THORNTON O'CONNOR
TOWN PLANNING

Material Contravention Statement

Planning Application

In respect of a Residential Development at

Milltown Park, Sandford Road, Dublin 6

Submitted on Behalf of
Sandford Living Limited

September 2021

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1.0 INTRODUCTION

1.1 Summary of the Proposed Development

The subject planning application is categorised as a Strategic Housing Development as defined in Section 3 of the *Planning and Development (Housing) and Residential Tenancies Act 2016* (as amended) ("The SHD Act"), which states that Strategic Housing Development means:

> *'a)* ***the development of 100 or more houses on land zoned for residential use or for a mixture of residential and other uses,***
>
> *b) the development of student accommodation units which, when combined, contain 200 or more bedspaces, on land the zoning of which facilitates the provision of student accommodation or a mixture of student accommodation and other uses thereon.*
>
> *c) development that includes developments of the type referred to in paragraph a) and of the type referred to in paragraph b), or*
>
> *d) the alteration of an existing planning permission granted under section 34 (other than under subsection (3A)) where the proposed alteration relates to development specified in paragraph a), b) or c).'* [Our Emphasis]

The subject scheme principally comprises the demolition of c. 4,883.9 sq m of existing buildings, refurbishment and reuse of the existing Tabor House and the Chapel and the provision of 671 No. residential units, recreational amenities and facilities, and a creche. The building heights range from 2 No. storeys to 10 No. storeys across Blocks A1, A2, B, C, D, E, F, Tabor House and the Chapel. The subject site also includes public open space and internal and external communal amenity space.

The subject site is eminently suitable to provide principally residential accommodation having regard to the sustainable location of the lands in proximity to employment locations, services and facilities and high frequency public transport such as the Beechwood LUAS stop 1 km or c. 13 minutes walking distance. The development also provides in excess of 25% public open space (c. 34.9%) which is required by the Z15 zoning objective pertaining to the subject lands.

1.2 Detailed Description of the Subject Development

The following description of development has been provided in the Statutory Notices:

> *'Sandford Living Limited intend to apply to An Bord Pleanála for permission for a strategic housing development at this c. 4.26 hectare site at Milltown Park, Sandford Road, Dublin 6, D06 V9K7. Works are also proposed on Milltown Road and Sandford Road to facilitate access to the development including improvements to pedestrian facilities on an area of c. 0.16 hectares. The development's surface water drainage network shall discharge from the site via a proposed 300mm diameter pipe along Milltown Road through the junction of Milltown Road / Sandford Road prior to outfalling to the existing drainage network on Eglinton Road (approximately 200*

metres from the Sandford Road / Eglinton Road junction), with these works incorporating an area of c. 0.32 hectares. The development site area, road works and drainage works areas will provide a total application site area of c. 4.74 hectares.

The development will principally consist of: the demolition of c. 4,883.9 sq m of existing structures on site including Milltown Park House (880 sq m); Milltown Park House Rear Extension (2,031 sq m); the Finlay Wing (622 sq m); the Archive (1,240 sq m); the link building between Tabor House and Milltown Park House rear extension to the front of the Chapel (74.5 sq m); and 36.4 sq m of the 'red brick link building' (single storey over basement) towards the south-western boundary; the refurbishment and reuse of Tabor House (1,575 sq m) and the Chapel (768 sq m), and the provision of a single storey glass entrance lobby to the front and side of the Chapel; and the provision of a 671 No. unit residential development comprising 604 No. Build-to-Rent apartment and duplex units (88 No. studios, 262 No. one bed units, 242 No. two bed units and 12 No. three bed units) and 67 No. Build-to Sell apartment and duplex units (11 No. studios, 9 No. one bed units, 32 No. two bed units and 15 No. three bed units).

Block A1 will range in height from part 5 No. storeys to part 10 No. storeys and will comprise 94 No. Build-to-Rent apartments; Block A2 will range in height from part 6 No. storeys to part 8 No. storeys (including part double height at ground floor level) and will comprise 140 No. Build to-Rent apartments and duplex units; Block B will range in height from part 3 No. to part 7 No. storeys and will comprise 91 No. Build-to-Rent apartments; Block C will range in height from part 2 No. storeys to part 8 No. storeys (including part double height at ground floor level) and will comprise 163 No. Build-to-Rent apartments; Block D will range in height from 3 No. storeys to 5 No. storeys and will comprise 39 No. Build-to-Sell apartments; Block E will be 3 No. storeys in height and will comprise 28 No. Build-to-Sell duplex units and apartments; Block F will range in height from 5 No. storeys to part 7 No. storeys and will comprise 92 No. Build-to-Rent apartments; and the refurbished Tabor House (4 No. storeys including lower ground floor level) will comprise 24 No. Build-to-Rent apartments.

The development also includes a creche within Block F (400 sq m) with outdoor play area; and the provision of communal internal amenities (c. 1,248.8 sq m) and facilities (c. 158.3 sq m) throughout the residential blocks, Tabor House and the converted Chapel building including co-working space, gym, lounges, reading rooms, games room, multi-purpose space, concierge, mail rooms and staff facilities.

The proposed works also include a new 2.4 metre high boundary wall across the site from east to west (towards the southern boundary) requiring the demolition of a portion of the red brick link building that lies within the subject site towards the south-western boundary (36.4 sq m) and the making good of the façade at the boundary. The existing Link Building is the subject of a separate application for permission (DCC Reg. Ref. No. 3866/20) that includes a request for permission to demolish that Link Building, including the part of the building on the lands the subject of this application for SHD permission. If that application is granted and first implemented, no demolition works to the Link Building will be required under this application for SHD permission. If that application is refused permission or not first implemented, permission is here sought to demolish only that part of the Link Building now existing on the lands the subject of this application for permission and to make good the balance at the red line with a blank wall.

The development also provides a new access from Milltown Road (which will be the principal vehicular entrance to the site) in addition to utilising and upgrading the existing access from Sandford Road as a secondary access principally for deliveries, emergencies and taxis; new pedestrian access points; pedestrian/bicycle connections through the site; 344 No. car parking spaces (295 No. at basement level and 49 No. at surface level) which includes 18 No. mobility impaired spaces, 10 No. car share spaces, 4 No. collection/drop-off spaces and 2 No. taxi spaces; bicycle parking; 14 No. motorcycle spaces; bin storage; boundary treatments; private balconies and terraces facing all directions; external gantry access in sections of Blocks A1, A2 and C; hard and soft landscaping including public open space and communal open space (including upper level communal terraces in Block A1, Block B and Block C which will face all directions); sedum roofs; PV panels; substations; lighting; plant; lift cores; and all other associated site works above and below ground. The proposed development has a gross floor space of c. 54,871 sq m above ground level over a partial basement (under part of Block A1 and under Blocks A2, B and C) measuring c. 10,607 sq m, which includes parking spaces, bin storage, bike storage and plant.'

1.3 Purpose of this Material Contravention Statement

The question of whether the proposed development materially contravenes the *Dublin City Development Plan 2016-2022* ("*Development Plan*") is ultimately a matter for An Bord Pleanála to determine. The purpose of this Material Contravention Statement is to set out the justification for aspects of the proposed development which may be considered to materially contravene the *Development Plan*.

The scheme as proposed may be determined to materially contravene the Development Plan with regard to the following matters:

- **Building Height with reference to Chapter 16 of the *Development Plan*;**
- **Dwelling Mix, Location of the Proposed Build-to-Rent Unit and Build-to-Rent Legal Covenant with reference to Section 16.10.1 of the *Development Plan*;**
- **Tabor House (existing historic building) areas with reference to Section 16.10.1 of the *Development Plan*;**
- **Number of units provided per core with reference to Section 16.10 of the *Development Plan*;**
- **Daylight/Sunlight with reference to Section 16.10.1 of the *Development Plan*;**
- **Private Open Space in Some Build-to-Rent Units with reference to Section 16.10 of the *Development Plan*;**
- **Studio Apartment Floor Areas / Apartment Rooms Sizes / Apartment Widths with reference to Section 16.10 of the *Development Plan*;**
- **Ratio of Glazing with reference to Section 16.10.1 of the *Development Plan***

- **Taking-in-Charge with reference to Section 16.9/Policy QH15 of the *Development Plan; and***

- **Bedrooms Facing onto Deck with reference to Section 16.10.1 of the *Development Plan*.**

This document will provide justification regarding the possible contravention of the provisions of the *Development Plan* as outlined above.

2.0 STATUTORY BASIS FOR MATERIAL CONTRAVENTION

Section 9(6) of the *Planning and Development (Housing) and Residential Tenancies Act, 2016 (as amended)* sets out the following in relation to developments which materially contravene the policies and objectives of a Development Plan:

(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.*

(b) *The Board shall not grant permission under paragraph (a) where the proposed development, or a part of it, contravenes materially the development plan or local area plan relating to the area concerned, in relation to the zoning of the land.*

(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.'* [Our Emphasis]

TOC Comment:

The site is zoned Objective Z15 – *'Institutional and Community'* in the *Dublin City Development Plan 2016 – 2022* where the stated aim is *'to protect and provide for institutional and community uses'.* Residential use is 'open for consideration' and creche is 'permitted in principle'. Developments on lands zoned Z15 also require 25% public open space to be provided on site.

As the subject scheme proposes a residential development with ancillary residential support amenities and facilities, a creche and a significant quantum of public open space which can be utilised by the community (34.9% of the site area on lands that are no longer required for the institutional purposes of the Jesuit community), the proposed development fully complies with the zoning objective of the site. The retention of the main institutional and community uses on the overall Z15 lands at this location have been retained, including space for any necessary expansion of such uses. We would like to highlight that the public have never enjoyed any right of access to these privately owned lands, therefore the opening up of the site to provide high-quality public open space is a significant planning gain for the area and assists in integrating the proposed development with the surrounding lands.

This Material Contravention Statement relates to building height, dwelling mix/location of Build-to-Rent units/Legal Covenant, studio unit sizes within Tabor House, number of units per core, daylight/sunlight, studio apartment floor areas/apartment room sizes/apartment widths, ratio of glazing, taking-in-charge and bedrooms facing on to the deck, which we consider appropriate and justified for the subject lands. We consider that the design, scale and massing of the proposed development is appropriate at this location and justifiable for the subject lands having regard to recently adopted National Policy as detailed throughout this report.

Section 37(2) of the *Planning and Development Act 2000 (as amended)* states the following in relation to material contravention:

(a) *'Subject to paragraph (b), the Board may in determining an appeal under this section decide to grant a permission even if the proposed development contravenes materially the development plan relating to the area of the planning authority to whose decision the appeal relates.*

(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 planning guidelines 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****.'* [Our Emphasis]

In the event that the Board were to grant permission, the Board's "*reasons and considerations*" would have to reference the matters under Section 37(2)(b) of the 2000 Act upon which it relies to justify the granting of permission in material contravention of the Development Plan. It is apparent from Section 10(1)(3)(b) of the 2016 Act that such reasons and considerations must appear in the Board decision itself. Section 10(3) provides as follows:

'(3) A decision of the Board to grant a permission under section 9(4) shall state-
....
(b) where the Board grants a permission in accordance with section 9(6)(a), the main reasons and considerations for contravening materially the development plan or local area plan, as the case may be.'

In considering material contravention issues, it is also necessary to consider the requirements of Specific Planning Policy Requirements (SPPRs) under relevant ministerial guidelines issued pursuant to section 28 of the Act of 2000. Such guidelines include in particular:

- *The Urban Development and Building Heights Guidelines for Planning Authorities (December 2018)*
- *The Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities, 2020*

- *The Guidelines for Planning Authorities on the Sustainable Residential Development in Urban Areas (May 2009)*

Section 9(3) of the SHD Act refers to SPPRs and provides:

> *'(3) (a) When making its decision in relation to an application under this section, the Board shall apply, where relevant, specific planning policy requirements of guidelines issued by the Minister under section 28 of the Act of 2000.*
>
> *(b)* ***Where specific planning policy requirements of guidelines referred to in paragraph (a) differ from the provisions of the development plan of a planning authority, then those requirements shall, to the extent that they so differ, apply instead of the provisions of the development plan****.*
>
> *(c) In this subsection "specific planning policy requirements" means such policy requirements identified in guidelines issued by the Minister to support the consistent application of Government or national policy and principles by planning authorities, including the Board, in securing overall proper planning and sustainable development.'* [Our Emphasis]

On one legal view, the effect of subsection (3)(b) above is that if the SPPRs apply instead of conflicting provisions of the Development Plan, then no issue of material contravention can arise in relation to conflicting provisions of the Development Plan. However, this Material Contravention Statement has adopted a more conservative approach and has treated any material breach of any such conflicting provisions of the Development Plan, even where disapplied by the provisions of the relevant SPPR, as material contravention issues.

