balconies / terraces for the apartments; with good sized rear gardens for the housing.

On the basis of the foregoing, it is considered that the proposed SHD development of the former O'Devaney Gardens site is consistent with policy and is an appropriate response for this site.

BMA PLANNING

May 2021

APPENDIX A

Letter from Dublin City Council confirming need and their intentions for the proposed Community Facility (Block B)



Comhairle Cathrach
Bhaile Átha Cliath
Dublin City Council

Housing & Community Services,
Block 1, Floor 3,
Civic Offices, Wood Quay, Dublin 8

Seirbhísí Tithíochta agus Pobal
Bloc 1, Urlár 3
Oifigí na Cathrach, An Ché Adhmaid, Baile Átha Cliath 8
T. 01 222 6041 E: hugh.mckenna@dublincity.ie

Mr. Ian Fennell
Head of Development
Bartra ODG Limited
3rd Floor, Longphort House
Earlsfort Centre,
Dublin 2

08 October 2020

By email and post
Email: ifennell@bartracapitalproperty.com

Re: O'Devaney Gardens – Community Facility

Dear Mr. Fennell,

It is anticipated that the community facilities will be run by the Owners Management Company (the local residents), the users of the facilities and the City Council, or a combination thereof. The community facilities will provide a multi-purpose space to facilitate:

- public meeting / information provision,
- Informal adult training classes
- space for activities such as Pilates, martial arts, wellbeing activities, etc.
- one-off activities associated with the arts, exhibitions, etc.

The facility is seen as an essential elemental in consolidating and facilitating community development and encouraging local involvement in community activities.

Yours faithfully,

Hugh McKenna
Senior Executive Officer
Project Manager