Having regard to the analysis set out below of the compliance with the proposed development with national planning policy and Section 28 Guidelines, and having considered the strategic nature of the site and the proposed development, it is considered that there is sufficient justification for An Bord Pleanála to grant permission for the proposed development, notwithstanding any material contravention of the D*evelopment Plan*, by reference to sub-paragraphs (i), (iii) and (iv) of Section 37(2)(b) for the reasons set out below in Section 3.0.

3.0 JUSTIFICATION FOR THE MATERIAL CONTRAVENTION

3.1 For each of the Subject Numbers – Strategic or National Importance

The proposed development is of strategic or national importance (Section 37 (2)(b)(i) of the Act)

The proposed development will deliver much needed residential units in response to the *Rebuilding Ireland - Action Plan for Housing and Homelessness'* that was published by the Government on 19th July 2016, which identifies that accelerated "delivery of housing for the private, social and rented sectors is a key priority for the Government". The supply of residential units remains a priority for the current Government.

The strategic or national importance of the proposed development is reinforced by the contribution it will make to the achievement of the guidelines and policies identified for the purposes of Section 37(2)(b)(iii) of the Act throughout this statement.

In particular, the mix of predominantly 1 and 2 No. bed apartments within the proposed development (with some 3 No. bed units) are urgently required in order to provide an appropriate mix of dwelling typologies in the area, as recognised in the *Dublin City Development Plan 2016 – 2022* and the *National Planning Framework*, the latter of which notes that '*the 2016 Census indicates that if the number of 1-2-person dwellings is compared to the number of 1-2-person households, there is a deficit of approximately 150%, i.e. there are approximately two and half times as many 1-2- person households as there are 1-2 person homes*.'

The significant shortfall in housing output to address current and projected demand is a national problem, with lack of housing having social and economic ramifications for sustainable national growth. The pressing need for housing development is recognised in the *National Planning Framework* (e.g. National Policy Objective 32: To target the delivery of 550,000 additional households to 2040; National Policy Objective 33: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location). Therefore, the proposed development is of both strategic and national importance.

3.2 Subject No. 1 – Building Height

Potential Material Contravention in Relation to Building Height as the Proposed Development Can be Facilitated Through the Section 28 Guidelines (Section 37 (2)(b)(iii) of the Act) and Can be Facilitated Having Regard to the Pattern of Development, and Permissions Granted, in the Area since the making of the Development Plan (Section 37 (2)(b)(iv) of the Act)

The *Dublin City Development Plan 2016-2022* defines the location of the subject site as the 'Outer City'. The Development Plan prescribes a maximum height of 16 No. metres for developments in the Outer City for residential and commercial development.

The proposed development exceeds the maximum height prescribed by the Development Plan which applies to the subject location and therefore may materially contravene the *Dublin City Development Plan 2016-2022*.

The heights proposed are summarised as follows:

Block	Storeys Proposed	Principal Heights Proposed	Max Height with Lift Cores
Block A1	Part 5 No. storeys to part 10 No. storeys	16.4 metres-31.6 metres	32.725 metres
Block A2	Part 6 No. storeys to part 8 No. storeys (including part double height at ground floor level)	22.55 metres-26.475 metres	27.100 metres
Block B	Part 3 No. storeys to part 7 No. storeys	10.15 metres-22.518 metres	22.85 metres
Block C	Part 2 No. storeys to part 8 storeys (including part double height at ground floor level)	8.948 metres-26.85 metres	27.275 metres
Block D	Part 3 No. storeys to part 5 No. storeys	10.65 metres-16.682 metres	16.9 metres
Block E	3 No. storeys	10.335 metres-10.558 metres	10.558 metres
Block F	Part 5 No. storeys to part 7 No. storeys	16.575 metres-22.75 metres	23.35 metres
Conversion of Tabor House	4 No. storeys including lower ground floor level	16.82 metres	-

The *Urban Development and Building Heights Guidelines for Planning Authorities, 2018* ("*Building Height Guidelines*") set out that a key objective of the *National Planning Framework* is to ensure that significant increases in building heights and overall density of development in our urban centres is not only facilitated but actively sought out and brought forward by our planning processes [para 1.20]. Detailed compliance with the performance criteria under Section 3.2 of these Guidelines will be considered further below.

The *Development Plan* was made before these *Building Height Guidelines* were published. The Development Management Principles in the Guidelines, at paragraph 3.1, state that it is Government policy that building heights must generally be increased and that planning authorities must apply certain broad principles when considering development proposals for buildings taller than prevailing building heights in pursuit of the Guidelines. The third bullet of paragraph 3.1 requires consideration to whether the implementation of the pre-existing policies of a plan that predates the Guidelines align with and support the objectives and policies of the *NPF*. The *NPF* is considered below. As they were made before the *NPF* and *Building Height Guidelines* were published, the pre-existing policies in relation to height in the *Development Plan* do not align. There is no doubt, therefore, that the Specific Planning Policy Requirements *("SPPR")* in the Guidelines are relevant to the assessment of this proposed development.

In particular, where there is a conflict between the provisions of the *Development Plan* which provide for a maximum height of 16 metres, and SPPR 3A, which is considered further below, the provisions of the latter must be applied instead.

It is the opinion of the Design Team that the provision of principal parapet heights ranging from part 2 to part 10 No. storeys (8.948 metres to 31.6 metres plus lift overruns) is an appropriate design response that strikes a balance between respecting the surrounding environment and ensuring that the development potential of a large, underutilised, strategically located site is maximised (site located in proximity to significant employment locations, public transport [located 1 km from the LUAS] in addition to many services and facilities).

The *Development Plan* must now be considered in conjunction with the *Building Height Guidelines* and the objectives of the *National Planning Framework*. There is significant potential for the subject site to provide increased heights, subject to appropriate safeguards. It is our professional planning opinion that the inclusion of heights ranging from part 2 to part 10 No. storeys in height (10 No. storey element will act as a focal point fronting the prominent intersection of Milltown, Clonskeagh, Donnybrook and Ballsbridge) at the subject site can be readily absorbed without any undue impact on the character of the area or the amenity of neighbouring properties.

A map of the scheme layout and description of the heights proposed in each block is set out below:

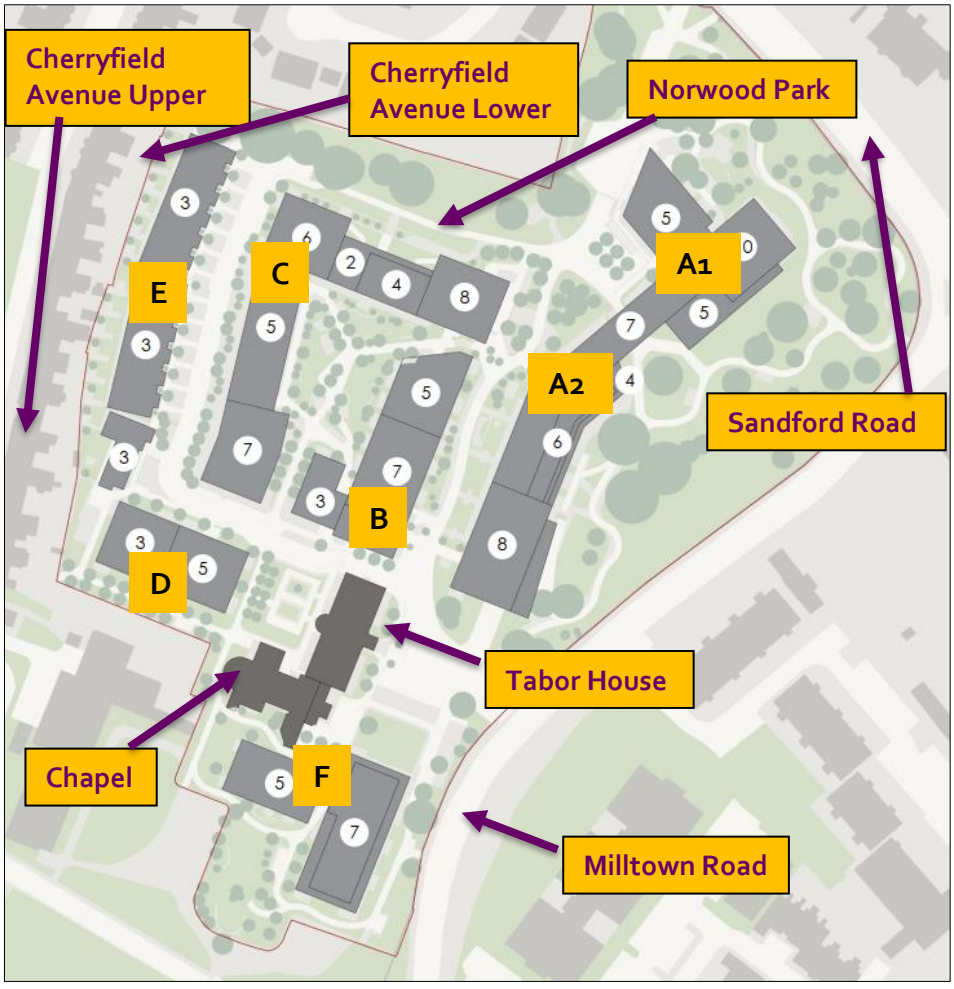

Figure 3.1: Layout and Building Heights of the Proposed Blocks

(Source: OMP Architects, annotated by Thornton O'Connor Town Planning, 2021)

- **Block A** has been broken down into Block A1 and A2:

  - Block A1 is principally part 5 to part 10 No. storeys in height and **Block A2** is principally part 6 to part 8 No. storeys (including part double height at ground floor level) and is positioned adjacent to the southern elevation of Block A1. The 10 No. storey pop-up element will front the large area of public open space and the corner of Milltown Road and Sandford Road and represents a 'visual marker' internally and externally to the scheme at a prominent interchange.

  This 10 No. storey element fronts the prominent interchange of Sandford Road and Milltown Road and will provide a focal point for the scheme. This focal point will enhance legibility and wayfinding for the wider community and will be a 'visual marker', which is a key element of the proposed scheme in terms of its role in wayfinding. It will also act as a focal point for the scheme having regard to its position at the junction of Sandford Road and Milltown Road at a key arterial crossroads between Milltown, Clonskeagh, Donnybrook and Ballsbridge.

- **Blocks B and C** are positioned at the centre of the site surrounding the central courtyard space. Block B ranges in height from part 3 to part 7 No. storeys and Block C ranges in height from part 2 to part 8 No. storeys (including part double height at ground floor level). Large setbacks of between c. 32.5 metres and c. 50 metres have been provided between the Norwood Park dwellings and Block C which comprises building heights of 2, 6 and 8 No. storeys. Furthermore, an 'inset' has been located towards the centre of Block C along the northern boundary which will provide a 45 No. metre setback from the rear of the Norwood Park dwellings.

- **Block D** steps down from 5 No. storeys towards the centre of the site to 3 No. storeys at the periphery of the site adjacent to neighbouring dwellings on Cherryfield Avenue Upper.

- **Block F** at the southern portion of the site ranges in height from 5 to 7 No. storeys which is appropriately set back from the remaining institutional lands with a courtyard provided adjacent to the boundary which will act as a natural buffer to these lands. The 7 No. storey element of Block F will face towards Milltown Road which will allow this height to be absorbed into the surrounding context.

- We note that 3 No. storey duplexes/apartment blocks (**Block E**) have been located along the western boundary of the site adjacent to the dwellings on Cherryfield Avenue Lower and Upper in order to provide a sensitive transition from the proposed development to these dwellings and to protect the residential amenity and character of these properties. Balconies have been omitted from apartments to the rear facing onto Cherryfield Avenue Upper and Lower to further protect their residential amenity.

Despite the proposed increase in height, it has been demonstrated in the accompanying documentation, particularly the Landscape Visual Impact Assessment and Daylight/Sunlight Analysis, that the subject scheme will not have a significant material impact on the residential amenity of existing surrounding dwellings. It is considered that the height proposed can be absorbed into the natural and built environment due to the generous setbacks provided from sensitive boundaries and the layout of the development has been thoroughly considered and greater heights are provided away from neighbouring dwellings.

In our opinion, the heights provided in the subject development are appropriate having regard to the express requirement in National level policy to achieve compact growth, in addition to the careful modulation of height throughout the site, which responds to the surrounding context of each individual block.

In addition, permission has recently been granted on 31st August 2020 on Eglinton Road in proximity to the subject site for the 148 No. apartments:

- ***ABP Ref. ABP-307267-20***
  Nos. 1, 3, 5, 7, 9 and 11, Eglinton Road, Donnybrook, Dublin 4 [heights of 3 No. to 12 No. storeys]

  Therefore, it is clear that increased height has been granted in the area since the *Development Plan* was published.

Project Ireland 2040: National Planning Framework

Project Ireland 2040: National Planning Framework ("*NPF*") is the Government's high-level overarching strategic plan that aims to shape the future growth and development of the country. The *NPF* is a long-term Framework that sets out how Ireland can move away from the current 'business as usual' pattern of development.

A number of key national policy objectives are identified throughout the *NPF* such as the following (in summary):

- **National Policy Objective 2a** sets a target of 50% of future population and employment growth to be focused in the existing five cities and their suburbs.

- **National Policy Objective 3a and National Policy Objective 3b** aim to deliver at least 40% of all new homes nationally, within the built-up area of existing settlements and to deliver at least 50% of all new homes that are targeted in the five Cities within their existing built-up footprints.

- **National Policy Objective 4** aims to provide diverse and integrated communities ensuring the creation of attractive, livable, well designed, high quality urban places.

- **National Policy Objective 13** outlines that in urban areas, building height and car parking standards will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth. (Section 3.2 of the Building Height Guidelines set out the relevant performance criteria. These will be addressed further below.)

- **National Policy Objective 32** sets a target of 550,000 No. additional homes to 2040.

- **National Policy Objective 33** prioritises the provision of residential development at appropriate scales within sustainable locations.

- **National Policy Objective 35** sets out the aim to increase residential density in settlements through a range of measures including (amongst others) in-fill development schemes and increased building heights.

The *NPF* sets out that:

> *'to effectively address the challenge of meeting the housing needs of a growing population in our key urban areas,* ***it is clear that we need to build inwards and upwards rather than outwards****.'* [Our Emphasis]

TOC Comment: The proposed scheme involves the development of an existing underutilised site in a prime urban location which has excellent access to public transport and will contribute towards compact growth in Dublin in line with the objectives of the *NPF*.

We note that the *NPF* recognises that building inwards and upwards is important to effectively address the housing crisis. There is a significant importance placed in the *NPF* to develop high quality accommodation by increasing building heights and densities in existing urban areas. The proposed development, which provides a range of principal

heights from part 2 No. storeys to part 10 No. storeys, is appropriate at this prominent junction in Dublin. The scheme layout has been designed to provide the highest elements of the proposed buildings in the least sensitive locations on the site and generous separation distances have been provided from existing neighbouring dwellings. The subject site is located in close proximity to public transport, employment locations, services and facilities.

***Urban Development and Building Heights – Guidelines for Planning Authorities* (December 2018)**

The *Urban Development and Building Heights Guidelines for Planning Authorities* ("*Building Height Guidelines*") were adopted in December 2018 under Section 28 of the 2000 Act, some two and a half years after the adoption of the *Dublin City Development Plan 2016-2022*. It is our professional opinion that the Development Plan does not align with and support the objectives and policies of the *NPF* in relation to the provision of increased height as detailed below. This is significant in the context of the third "broad principle" under Section 3.1 of the *Building Height Guidelines*, which is considered further below. An Bord Pleanála and Planning Authorities must have regard to these Guidelines and, in particular, compliance with the Specific Planning Policy Requirements (SPPRs) is mandatory.

The Guidelines state that a key objective of the *NPF* is to significantly increase the building heights and overall density of developments.

The Minister's foreword to the *Building Height Guidelines* acknowledges that Ireland's classic development models for city and town cores has tended to be dominated by employment and retail uses, surrounded by extensive and constantly expanding low-rise suburban residential areas which is an unsustainable model. There is an opportunity for our cities and towns to be developed differently. Urban centres could have much better use of land, facilitating well located and taller buildings, meeting the highest architectural and planning standards. The Guidelines are intended to set a new and more responsive policy and regulatory framework for planning the growth and development of cities and towns upwards rather than outwards.

The *Building Height Guidelines* state that the:

> '*Government considers that there is significant scope to accommodate anticipated population growth and development needs, whether for housing, employment or other purposes,* ***by building up and consolidating the development of our existing urban areas.***' [Our Emphasis]

The *Building Height Guidelines* also emphasise that increasing prevailing building heights have a critical role to play in addressing the delivery of more compact growth in our urban areas, particularly our cities and large towns through enhancing both the scale and density of development and it notes that the planning process must actively address how this objective will be secured.

The *Building Height Guidelines* expressly seek increased building heights in urban locations:

> *'In relation to the assessment of individual planning applications and appeals, it is Government policy that* ***building heights must be generally increased in appropriate urban locations.*** *There is therefore a presumption in favour of buildings of* ***increased***

***height in our town/city cores and in other urban locations with good public transport accessibility**.'* [Our Emphasis].

The *Building Height Guidelines* also advise that taller buildings can assist in contributing to a sense of place and can indicate important street junctions:

> *'Furthermore, while **taller buildings** will bring much needed additional housing and economic development to well-located urban areas, they **can also assist in reinforcing and contributing to a sense of place** within a city or town centre, such as indicating the main centres of activity, **important street junctions**, public spaces and transport interchanges. In this manner, **increased building height is a key factor in assisting modern placemaking** and improving the overall quality of our urban environments'.* [Our Emphasis]

TOC Comment: The layout of the proposed development has been subject to numerous design iterations to ensure that the scheme as proposed presents the optimal planning solution for the lands and its surrounding context. The proposed layout has positioned the highest forms at the least sensitive locations throughout the site (fronting Milltown Road and Sandford Road, fronting the large public open space to the east of the site, and towards the centre and southern portions of the subject lands), at a distance from sensitive residential receptors. It is considered that the scheme design strikes a balance between respecting the surrounding environment of the scheme and ensuring the development potential of a significantly scaled, strategically positioned and underutilised plot is maximised, in proximity to good public transport accessibility and is an appropriate location for increased height in line with the *Building Height Guidelines.*

At the eastern boundary of the site the proposed development gives better definition to the important junction of Sandford and Milltown Road, a key arterial crossroads between Milltown, Clonskeagh, Donnybrook and Ranelagh. It improves the legibility of the urban structure and the 10 No. storey A1 block will act as a 'visual marker' for the scheme.

A Visual Impact Assessment and Daylight/Sunlight Analysis have been carried out in conjunction with the design of the subject development. These assessments demonstrate that the proposed development will not have an undue negative impact on its receiving environment. It is our professional planning opinion that the site has the capacity and capability to accommodate increased height that is actively sought in National policy guidance, given the scale of this c. 4.26 Ha development site which allows additional height to be proposed at strategic locations within the site. It is considered that the scheme design strikes a balance between respecting the surrounding environment of the scheme and ensures that the development potential of a significantly scaled, strategically positioned and underutilised plot is maximised.

Chapter 3 of the *Building Height Guidelines* expressly seeks increased building heights in urban locations:

> *'In relation to the assessment of individual planning applications and appeals, it is Government policy that **building heights must be generally increased in appropriate urban locations.** There is therefore a presumption in favour of buildings of increased height in our town/city cores and in other urban locations with good public transport accessibility.'* [Our Emphasis]

Under the heading, Development Management Principles, the *Building Height Guidelines* state (at paragraph 3.1) that it is Government policy that building heights must generally be increased, and that Planning Authorities must apply certain broad principles when considering development proposals for buildings taller than prevailing building heights in pursuit of the *Building Height Guidelines*. The third bullet point or "*broad principle*" in paragraph 3.1 requires consideration to whether the implementation of the pre-existing policies of a plan that predates the *Building Height Guidelines* align with and support the objectives and policies of the NPF. The NPF is considered above. As they were made before the NPF and *Building Height Guidelines* were published, it is not surprising that the pre-existing policies in relation to height do not align. There is no doubt, therefore, that the Specific Planning Policy Requirements in the *Building Height Guidelines* are relevant to the assessment of this proposed development.

Section 3.1 of the *Building Height Guidelines* states that *'Planning Authorities must apply the following broad principles in considering development proposals for buildings taller than prevailing building heights in urban areas in pursuit of these guidelines':*

Does the proposal positively assist in securing National Planning Framework objectives of focusing development in key urban centres and in particular, fulfilling targets related to brownfield, infill development and in particular, effectively supporting the National Strategic Objective to deliver compact growth in our urban centres?

TOC Response: The proposed scheme involves the redevelopment of an existing underutilised, brownfield, infill site in a prominent sustainable location. The subject development will contribute towards delivering compact growth in our urban areas. The scheme is therefore fully in accordance with the preferred approach of the National Planning Framework.

Is the proposal in line with the requirements of the development plan in force and which plan has taken clear account of the requirements set out in Chapter 2 of these Guidelines?

TOC Response: Other than as set out in this Material Contravention Statement, the proposal is in line with the Development Plan. The Development Plan has not yet been reviewed and updated in light of the *Building Height Guidelines*. However, as discussed further below, the proposal is consistent with the Guidelines, and in our professional opinion the *Development Plan* should be read in conjunction with the *Building Height Guidelines*. It is considered that the heights proposed principally ranging from part 2 No. storeys to part 10 No. storeys on this expansive site are appropriate at the subject lands in order to accord with Government policy to increase building heights in sustainable locations.

The subject scheme has been sensitively designed to have minimal impact on the residential amenity of surrounding existing dwellings. Examples of such design measures include the positioning of the highest forms at the least sensitive locations throughout the site at a distance from sensitive residential receptors (see Figure 4.1 below). Furthermore, we note that a key priority throughout the detailed design stage of the development was to provide sufficient setbacks and appropriate transitions from the residential properties along Cherryfield Avenue Upper and Lower along the western boundary and from the residential properties along Norwood Park to the north. In this regard, 3 No. storey duplexes and apartments have been provided along the western boundary of the site adjacent to the Cherryfield Avenue Upper and Lower residents, and

importantly there are no balconies to the rear of these units which minimises the potential for overlooking. A high-level window is provided to the living/kitchen/dining room at first floor level of the duplexes with a pop-out bay window incorporating a solid back wall and glazing to the sides provided for the upper level bedroom at the rear.

Large setbacks of between c. 32.5 metres and c. 50 metres have been provided between the Norwood Park dwellings and Block C which comprises building heights of 2, 6 and 8 No. storeys. An 'inset' has been incorporated towards the centre of Block C along the northern boundary, which will provide a 45 No. metre setback from the rear of the Norwood Park dwellings. As well as providing this setback from neighbouring dwellings, this inset also provides a visual connection from the rear of Tabor House to the public open space to the north of Block C. Norwood Park is also protected by a tree belt along the northern boundary.

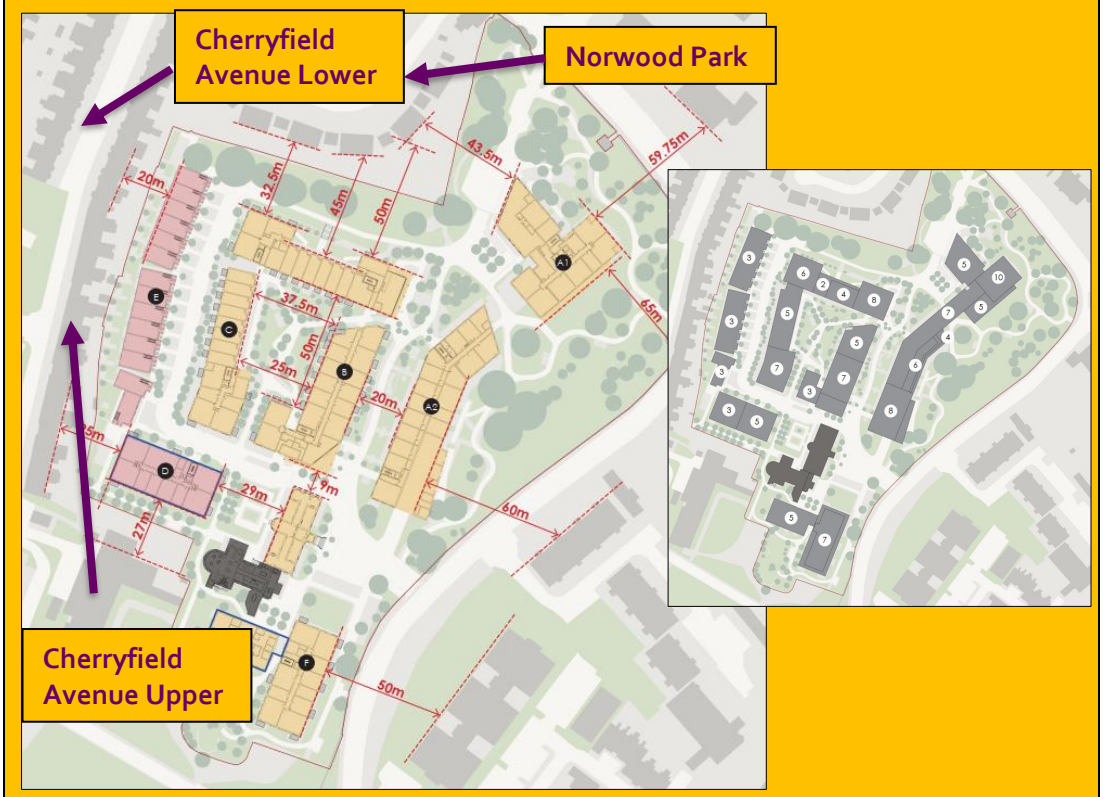

Figure 4.1: **Separation Distances Proposed with Large Setbacks from Block C and 3 No. Storey Duplexes and Apartments in Block E Highlighted**

(Source: **OMP Architects, annotated by Thornton O'Connor Town Planning, 2021)**

The variation in proposed heights across the site provides visual interest and is appropriate in this location in order to accord with Government policy to increase building heights in sustainable locations. In particular, the 10 No. storey element will front the junction of Sandford Road and Milltown Road and will represent a 'visual marker' at the intersection of Milltown, Clonskeagh, Donnybrook and Ballsbridge. The Daylight and Sunlgiht Assessment and Landscape Visual Impact Assessment , demonstrate that these design measures have been successful in reducing any potential adverse impact on the surrounding area.

Where the relevant development plan or local area plan pre-dates these guidelines, can it be demonstrated that implementation of the pre-existing policies and objectives of the relevant plan or planning scheme does not align with and support the objectives and policies of the National Planning Framework?

TOC Response: The prescriptive heights of the *Dublin City Development Plan 2016 – 2022* are now incompatible with the developments in National Policy, which have occurred since the Plan's adoption.

We note, in particular, National Policy Objective 35 of the *National Planning Framework*, which seeks an increase in 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. Insisting on the application of the height requirements in the *Development Plan* would not align with NPO 35.

It is our opinion that the subject site has the potential for much greater heights than 16 No. metres to sustainably densify this strategic site (albeit in some locations such as along the western boundary, the height does not exceed 16 No. metres) having regard to the high quality architectural composition of the scheme, the large public open spaces provided and the site's location at a prominent junction which will all contribute towards absorbing the proposed building heights.

We note that a Visual Impact Assessment and Daylight/Sunlight Analysis have been carried out in conjunction with the design of the subject development and demonstrate that the proposed development will not have an undue negative impact on its receiving environment.

Specific Planning Policy Requirement 3

SPPR3 of the *Building Height Guidelines* sets out that:

> *'It is a specific planning policy requirement that where;*
>
> *(A)* *1. an applicant for planning permission sets out how a development proposal complies with the criteria [below]; and*
> *2. the assessment of the planning authority concurs, taking account of the wider strategic and national policy parameters set out in the National Planning Framework and these guidelines;*
>
> *then the planning authority* ***may approve such development, even where specific objectives of the relevant development plan or local area plan may indicate otherwise****.'* [Our Emphasis]

Section 9(3) of the SHD Act provides as follows:

> *'(3) (a) When making its decision in relation to an application under this section, the Board shall apply, where relevant, specific planning policy requirements of guidelines issued by the Minister under section 28 of the Act of 2000.*

(b) ***Where specific planning policy requirements of guidelines referred to in paragraph (a) differ from the provisions of the development plan of a planning authority, then those requirements shall, to the extent that they so differ, apply instead of the provisions of the development plan***.' [Our Emphasis]

We now wish to consider how the proposed development complies with the specified criteria under Section 3.2 of the *Building Height Guidelines*, which are referred to in SPPR3 as follows:

At the scale of the relevant city/town

The site is well served by public transport with high capacity, frequent service and good links to other modes of public transport.

TOC Comment: The site is well served by public transport such as the Green Line Luas (Beechwood Luas 1 km / c. 13 minutes walking distance) and bus routes such as No. 11, 39a, 44, 46a, 61, 14 and 155 and 700 (Aircoach service). The Green Line Luas links with the Red Line Luas in the City Centre i.e. interchange at O'Connell Street / Abbey Street etc., which ultimately leads to various Train Stations e.g. Heuston Station and Connolly Station. The Green Line Luas frequency is every 3-5 No. minutes during peak hours and every 12 – 15 No. minutes frequency during off-peak hours and the bus services generally range in frequency from every 7-30 No. minutes frequency and there are also some bus routes with hourly frequency (please see page 46-47 of this report for full details on the frequency of the relevant proximate bus services). The proximity of the site to high frequency public transport provides opportunities for residents of the scheme to travel to significant employment locations and business districts such as the Canal, the Docklands, Harcourt Street, Ballsbridge, Sandyford Business District, Belfield Office Park and neighbourhood centres such as Ranelagh, Donnybrook and Rathmines. The majority of these areas are also located within cycling and walking distance of the site.

Furthermore, the following 4 No. hospitals are within close proximity to the subject site:

Hospitals		
No.	**Name**	**Distance**
1	Clonskeagh Hospital	→ c. 450 metres → c. 3 No. minutes cycling distance → c. 6 No. minutes walking distance
2	The Royal Hospital Donnybrook	→ c. 1.4 km → c. 5 No. minutes cycling distance → c. 17 No. minutes walking distance
3	St Vincent's Hospital	→ c. 2.3 km → c. 7 No. minutes cycling distance → c. 26 No. minutes walking distance
4	St Luke's Hospital	→ c. 2.9 km → c. 10 No. minutes cycling distance → c. 37 No. minutes walking distance

In addition, University College Dublin is located within c. 7 No. minutes cycling distance and c. 21 No. minutes walking distance from the subject site.

Therefore, it is clear that there are significant employment opportunities easily accessible from the subject site. The site is well located proximate to frequent public transport, some of which link to other forms of public transport e.g. Green Line Luas links with the Red Line Luas, which ultimately leads to various Train Stations.

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.

TOC Comment: It has been detailed in the Masterplan & Architectural Design Statement, Landscape Design Statement and Thornton O'Connor Town Planning documents how the development will be assimilated into the surrounding context. In this regard we note that the subject site has strong frontage onto Milltown Road and Sandford Road at a prominent intersection between Milltown, Clonskeagh, Donnybrook and Ranelagh.

The site is located in proximity to an Architectural Conservation Area (Belmont Avenue ACA), which is to the north of the subject site. There are Protected Structures also located to the north on the opposite side of Sandford Road and to the east along Clonskeagh Road with additional Protected Structures located to the north-west along Sandford Road and to the south along Milltown Road (greater distance). The proximity of the site to the ACA and Protected Structures has been duly considered as part of the design process of the subject scheme and the proposed development is integrated with the character and cultural heritage of the surrounding area by:

- The provision of public open space along the northern and eastern boundaries naturally ensures that the building forms are set back from the ACA and Protected Structures on Sandford Road and Clonskeagh Road;
- The natural set back provided between the site and the ACA/Protected Structures due to the position of Sandford Road which runs between the northern boundary of the site and the southern boundary of the ACA/Sandford Road Protected Structures and also due to the position of Milltown Road which runs along the eastern boundary of the site and the Protected Structures along Clonskeagh Road; and
- The position of built forms within the site which are set back from the boundary with Sandford Road and Milltown Road.

In addition, the proposed development incorporates the refurbishment and reuse of Tabor House and the Chapel which will integrate with the new buildings proposed as part of the development. The proposal will repurpose the buildings to accommodate residential units (Tabor House) and amenity spaces (Tabor House and the Chapel), therefore promoting the character of the buildings. The reuse and refurbishment of Tabor House and the Chapel will allow a new characterful setting to be created in the landscape and the buildings will act as a focal point for the development especially entering the site from Milltown Road or walking through the pedestrian street from the northern end of the site with glimpses of Tabor House shown through the setbacks of Block B. The north of the site is slightly lower than the south of the site near Tabor House and the Chapel and the new blocks (in particular Block A1/A2) and the pedestrian boulevard have been cognisant of this change in levels and are laid out appropriately.

Chapter 7 of the EIAR (Architectural Heritage) prepared by Molloy and Associates Conservation Architects states the following:

> *'The proposal to restore and adapt selective buildings, which are deemed to be both of heritage significance and suitable for purposeful adaptation, has been conceived to minimise the extent of loss across the site as a whole. The works proposed to the buildings selected for reuse, have been designed with the objective of preserving the character of the site and detailed to minimise unnecessary loss…The potential for positive impact is inherent in the rejuvenation of the site through the adaptation of existing building fabric of heritage interest and the provision of new buildings to secure a sustainable long-term use for the site…The retention of two buildings for purposeful re-use within the vast building range presents an inherently positive impact for the legibility of the original function of the site.'*

Furthermore, a key priority during the detailed design stage was to provide sufficient setbacks and appropriate transitions from the residential properties along Cherryfield Avenue Upper and Lower and from the residential properties along Norwood Park to the north. In this regard, 3 No. storey duplexes and apartments have been provided along the western boundary of the site adjacent to the Cherryfield Avenue Upper and Lower residents with importantly no balconies proposed along the rear elevation. A high-level window is provided to the living/kitchen/dining room at first floor level of the duplexes with a pop-out bay window incorporating a solid back wall and glazing to the sides provided for the upper level bedroom at the rear.

In addition, large setbacks of between c. 32.5 metres and c. 50 metres have been provided between the Norwood Park dwellings and Block C which comprises building heights of 2, 6 and 8 No. storeys. Furthermore, an 'inset' has been provided towards the centre of Block C along the northern boundary which will provide a 45 No. metre setback from the rear of the Norwood Park dwellings. As well as providing this setback from neighbouring dwellings, this inset also provides a visual connection from the rear of Tabor House to the public open space to the north of Block C. Norwood Park is also protected by a tree belt along the northern boundary.

Furthermore, Block D proposes heights of 3 to 5 No. storeys with the 3 No. storey element positioned adjacent to the neighbouring dwellings on Cherryfield Avenue Upper to provide an appropriate transition.

Block F to the south of the site ranges in height from 5 No. to 7 No. storeys and has been set back from the remaining Jesuit lands. This boundary between Block F and remaining Jesuits lands will be provided with the new 2.4 metre high boundary wall proposed as part of this planning application to separate the Applicant's lands from the remaining Jesuit lands.

The scheme then transitions in height along the eastern boundary with Block A1 ranging in height from part 5 No. to part 10 No. storeys and Block A2 ranging in height from part 6 to part 8 No. storeys (including part double height at ground floor level). The 10 No. storey A1 block will act as a 'visual marker' for the scheme at the prominent junction of Sandford Road and Milltown Road at a key arterial crossroads between Milltown, Clonskeagh, Donnybrook and Ranelagh. Block A1 as a focal point will act as a key landmark and improve legibility and wayfinding for the wider area and internally within the site.

The subject site has significant frontage onto Sandford Road and Milltown Road which facilitates the unique opportunity to provide permeable connections through the site. These connections include through the public park and the pedestrian boulevard and in tandem with the provision of pedestrian gates and the opening up of portions of the boundary wall, this represents a significant planning gain for the area as the site is closed from the public (the lands have always been in private use by the Jesuit community). The provision of these connections will encourage permeability through the site benefiting the wider public, whilst also assisting with the integration of the proposed scheme into the surrounding area and enhancing the public realm.

From the outset, the Design Team has sought to create a scheme that complies with daylight and sunlight requirements with respect to neighbouring properties, the public open spaces and the apartments themselves (tallest elements positioned away from surrounding dwellings).

The Daylight and Sunlight Assessment prepared by 3D Design Bureau concludes that the proposed development generally performs in line with BRE recommendations.

In addition, a Landscape and Visual Impact Assessment prepared by Modelworks has been carried out which considers key views through and surrounding the subject site. This has been submitted as part the EIAR (which assesses the verified views prepared by 3D Design Bureau) and notes that the site fronts a junction which:

> *'The junction funnels traffic from three urban cores, i.e. Clonskeagh/UCD, Milltown and Donnybrook towards the city centre via Ranelagh. The site occupies the most prominent of the four quadrants around the junction. Due to a number of factors, including the non-orthogonal configuration of the junction, the absence of buildings at the corner of the site, and the wall and trees along the site boundary, the junction does not manifest as a distinct 'place' in the townscape. Despite the large houses and trees around the junction it does not figure clearly in people's mental map of the area and does not contribute positively to legibility.*
>
> *The junction as a place, and the streets to which the site has frontage, warrant greater emphasis in the townscape – to give better definition to the junction locally, and to improve the legibility of the urban structure. This can be achieved only by built form on the site (the other quadrants around the junction all being already developed).'*

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.

TOC Comment:

Place-Making
The proposed development will contribute positively towards place-making due to the large spaces and streets provided throughout the scheme as set out in detail below. These large spaces will ensure that a sense of place and wayfinding is achieved in the scheme as residents and the wider public travel through the various routes provided.

The development proposes heights of principally part 2 to part 10 No. storeys across the site. There will be many 'destination' points in the scheme such as the forecourt to the retained Tabor House and the 10 No. storey pop-up element flanking Sandford Road, Milltown Road and the new public park and plaza, which will add architectural interest to the scheme by creating a strong architectural presence to announce the development for residents and the public on entering the site. The 10 No. storey element of the scheme will be a 'visual marker' or key landmark. It is our opinion that this vertical building form will assist in the wayfinding strategy of the scheme. O' Mahony Pike Architects note the following in their Masterplan & Architectural Design Statement:

> *Height Baseline - Design strategy is to establish baseline height of 5 storeys within the centre of the scheme which, depending on the contextual edge condition and degree of separation, steps up or down 2 storeys.*
>
> *Anchor buildings - These elements of 7-8 storeys provide accent and variation at either end of the axial route between the forecourt and the plaza which enhances legibility, wayfinding and connectivity.*
>
> *Urban Marker - The proposed 10 storey 'urban marker' acts as a reference point within the local area to enhance legibility and placemaking by announcing the development sitting within an expansive site which is otherwise concealed from the wider community behind an existing 3M high perimeter wall and existing mature tree belt.*
>
> *Placemaking - The location of this urban marker responds to the widercontext and urban morphology by marking the key junction and transition between the merging neighbourhoods of Milltown, Ranelagh, Clonskeagh and Donnybrook. The design intent, massing and orientation of this building specifically responds to the view South from this junction on Eglinton road creating an elegant 'punctuation mark' as the building extrusion emerges at a suitable height above the horizontal 'green veil' around the perimeter of the site along the North and East edges. As such, at the neighbourhood scale it acts as a 'reference point' in the landscape.*
>
> *Emerging Context - A taller building in this location it will add interest to the skyline and provide a visual reference point. While the site is on the periphery of the City Centre, it is in an area of emerging urban character with substantial developments to the South and East.*
>
> *Green Belt - This urban marker addresses the flow of the park as it winds it way around the North/ East corner while also signifying the wide 3 storey pedestrian archway connection between the park and the central plaza space. With the exception of the urban marker the rest of the development will be below the height of the existing mature tree belts which are retained and provide a 'green veil' to the perimeter of the site along the North and East edges.*

It is our professional planning opinion that the proposed heights of principally part 2 to part 8 No. storeys across the site with Block A1 providing a pop-up 10 No. storey element, cannot be considered challenging on this large core urban site. It is clear that the Design Team has comprehensively considered the height of the blocks within the proposed

development as the modulation of height throughout the site responds to the situational context of each block within the site.

New Streets and Urban Spaces

The proposed design and strategic layout provides visual relief through the blocks and concentrates on providing high quality open spaces and permeable connections throughout the scheme, therefore creating play opportunities, functional public space and attractive routes to navigate for the future residents and wider public to utilise. For example, the height of Blocks B and C which face the courtyard space are proposed to be dropped to 2 and 3 No. storeys in height to allow visual permeability into the courtyard and beyond to the remainder of the development. The proposed pedestrian boulevard will link the north of the site to Tabor House and the set back of the ground and first floor levels of Block B will provide visual connections through to Tabor House which will contribute towards the legibility of the development.

The new streets, spaces and connections which will create visual interest for the surrounding streetscape and provide permeable connections for the residents and wider public will principally consist of:

Streets and New Visual Connections:

1. A new public park along the east of the site from Sandford Road to Milltown Road;

2. A pedestrian avenue from Sandford Road through the plaza area, connecting through the pedestrian boulevard to the forecourt at the front of Tabor House and the Chapel (with access to Milltown Road also possible at this location). The ground and first floor levels of Block B have been set back (designed as a colonnade) to allow a visual connection through to Tabor House;

3. The provision of lower heights (2 and 3 No. storeys) within the central Blocks B and C will allow additional visual connections through the site into the courtyard and beyond;

4. Some 2 No. new pedestrian gates will be provided at each vehicular access point from Sandford Road and Milltown Road;

5. In addition to the pedestrian gates provided at the vehicular entrances, a pedestrian access point will be provided at the junction of Milltown Road and Sandford Road into the public park, which demonstrates that ample permeable opportunities are provided in the proposed development;

6. A portion of the boundary treatment of the existing wall will be modified along Milltown Road and Sandford Road. In this regard, a proposed upstand wall with railing will be provided in lieu of the existing cement or stone wall (predominately render removed) which will allow views into the site and will thus visually open the site up to the public and will enhance legibility in the area; and

7. There will be limited vehicular activity within the subject scheme. At the principal Milltown Road entrance, cars will predominately enter the basement on arrival to the site. Some 92-96% of cars will filter directly into the basement from Milltown Road (within c. 20 metres of the site entrance) and this will ensure that the shared surface to the west of the site adjacent to the Block E duplexes and apartments will not be car dominated and will be a safe environment for all users. The existing Sandford Road entrance will be the secondary vehicular access to the site (principally for deliveries, emergencies and taxis for example with a small element of mobility impaired parking for residents) and thus will have very minimal traffic movements. The limited number of cars arriving through the Sandford Road access will be prevented from entering the plaza area due to the proposed bollards.

New Urban Spaces:

The Public Open Spaces will be provided as follows (total 14,848 sq m/34.9% of site area):

- **Public Park and Plaza Area Connected Through the Triple Height Undercroft of Block A1:**

  c. 10,970 sq m (c. 25.8% of the c. 42,547 sq m developable site area)

- **Northern Woodland Glade:**

  c. 3,328 sq m (c. 7.8% of the c. 42,547 sq m developable site area)

- **Boulevard between Blocks A and B providing a pedestrian and cycle connection between Milltown Road and Sandford Road:**

  c. 550 sq m (c. 1.2% of the c. 42,547 sq m developable site area)

Figure 4.2: Public Open Space Provision at the Application Site

(Source: Cameo and Partners Design Studio, 2021)

Figure 4.3: Public Open Space Provision at the Application Site

(Source: Cameo and Partners Design Studio, 2021)

The majority of this space (25.8%) will be provided in the eastern parkland and the plaza area which are linked through the triple height undercroft of Block A1. We note that the large public park along the eastern boundary of the site is currently significantly overgrown and this space will be transformed by the subject development and will become a significant public amenity for the area.

The proposed development will remove all Category U[1] trees for ecological purposes. To improve the quality and usability of the open space areas to the north and east of the site, the poor-quality Category C[2] trees (91 No.) are recommended for removal and thus the proposed development will seek to open up this park for residents and visitors to enjoy. Therefore, the provision of a high quality useable public park available to the wider community at the site will be a significant planning gain for the area (as the public have never enjoyed any right of access to these privately owned lands).

[1] Trees in such condition that any existing value would be lost within 10 years and which should, in the current context, be removed for reasons of sound arboricultural management. Trees that are dead, dying or showing immediate and irreversible decline. (CMK, 2021)

[2] Trees of low quality and value (a minimum of 10 years). (CMK, 2021)

The public park links through the triple-height undercroft of Block A1 to the plaza area where there will be no vehicular access allowed to the plaza area, thus ensuring that the space is high-quality for public use. The entrance from Sandford Road will be a secondary vehicular entrance, principally for taxis, set down and deliveries and bollards will prevent access to the plaza area. The treatment of the public plaza will provide a safe and enjoyable environment for the public and residents.

The opening up of the area while maintaining the woodland feel will allow access to the general public for the first time and the imposing boundary wall will be modified in sections to provide views into the site which will invite the public into the open spaces provided and will improve permeability in the area.

In addition to public park and plaza area connected through the undercroft of Block A1, a parkland walk (known as the Northern Woodland Glade) will also be provided to the north of Block C which is positioned adjacent to the plaza and the communal amenity space in Block C. This northern space represents c. 7.8% of the site area (or c. 3,328 sq m) and will provide further amenity on site in excess of the 25% requirement. In addition to utilising the eastern public park to travel through the site, the public can also utilise the pedestrian connection from Milltown Road and Sandford Road through the pedestrian boulevard (550 sq m or 1.3% of site area) between Blocks A and B.

Natural play facilities for the scheme will be mainly focused within these areas, specifically aimed at children to reconnect with nature and there will also be opportunity for adult engagement through natural gym equipment. There will also be seating provided throughout the site.

The total communal open space proposed at ground level is 5,444 sq m (12.8% of developable site area) and is provided as follows:

1. **Belvedere Garden (North of Block C): 120 sq m**
2. **Tabor House and Formal Food Garden: 3,704 sq m**
3. **Courtyard between Block B and C: 1,510 sq m; and**
4. **Front of communal internal spaces in Block B and C: 110 sq m**

The communal open space at surface level (5,444 sq m) excluding upper level terraces of 431 sq m represents 12.8% of the site area. The total provision of public (34.9%) and communal open space (12.8%) at surface level (47.7% of site area) in addition to upper level communal terraces, will ensure that a high-quality standard of living that encourages social interaction will be provided for the future tenants.

The subject lands are currently enclosed from the public and have historically always been in private use. The opening of the site to the public and provision of glimpses in through the new boundary treatment will generate visual interest in the streetscape and the provision of new streets, open spaces and connections is therefore considered a significant planning gain for the area.

Massing and Height

The proposed scheme is presented in various forms and heights across the site, transitioning from the lower heights along more sensitive boundaries to the highest forms which are positioned at the least sensitive locations such as fronting Milltown Road and

Sandford Road, fronting the public park, and towards the centre and southern portions of the subject lands. We note that 3 No. storeys are provided adjacent to the residential dwellings (Cherrywood Avenue Upper and Lower) along the west of the site and the 2 to 8 No. storeys heights of Block C are setback c. 32.5 to 50 No. metres from the Norwood Park dwellings to the north.

Elsewhere, the height transitions to principally between 5 and 8 No. storeys with a pop-up 10 No. storey (Block A1) at the least sensitive locations which will avoid any abrupt transitions in scale and height from neighbouring residential dwellings, therefore the positioning of the higher building forms has been subject to detailed consideration to ensure that the scheme can be assimilated into the receiving environment. The criterion relating to '*variety in scale and form to respond to the scale of adjoining developments'* is considered to be met and has been addressed further at page 24 above.

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.

TOC Comment: The high-quality design and strategic layout of the proposed development provides an appropriate transition to surrounding residential dwellings having regard to clear guidance provided in national planning policy which seeks the densification of core urban sites in close proximity to public transport such as the subject site. The large separation distances proposed and modulation of heights throughout the site will ensure that the development will not be overbearing. We submit that no material impacts on surrounding residential dwellings will occur as a result of the proposed development, having regard to the positive results of the Daylight/Sunlight assessment and the Visual Impact Assessment. The proposal therefore responds well to is overall built environment. The proximity of the site to the ACA and Protected Structures has also been duly considered as part of the design process of the subject scheme. This has already been shown above in the context of the setting back of the development to protect the setting of protected structures and the ACA.

The high-quality materials utilised in the scheme, the provision of a new public park, new pedestrian connections and the newly proposed upstanding wall with railings along sections of the boundary wall will ensure that the development will make a positive contribution to the streetscape. The development will respond to its natural environment by contributing to the green infrastructure of the city and by providing large areas of public and communal open spaces which will include ecological enhancements such as bat boxes and bird boxes etc. The new public park, pedestrian connections and provision of glimpses through the revised boundary treatment will encourage connectivity and permeability for the wider public, which will create a vibrant sense of place and will make a positive contribution to the urban neighbourhood and streetscape. The 10 No. storey pop-up Block A1 fronting the junction of Sandford Road and Milltown Road will also positively contribute to the surrounding streetscape and neighbourhood which will enhance legibility for the area.

The proposal is not monolithic and avoids long, uninterrupted walls of building in the form of slab blocks with materials / building fabric well considered.

TOC Comment: The scheme has been designed to ensure interesting and relieved facades which reduce the perceived mass and scale of the blocks. As discussed, the height varies across the site and the orientation of the blocks also alternates throughout the scheme layout which demonstrates that the blocks have been broken down to ensure that the scheme will not represent a monolithic form. Each block has a subtle shift in direction as a response to its particular urban condition. The material palette has comprehensively considered the surrounding neighbourhood. In this regard, the Architectural Design Statement states:

> *'Both the historical and contemporary context heavily rely on brick as the predominant building material, with a wide variety of colours and types reflecting the piecemeal development of the area over a prolonged period of time. Although alternative materials have been explored, brick feels a natural choice for the base material for our proposal. It is our intention that through considered sampling and selection, brickwork for the body of the buildings will bring a domestic, softened and textural quality to the building, whilst also echoing character traits of its context in the area. However the three main contextual conditions surrounding Sandford Road are broadly coherent in three broad hues:*
>
> *Buff/Brown Brick, reflecting the predominant brick type along Ranelagh Road, as well as working with the painted render St James Terrace. This colour choice also responds to the sites Tabor House & Chapel buildings.*
>
> *Red/Brown, reflecting the predominant use of red along Eglinton Road, Sandford Road & Belmont Avenue.*
>
> *Grey Brick, referencing the harder facing base and edge stone which is apparent on the historical housing façade typologies to create a hard wearing street interface plinth.*
>
> *he completed building expression provides a simple building form that reinterprets the surrounding building fabric to relate positively to neighbouring structures and create a harmonious whole.*
>
> *The architecture of each building varies enough to ensure a diverse and interesting urban fabric, albeit within a considered palette of complimentary materials and colours.*
>
> *Subtle variations in the architectural expression and material palette of the different blocks to ensure a diverse and interesting urban fabric, albeit within a considered palette of complementary materials and colours that provide a degree of variation and interest as the building forms progress and relate to the different surrounding conditions.'*

Furthermore, the high-quality open spaces and permeable links provide visual relief throughout the scheme.

An interesting feature of the scheme is the views provided through the site from outside through the new entrance points. In addition, views through the triple-height undercroft within Block A will allow for an interesting journey for the pedestrian, and views from the north of the site towards Tabor House will be visible through the colonnade at the setback ground and first floor levels of Block B, which demonstrates that the proposal has been well considered as the massing of the blocks has been broken down to provide large areas of open space, visual links and pedestrian pathways through the scheme.

The Masterplan & Architectural Design Statement prepared by O' Mahony Pike Architects sets out the rationale for the design approach and how conscious efforts have been made to provide architecturally interesting forms and spaces and notes that the proposed Block A linear element is comparable to the constructed Mount Saint Anne's development in Milltown and serves to provide good edge containment to the open space. It is clear that a significant effort has been made to provide well considered and interesting building forms which enhances legibility, wayfinding and connectivity within the site for future residents and the existing wider area.

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).

TOC Comment: The provision of permeable links throughout the site (public park and pedestrian boulevard) and the opening up of the site as viewed from Milltown Road and Sandford Road represent key planning gains for the wider neighbourhood.

The development has been subject to a sensitive detailed design process creating significant quantum of public open space within the Public Park and Plaza area connected through the triple-height undercroft of Block A1 (c. 10,970 sq m), the Northern Woodland Glade (c. 3,328 sq m) and the pedestrian boulevard between Blocks A and B providing a pedestrian and cycle connection between Milltown Road and Sandford Road (c. 550 sq m).

In addition, the scheme also provides 5,444 sq m of communal open space provided in the Belvedere Garden (North of Block C): 120 sq m, Tabor House and Formal Food Garden: 36,704 sq m, Courtyard between Block B and C: 1,510 sq m in front of communal internal spaces in Block B and C: 110 sq m; in addition to Upper Level Terraces in Blocks A1, B and C: 431 sq m.

The large open spaces will allow the heights to be appropriately assimilated into the surrounding context. The proposed density of 157.5 No. units per Hectare at this core urban site is not considered excessive and reflects the extensive quantum of public and communal open space provided throughout the site. The proposed development of this Planning Application has a site coverage of 23.4% which is lower than the indicative standard provided in the Plan (50% for Z15 zoned lands). This further demonstrates the concerted efforts made by the Design Team to ensure that the development maximises opportunities to provide substantial tracts of open space (and separately generous separation distances).

The Specific Site Flood Risk Assessment prepared by DBFL Consulting Engineers identifies the site to be located within Flood Zone C and concludes that the proposed development is appropriate for the site's flood zone category.

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.

TOC Comment: The high-quality design of the scheme will ensure the development will be a legible and attractive addition to this area of Dublin. The provision of permeable links through the site (provision of a new public park, pedestrian boulevard, new pedestrian entrances and the facilitation of future potential links to the remaining institutional lands to the south-east) will positively contribute to the surrounding area as it will enhance permeability and wider connectivity for the wider area.

The public park setting along the east of the site will provide a high-quality attractive route for residents and the wider public to utilise for leisure, play or exercise and this area will be provided with natural play opportunities and high-quality landscaping. The layout of the scheme ensures that the development improves legibility in the area and will integrate into the surrounding context having regard to the open spaces, the permeable links, the visual connections through the site, the height transitions and the breakdown in massing provided.

The reuse of the Chapel and Tabor House will also provide a very characterful setting which will benefit from enhanced views via the newly proposed entrance from Milltown Road.

The proposal positively contributes to the mix of uses and/ or building/ dwelling typologies available in the neighbourhood.

TOC Comment: The *Dublin City Development Plan 2016-2022* recognises the need to provide appropriately sized households. Policy SC14 stipulates that a wide variety of adaptable housing types must be provided as follows:

> *'It is the policy of Dublin City Council…to promote a variety of housing and apartment types which will create a distinctive sense of place in particular areas and neighbourhoods, including coherent streets and open spaces.'*

Furthermore, the *National Planning Framework* states that:

> *'the 2016 Census indicates that if the number of 1-2-person dwellings is compared to the number of 1-2-person households, there is a deficit of approximately 150%, i.e. there are approximately two and half times as many 1-2- person households as there are 1-2- person homes.'*

Therefore, it is clear that the mix of primarily 1 and 2 No. bed units with a smaller quantum of studios and 3 No. bed units proposed are urgently required in order to provide an appropriate mix of dwelling typologies in the area, as is recognised in the *Dublin City Development Plan 2016 – 2022.* The Build-to-Rent element of the scheme will provide rental options in the area whilst the Build-to-Sell units will provide an opportunity for people to purchase dwellings within the scheme and as such the scheme will cater for a wide cohort of persons.

In addition, the creation of public open spaces will enhance the amenity of the overall site for the community and the provision of communal internal and external amenities will provide a high quality living environment for future residents.

At the scale of the site/building

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.

TOC Comment:

The Design Team have comprehensively considered the scheme layout and modulation in order to ensure that the development improves legibility in the area and will integrate into the surrounding context. This has been achieved by providing a range of heights throughout the site and by breaking down the massing provided in addition to the significant quantum of open space and permeable links proposed throughout the site.

The results of the enclosed Daylight and Sunlight Assessment demonstrate that the proposed scheme will not have an unacceptable or adverse impact on itself or on the surrounding properties with regard to daylight and sunlight. The proposed development would not result in a significant reduction to the level of daylight and sunlight received by the surrounding existing properties. Future occupants will enjoy good levels of daylight within the vast majority of the proposed units (c. 91% meeting the ADF targets when the 2% ADF target is utilised for living/kitchen/dining rooms and over 96% meeting the ADF targets when the 1.5% ADF target is utilised for living/kitchen/dining rooms) and the units will have access to internal and external amenity areas and that are capable of receiving excellent levels of sunlight.

The inclusion of large open plan floorplates and large external open spaces will ensure high quality residential amenity is provided for the future tenants and the block orientation and massing also provide opportunities for light infiltration to the open spaces ensuring that these spaces will be attractive and useable.

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'. Where a proposal may not be able to fully meet all the requirements of the daylight provisions above, 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.

TOC Comment: As noted above, the results of the Daylight and Sunlight assessment are favourable in relation to the proposed development. A summary of results is provided below as extract from the Report:

- The effect on VSC has been assessed for 315 No. windows across the surrounding properties. Using the rationale as outlined on Page 6; 256 No. of these windows would be considered imperceptible, 33 No. not significant, 16 No. slight and 10 No. Moderate.

  This shows that 81.3% of the assessed windows comply with the criteria as set out in the BRE guidelines for impact to VSC and thus, the level of effect can be considered imperceptible.

  All 10 no. windows that have shown a moderate level of effect to VSC are located on the Rowan Hall / Cedar Hall apartments. In each instance, the assessed window is located beneath a recessed balcony. This is an important point as the BRE guidelines state:

  > *'Existing windows with balconies above them typically receive less daylight. Because the balcony cuts out light from the top part of the sky, even a modest obstruction opposite may result in a large relative impact on the VSC'.*

  The fact that all recessed windows along the elevation of Rowan Hall / Cedar Hall have shown an imperceptible level of impact demonstrates that the balconies are causing the level of effect to appear exaggerated.

  Given the massing and density of the proposed development the results of the VSC study can be considered very favourable. Furthermore, it should be noted that there is a mature tree line along the north and west boundaries of the proposed site, of which a significant portion is made up of deciduous trees. These deciduous trees have not been included in the analytical model, as per the advice in the BRE Guidelines. This practice is to ensure the impacts that are calculated reflect the winter months, when deciduous trees will be bare and provide less of a natural barrier. During the summer months, when the existing trees are in full foliage, impacts caused by the proposed development will be less perceptible.

  A slight improvement has been recorded on one of the windows within this study, Window 2c on 2 Norwood Park. This improvement, however minor, is as a result of the planned removal of some evergreen trees on the subject site and the fact that the buildings of the proposed development would not be visible from this window.

- The APSH assessment has been carried out on the relevant windows of the surrounding properties that have an orientation within 90 degrees of due south.
  The effect on APSH has been assessed for 192 No. of windows of the surrounding existing properties on number 87 Eglinton Road, 132-138 Sandford Road, 1-11 Norwood Park, 28-35 Cherryfield Avenue Lower and 1-20 Cherryfield Ave Upper.

  The APSH study is broken into two parts, annual assessment and winter assessment.
  In the annual assessment, the effect on the APSH of 175 No. of these windows would be considered imperceptible, 2 No. not significant, 5 No. slight, 5 No. Moderate and 5 No. Significant.

In the winter assessment, the effect on the APSH of 176 No. of these windows would be considered imperceptible, 1 No. Moderate, 2 No. Significant, 3 No. very significant and 10 No. Profound.

Despite the high level of compliance with the BRE Guidelines in both the annual and winter assessments, concerns could be raised by the number of impacts to winter sunlight that have been categorised as significant, very significant and profound, leading to closer inspection.

The vast majority of the affected windows are located along Cherryfield Avenue. The design of the rear of these houses includes a deep recess to each property which is a large contributing factor to the high levels of impact. Figure 6.1 of the 3D Design Bureau Report demonstrates the localized factors that are resulting in such high levels of impact to sunlight along Cherryfield Avenue. The window marked in this diagram as "3b" is situated in a deep recess. This window has an orientation that is predominately east-facing. Sunlight availability to predominately east facing windows is restricted to the early portion of the day. The available sunlight that window 3b on Number 3 Cherryfield Avenue Upper can expect is restricted further by the outcropped element of its own property as indicated by "3a" in Figure 6.1. During the winter months, the sun position in the sky is low. The combination of these factors means the only time window 3b will receive sunlight in the baseline state during wintertime is in the early hours of the morning. The proposed development would result in this window receiving no sunlight in the winter months, but this is due to the low angle of available sunlight during this period.

An additional hypothetical study was carried out to test if a reduction in density of the proposed development would yield more favourable results in this regard. To test this, Block E was omitted from the analytical model as it is the closest block to the shared boundary of the subject site and Cherryfield Avenue. The results to the winter APSH of window 3b were the same with Block E of the proposed development omitted which demonstrates that the high level of impact to this window is not a result of the density which is proposed as part of the proposed development.

The vast majority of the affected windows along Cherryfield Avenue are located in a similar configuration as that of 3b. Window 3a as illustrated in Figure 6.1 is one of a few affected windows that is not located in this configuration. However, a similar circumstance has occurred due to the extension of the neighbouring property that is situated directly to the south of window 4a. All windows that have a perceptible level of impact to APSH along Cherryfield Avenue have a strong easterly aspect and all have close obstruction directly to the south.

Further demonstration of how the localized factors are playing a significant role in the high level of impact to sunlight of these windows can be found in the assessment of window 4a as highlighted in the figure above. Given that this window is situated closer to the proposed development than 3a, one would expect the level of effect to be greater in this instance. Window 4a does in fact meet the criteria as set out in the BRE Guidelines for impact to APSH. In fact all the houses along Cherryfield Avenue that do not have an obstruction directly to the south

meet the BRE recommendations for APSH impact, which is proof that the impact caused by the proposed development is exaggerated by localized factors.

The only windows outside of Cherryfield Avenue that would experience a perceptible level of effect to APSH are windows 87b and 87c of Number 87 Eglinton Road. The impact on these windows is due to a similar situation to that of Cherryfield Avenue. In the case of 87 Eglinton Road, the windows are predominately West facing and therefore, would only expect any sun in the late evening. These windows also have an obstruction directly to the south, so the justification for not meeting the BRE guidelines is similar to that as demonstrated along Cherryfield Avenue.

Similar to the VSC study, a slight improvement has been recorded on one of the windows within this study, Window 2c on No. 2 Norwood Park. This improvement is due to the planned removal of some evergreen trees on the subject site.

Notwithstanding the high level of effect to some of the assessed windows, it is the opinion of 3DDB that the results of the APSH study can been considered to be favourable.

An APSH assessment has been carried out on the main living room windows of all units of the proposed development. The annual assessment has shown that circa 52% of the proposed units meet the criteria for sunlight as set out in the BRE Guidelines. This figure increases to circa 87% in the winter study.

The high compliance rate in the winter study is evidence of a high percentage of proposed living rooms windows having a southerly aspect. The notable difference between the annual study when compared with the winter study is indicative of balconies causing an obstruction to sunlight. It is good practice to provide balconies that are accessible by living areas, this can result in a reduction to sunlight availability, particularly in the summer months when the sun position is higher in the sky.

No recommendation is made regarding the performance of a development as a whole for APSH performance, but we consider the proposed development to preform adequately in this regard.

- This study has assessed the impact the proposed development would have on the levels of sunlight received in the rear gardens of 1-11 Norwood Park, 28-35 Cherryfield Avenue Lower and 1-20 Cherryfield Avenue Upper which all share a boundary with the proposed site.

  In total 39 No. spaces have been assessed, 30 No. of which would experience an imperceptible level of effect, with a further 7 No. recording a not significant level of effect, 1 No. garden has shown a slight level of effect and 1 No. a moderate level of effect.

  76.9% of the assessed gardens have met the criteria for effect on sunlighting as set out in the BRE Guidelines.

The most significant level of effect recorded would occur in the rear garden of No. 7 Cherryfield Avenue Upper, the level of impact to this garden has been categorised as moderate. The hourly renderings in the shadow study provided indicate that the proposed development will not cast any shadows into this garden after 11 o'clock at both the equinox and the summer solstice.

Given that the majority of assessed gardens comply with the BRE recommendations, it can be considered that the proposed development would not result in an undue level of overshadowing to the neighbouring properties.

- An assessment has been carried out on the proposed shared external amenity areas to determine what portion of each area is capable of receiving at least 2 hours of sunlight on March 21st. This study has assessed the level of sunlight on March 21st with in the proposed amenity areas. In total 20 No. spaces have been assessed, all of which would meet the criteria as set out in the BRE Guidelines.

  The assessed spaces are comprised of the proposed communal and public open space at ground level within the proposed development; the 4 No. roof gardens, two of which are located on Block A with the others on Blocks B & C; 14 No. private gardens, all of which are located to the rear of Block E.

  All areas assessed have been defined by the landscape architect. The proposed communal open space is located throughout the site, some areas will receive better level of sunlight than others, but overall the development can be considered to have good potential for sunlight access

- This proposed development consists of 671 No. units, which makes up approximately 1585 No. habitable rooms. The ADF has been calculated for 599 No. rooms on the lowest habitable floors. Where individual rooms have fallen short of the recommended minimum target value, the equivalent room on the floor above has been assessed. This study has been carried out up to the floor where room meets the minimum recommended value in addition to spot checks been carried out to verify that assumptions made were correct. This further assessment tested another 147 No. rooms bringing the total number of assessed rooms up to 746 No. with reasonable assumptions being made that the remaining 839 No. rooms will achieve the recommended level of daylight. Our methodology in conjunction with this reasonable assumption gives us our circa compliance rate/s for the entire scheme. If the appropriate target value for LKDs is considered to be 2%, the ADF value in 605 No. of the 746 No. habitable rooms that have been assessed meet or exceed their target values. The combination of these rooms plus the 841 No. rooms that have been inferred as meeting the ADF recommendations, give a compliance rate of circa 91%. If the appropriate target value for LKDs is considered to be 1.5%, the ADF value in 685 No. of the 746 No. habitable rooms that have been assessed meet or exceed their target values. The combination of these rooms plus the 839 No. rooms that have been inferred as meeting the ADF recommendations, give a compliance rate of circa 96%.

- 3D Design Bureau worked closely with the project architects, OMP, to ensure a favourable outcome was achieved regarding the daylight (ADF) performance of the proposed development. Multiple design iterations were assessed in the lead up to this full application. With each iteration, mitigation measures were

implemented to improve levels of daylight. Such design interventions included the re-configuration of units, increased levels of glazing and alterations to balcony layouts.

As part of a compensatory design solution for the rooms that do not meet the recommended minimum average daylight factor, the proposed development includes communal amenity areas, all of which have been assessed and will have adequate levels of daylight. Furthermore, the scheme has incorporated a number of localised compensatory design measures. The rooms that do not meet the ADF target have been provided with either some or all of the following compensatory measures:

- Balcony space, some of which exceed the minimum requirement.
- Windows that face public open space in the development.
- Larger apartment floor areas, some of which are 10% larger (or more) of the minimum required standards.

We have included a list of the rooms that fall short of the daylight provisions and demonstrated the compensatory design measures provided in Appendix A to this Report.

Specific Assessments

To support proposals at some or all of these scales, specific assessments may be required, and these may include:

Specific impact assessment of the micro-climatic effects such as down-draft. 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.

TOC Comment: A 'Microclimate-Wind' EIAR Chapter (Chapter 17) has been prepared by O' Connor Sutton Cronin Consulting Engineers which concludes that:

> *'The modelling has included the proposed design, the proposed landscaping strategy and the existing landscape which will remain, in conjunction with the existing buildings surrounding the development. The combination of all interactions has resulted in a comfortable environment for pedestrians within the proposed development.*

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.

TOC Comment: The AA Screening Report prepared by JBA Consulting Services has found that:

> *'it can be concluded that the possibility of any significant impacts on any European Sites, whether arising from the project itself or in combination with other plans and*

projects, can be excluded beyond a reasonable scientific doubt on the basis of the best scientific knowledge available'.

The Biodiversity EIAR Chapter prepared by JBA Consulting notes that:

> *'Several surveys have been carried out to inform this report. The first ecological walkover survey was conducted on 03/12/2019 by Niamh Burke and Malin Lundberg, Ecologists with JBA Consulting, to inform the ecological baseline of the site. The survey recorded habitats and flora in the area within the development site, and to detect the presence or likely presence of protected species (fauna and flora), and the presence of good potential habitat for those species. The study was also concerned with recording habitats suitable for protected habitats and species and identifying the need for further, more specialist surveys where necessary. The findings from the first ecological walkover were subsequently confirmed when carrying out further three site visits during the summer months (20/05/2020, 15/06/2020 and 16/07/2020) which complemented the initial site visit and any new findings were recorded.*

Bats

The Biodiversity EIAR Chapter notes the following:

> *'Bat emergence surveys and transect surveys were carried out at three occasions during the active bat season: 20/05/2020, 15/06/2020 and 16/07/2020. The surveys were carried out at dusk, starting 15 minutes before sunset and undertaken for 1.5-2 hours. Handheld bat detectors (Magenta 5 Heterodyne) were used for identifying bats. This data was recorded, and visual observations were noted throughout the surveys to identify usage of the site by bats. At each survey occasion, a static bat detector was installed and left for five nights to record bat activity. On the 16th July, two static detectors were installed. A static detector was also installed between 19th-23rd August. Data collected by the static bat detectors was analysed by Malin Lundberg and William Mulville using AnalookW software, with all results checked for quality control by JBA Bat Specialist Tanya Slattery'.*

The Chapter notes:

> *'Overall, the results show that the site is frequently used by three bat species, Leisler's Bat, Common Pipistrelle and Soprano Pipistrelle, both for foraging and commuting. It cannot be ruled out that identified trees have bat roosts. No bats were seen emerging from the roofs of Tabor House, the Chapel or Milltown Park House, with results demonstrating that these spaces are not being used by bats as maternity roosts. However, as Milltown Park House is destined for demolition, using the precautionary principle, it is considered further in the impact assessment, together with the trees identified as having bat roost potential. The site has been valued as being of regional ecological importance for bats.'*

The following mitigation measures have been recommended and considered within the proposed development for the construction stage in relation to bats:

Lighting

Lighting will be switched off during non-working hours where possible and directional lighting will be used during the construction phase. This will minimise spill to any other area forming part of the bats commute. The specification and colour temperature of light treatments is chosen based on their tolerability by bats. LED luminaires are ideal due to their sharp cut-off, lower intensity, and dimming capability. A warm white spectrum (2700 K – 3000 K) will be used to reduce the blue light component.

Vegetation removal

Three trees on site were identified to have bat roost potential. One of these trees (Arboricultural Tag Number 311) is destined for removal. The following tree felling procedure will be adhered to when felling trees identified as suitable to provide potential bat roosts:

All bats, and any trees that are identified as bat roosts, are legally protected by the Wildlife Acts and the EU Habitats Directive.
The tree with Arboricultural Tag Number 311, which is destined for removal, will be re-examined by an experienced bat specialist before tree felling starts. The examination will be carried out at height under derogation licence using torch and/or endoscope. If features are confirmed as not being suitable for use as roosts, then work can continue. If bats/evidence of bats/or suspected roosts are found, then these will be legally protected, and an application for a derogation licence will be made before moving forward with the works with appropriate mitigation in place, involving soft felling, lowering sections to the ground and then leaving in place overnight (to allow any bats to make their way out).

Demolition of buildings

A pre-construction bat survey of the roof space of Milltown Park House will be conducted prior to any demolition works in case conditions change over the timeframe of the planning application until construction starts. The survey will be conducted by a suitably qualified and licensed bat ecologist. If bats are present, demolition will have to be postponed and a derogation licence will be required before carrying out any works. Prior to works commencing, bats must have safely left the roost which can be done by an exclusion procedure involving installation of one-way valves over access points for bats following instructions from a bat ecologist. The majority of roosts are only used seasonally and demolition works should be adapted to this.

Enhancement measures

Three bat boxes will be installed on mature trees present within the woodland. The following trees have been identified as suitable, referring to Arboricultural Tag Number: 297, 352 and 324. These trees are selected due to being mature and in suitable locations for bat boxes. Before the bat boxes are installed, Ivy will be removed from the area surrounding the placement of each Bat box (1m radius). Large multi chambered bat boxes will be used (e.g. https://www.nhbs.com/large-multi-chamber-woodstone-bat-box or similar) as they are likely to benefit species identified on site, including Common Pipistrelle Pipistrellus pipistrellus, Soprano Pipistrelle Pipistrellus pygmaeus, Leisler's Bat Nyctalus leisleri and potentially some Myotis Bat species.

The following mitigation measures have been recommended and considered within the proposed development at operation stage in relation to bats:

Lighting

A dark corridor will be maintained around the boundary of the site to provide commuting and foraging habitat for bats. The key bat habitats include the woodland surrounding the site in the north and east which was identified as bat commuting habitat during the activity surveys and it connects the site to adjacent gardens and potential commuting routes outside of the site.

The second key bat habitat which is located to the west of Tabor House was identified as an important foraging area for bats during the activity surveys. This area will be planted with a wildflower meadow and fruit trees to attract insects and provide foraging opportunities for bats. The Holly treeline in the centre of the site was also identified as a commuting route for bats, however this will be removed as part of the new development. The key bat habitats including the woodland along the north and eastern boundary will not be lit by artificial lighting and the key bat foraging area of wildflower meadow west of Tabor House will have restricted lighting with light turned off at curfew time 22:30 during the summer months May to September inclusive. The open public space will act as supporting habitat providing a buffer zone around the key habitat and connecting the woodland with the wildflower meadow. The lighting in the buffer zone will be restricted

The dark corridor will maintain the sites connectivity with the surrounding area, providing connectivity with the wider urban landscape.

The following design mitigation is incorporated into the Lighting Report and Drawings prepared by Pritchard Themis which will alleviate the risk of light disturbance to bats.

- Hours of illumination:

Feature lighting of trees and on the west side facades of Tabor House and the Chapel will be turned off at curfew 22:30 all year round. Lighting in the formal garden area (wildflower meadow) west of Tabor House and the Chapel is set to turn off at this curfew during summer months May to September inclusive.

- Light levels and type:

The specification and colour temperature of light treatments is chosen based on their tolerability by bats. UV free LED luminaires will be used as they are ideal due to their sharp cut-off, lower intensity, and dimming capability. A warm white spectrum (no higher than 3000K) will be used to reduce the blue light component. The LED luminaires will also feature peak wavelengths higher than 550nm to avoid the component of light most disturbing to the Bats.

Bollards that sit within the buffer zone of the dark corridor will have a light output set to a down-rated driver to ensure a lower lux level.

Street lighting in the area behind Building F is within the buffer zone of the dark corridor and will be set to average at a maintained average of 5 lux.

- Column heights of lamp posts and direction of light:

As bats most likely forage and commute in the unlit areas surrounding the site, the following measures are in place to reduce the amount of light spillage where it is not needed:

- The height of lamp columns will be 6m or less.
- Lighting will also be directed away from retained vegetation, i.e. the woodland.
- The use of uplighting will be restricted to the central route between the proposed buildings. Any uplighters will be fitted with louvres to control light spill. Downlighting will be used in locations close to the woodland and retained vegetation. Uplighting of trees and west side facades of Tabor House and the Chapel will be turned off at 22:30 during summer months.
- Bollards with a height of 800mm will be used on tertiary pedestrian routes, including the footpath along the woodland. The bollards along the woodland will have a spacing of 9-13m apart. The footpath surface will be of a natural material which does not create a reflection, minimising any potential upward reflection of the light.

Although it is deemed unlikely that light emitted from buildings will significantly impact on potential foraging and commuting areas for bats as these will largely lie along the extremities of the site, particularly along the north and eastern site boundary; night-time light spill from the interiors of the proposed buildings via windows/entrances; and the levels of spill/glare from outdoor lighting in place on the building exterior and throughout the site; will be minimised through selective lighting measures (such as fittings set back into the room) utilised for units facing towards the buffer zone.

Loss of habitat

The grassland to the western side of The Chapel and Tabor House was frequently used by foraging bats during the surveys. This area will be planted with wildflower meadow from native wildflower seed mix and an orchard (Malus spp.) which will provide valuable resource for pollinators and thus continue to provide foraging resource for bats. Green roofs planted with suitable species that support invertebrates can offer additional foraging habitat for bats. The restricted lighting in the buffer zone (supporting habitat) will ensure that bats can commute between the woodland and foraging area west of The Chapel and Tabor House.

Enhancement measures

Bat boxes will be installed on mature trees present within the woodland (Arboricultural Tag Number: 297, 352 and 324). Ivy will have to be removed from the area surrounding the placement of each Bat box (1m radius). It is recommended that large multi chambered bat boxes are used (e.g. https://www.nhbs.com/large-multi-chamber-woodstone-bat-box or similar) as it is likely to benefit species identified on site, including Common Pipistrelle, Soprano Pipistrelle, Leisler's Bat and potentially some Myotis Bat species.

Green roofs planted with suitable species that support invertebrates can offer additional foraging habitat for bats.

Birds

The Biodiversity EIAR Chapter notes that:

> *'Bird surveys were carried out 13/03/2020 and 23/03/2020 and during the winter months 2020/2021 including four visits on 30/11/2020, 17/12/2020, 07/01/2021 and 03/02/2021. The survey methodology followed the guidance provided by NRA (2009b). Each survey was three hours long. The survey was carried out to assess birds using the site during the winter period and focused on recording birds present on site and birds in flight nearby to the site, with particular focus on the potential presence of Light-bellied Brent Goose Branta bernicla hrota and other wintering birds known to feed on inland grasslands. The surveys were undertaken during high tide as wintering birds are most likely to utilise terrestrial habitats for grazing during this time. During the months of January and February 2021, surveys were undertaken both at high and low tide, as Brent Goose are known to move inland when resources are low in estuaries during these months. All bird species noted within the site were recorded during the above mentioned site visits.*
>
> *Breeding bird surveys were carried out on 15/04/2021 and 18/05/2021, following guidance provided in Country Bird Survey (CBS) Manual (BWI, 2012). The first survey involved walking transects around the whole site and recording bird species and their activity, e.g. singing, bringing food to nest, carrying nest material, occupying nest. The second survey involved inspecting the buildings for nests of Swallow Hirundo rustica, Swift Apus apus and House Martin Delichon urbicum and using focal points to identify if any birds were nesting on the rooftops'.*

The following mitigation measures have been recommended and considered within the proposed development at construction stage in relation to birds:

Seasonality

Any clearance of trees and scrub will be conducted outside of the bird nesting season (March to September inclusive).

Demolition or reroofing of buildings must take place outside of the bird nesting season (March to September included) as Jackdaw and Herring Gull are nesting in the chimneys. If works are to take place in 2022, or years thereafter, it should take place outside of the bird nesting season or the chimneys should be bird proofed by a specialist contractor prior to nest building/egg laying and a new breeding bird survey by a qualified ecologist should take place before any demolition works start.

Enhancement measures

Four bird boxes will be installed in the woodland along the eastern boundary. Trees identified to install the bird boxes on have the Arboricultural Tag Number 11, 175, 191 and 269.

Planting

Planting of native species of trees and scrub will compensate for loss of foraging, commuting and nesting habitat. The planting of native shrubs in the ground layer of woodland will provide cover and nesting opportunities for birds and the mixed planting of wildflowers, heritage lawn, fruit trees and green roofs will attract insects which is a food resource for many bird species.

The EIAR Chapter further notes the following general avoidance measures:

> *'General avoidance measures that will be incorporated to minimise disturbance to mammals during construction:*
>
> - *The hours of working will be limited to daylight; hours where possible, to limit disturbance to nocturnal and crepuscular animals.*
> - *Contractors must ensure that no harm comes to wildlife by maintaining the site efficiently and clearing away materials which are not in use, such as wire or bags in which animals can become entangled;*
> - *Any pipes should be capped when not in use (especially at night) to prevent animals becoming trapped. Any excavations should be covered overnight to prevent animals from falling and getting trapped. If that is not possible, a strategically placed plank should be placed to allow animals to escape; and*
> - *During vegetation removal, caution is needed in case of nesting Hedgehogs within the woodland. The site will be visually checked by an Ecological Clerk of Works (ECoW) prior to bringing in any machinery and be cleared on a rotational basis with scrubby patches left to provide nesting habitat and cover for Hedgehog. In addition, piles of dead wood and brash piles shall be created in undisturbed areas of the site during construction.'*

The woodland in the north and east part of the site will be retained and enhanced by planting of groundcover with native scrub thus securing habitat for mammals habiting the site. There will be removal of low quality trees and scrub. However, high quality trees (mature and young) and Ivy will be retained. Planting of native species of trees and scrub will strengthen the woodland as a connecting habitat and will compensate for loss of foraging and commuting habitat.

According to the Biodiversity EIAR Chapter:

> *'The site was not identified as providing habitat for wintering birds and it is not within any know flight line of sensitive bird species. Therefore, the buildings are not likely to cause collision. The impact on wintering birds is likely to be neutral...*
>
> *Migratory birds have the highest risk of colliding with structures. The migration is concentrated along the coasts of Ireland, where song-birds arrive on the east and south coast and then spread through the country (AIP Ireland, 2020). Passage migrants continue northwards using the east coast as a leading line. There is still a risk that birds in the area of the proposed development will collide with glass*

structures/windows if they are not appropriate designed. However, the design of the buildings are in general agreement with guidelines for bird-friendly best practices (City of Toronto, 2016). The design includes:

- *Solid to Glass ratio is between 16-35% with an average of 30% , which is within the recommended ratio 25-40% (City of Toronto, 2016)*
- *The material palette of the buildings is well broken up with a varied material composition including brickwork, pigmented pre-cast concrete and PPC aluminium to complement brickwork. This will break up the reflective areas of the proposed structures and provide important visible cues to flying birds that the buildings are there.*
- *The gantry access deck of block C is designed with recessed own doors and bedroom windows which add both visual cues for birds to avoid, as well as reduce the amount of visible glass and the corresponding collision threat.*
- *The glass balustrade balconies of the taller element of Block A1 are inset balconies with a brick element at the corners which is in line with the broken-up material palette. This will break up the reflective areas of the proposed structures and provide visible cues for flying birds that the buildings are there.*

The glass balustrades of the roof terraces could make a collision hazard for potential birds landing on the green roofs. It is anticipated that there will be a limited number of birds using these, with the majority of the birds inhabiting the woodland and it is not anticipated that they will be significantly impacted. However, it is recommended to use patterned glass, such as fritted or similar to be approved, on the roof top glass balustrades to provide visual cues for birds reduce the likelihood of collisions.'

Therefore, it is considered that the protection of bats and birds have been comprehensively considered in the proposed development for the construction and operational stage.

An assessment that the proposal allows for the retention of important telecommunication channels, such as microwave links.

TOC Comment: A Telecommunications Report has been prepared by ISM (Independent Site Management) and is enclosed as a separate document. This report concludes that the development '*allows for the retention of important Telecommunications Channels, such as Microwave links, to satisfy the criteria of Section 3.2 of the Building Height Guidelines (2018)*'.

An assessment that the proposal maintains safe air navigation.

TOC Comment: It is considered that the development will not have an impact on air safety having regard to the distance from the subject site to Tallaght Hospital helipad, Baldonnel Aerodrome, Weston Airport and Dublin Airport for example.

An urban design statement including, as appropriate, impact on the historic built environment.

TOC Comment: As set out in the Architectural Heritage EIAR Chapter (Chapter 7) completed by Molloy and Associates Conservation Architects, the site comprises a

building range which consists of the original Milltown Park House and later extensions which are interconnected to varying degrees to form a single entity.

We note that The Chapel and Tabor House are proposed to be reused within the proposed development while the Archive, Finlay Wing, Milltown Park House, Milltown Park House Rear Extension and a portion of the Red Brick Link building within the subject lands are proposed to be demolished, as they are not fit for modern adaption.

A Masterplan & Architectural Design Statement has also been prepared by O' Mahony Pike Architects and is enclosed as a separate document. As set out in the 'Existing Buildings Feasibility Study' (Appendix to the OMP Design Statement), by retaining Tabor House and The Chapel there is an opportunity to showcase these buildings which are detachable from the grouping and which will become a focal point within the development.

Full details regarding any potential impacts and mitigation measures are outlined in the Architectural Heritage EIAR Chapter 7 prepared by Molloy and Associates Conservation Architects.

Relevant environmental assessment requirements, including SEA, EIA, AA and Ecological Impact Assessment, as appropriate.

TOC Comment: A comprehensive EIAR has been submitted as part of this planning application. A Biodiversity Chapter (Chapter 8) and an Appropriate Assessment Screening Report have been prepared in conjunction with this planning application.

Conclusion on compliance with criteria under Section 3.2 of the *Building Height Guidelines:*

Having regard to the response to each element of the Development Management Criteria outlined above, it is our considered opinion that the proposed development meets the criteria under Section 3.2 of the *Building Height Guidelines*. The application proposes a development ranging principally ranging in height from 2 to 8 No. storeys with a pop-up 10 No. story element in Block A1, and includes the refurbished Chapel and Tabor House.

The development can be appropriately assimilated within the surrounding context having regard to the location of the subject site within an existing built-up area at the prominent intersection of Milltown, Clonskeagh, Donnybrook and Ranelagh and which is well served by public transport and in proximity to employment locations, services and facilities. The 10 No. storey element will announce the development for residents and the wider public and this element is considered an appropriate contextual response to the receiving environment which will add architectural interest to the scheme by providing a focal point within the scheme to assist with wayfinding in the area.

It is our professional planning opinion that the subject site is capable of achieving additional height and density having regard to the introduction of the *National Planning Framework* and the *Building Height Guidelines* which encourages increased height and density on appropriate sites. It is considered that the design response ensures that the development potential of a strategically positioned underutilised plot is maximised without impacting adversely on the amenity of adjacent properties and the surrounding area having regard to the position of the highest forms at the least sensitive locations at the subject site.

Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities, 2020

The *Department of Housing, Planning and Local Government* published the updated *Sustainable Urban Housing: Design Standards for New Apartments* in December 2020 ("*Apartment Guidelines, 2020*").

These Guidelines update previous guidance in the context of greater evidence and knowledge of current and likely future housing demand in Ireland taking account of the Housing Agency National Statement on Housing Demand and Supply and projected need for additional housing supply out to 2020, the Government's *Rebuilding Ireland – Action Plan for Homelessness, 2016* and the *National Planning Framework – Ireland 2040*, published since the 2015 Guidelines. We note that the *Development Plan* should be read in conjunction with the *Apartment Guidelines, 2020* which were issued after the publication of the *Development Plan* pursuant to Section 28 of the Planning Acts.

The subject site is considered to be located in a Central and/or Accessible Urban Location as set out in the *Apartment Guidelines*, which states the following:

> *'Such locations are generally suitable for small- to large-scale (will vary subject to location) and higher density development (will also vary), that may wholly comprise apartments, including:*
>
> - *Sites within walking distance (i.e. up to 15 minutes or 1,000 – 1,500m), of principal city centres, or significant employment locations, that may include hospitals and third-level institutions;*
> - *Sites within reasonable walking distance (i.e. up to 10 minutes or 800 – 1,000 m) to/from high capacity urban public transport stops (such as DART or Luas); and*
> - *Sites within easy walking distance (i.e. up to 5 minutes or 400 – 500m) to/from high frequency (i.e. min 10 minute peak hour frequency) urban bus services.'*

The subject site meets the 'Central and/or Accessible Urban Location' criteria as follows:

- ***Sites within walking distance (i.e. up to 15 minutes or 1,000 – 1,500m), of principal city centres, or significant employment locations, that may include hospitals and third-level institutions;***

TOC Comment: The subject site is located within either 1.5 km or 15 No. minutes walking distance of numerous substantial employment locations as demonstrated below:

- The site is located within c. 350 metres/c. 6 minutes walking distance of Clonskeagh Hospital, c. 1.4 km/c. 17 minutes walking distance of The Royal Hospital Donnybrook and c. 1.5 km/c. 19 minutes walking distance of University College Dublin.
- Belfield Office Park/Beech Hill Office Campus is located within c. 1 km/ c. 13 minutes walking distance which contains employers such as Environmental Protection Agency (EPA), Circle K Head Office, McDonalds Restaurants of Ireland

Head Office, Smurfit Kappa, KSN Construction Consultants and Project Managers and PeoplePoint HRSSC (Irish Civil Service);

- Ballsbridge is within c. 1.5 km/c. 20 minutes walking distance which contains the RDS, Zurich, Facebook[3], Goodbody, Eirgrid, IBM, Labour Relations Commission, and in addition to many hotels, bars and restaurants;

- The site is located in proximity to many neighbourhood and district centres such as Donnybrook which contains the RTE Studios (c. 1.4 km/c. 17 minutes walking distance) and the Dublin Bus Depot (c. 750 metres/c. 9 minutes walking distance) and Rathmines which contains the Swan Shopping Centre (c. 1.7 km/c. 22 minutes walking distance) and the Central Statistics Office (c. 2 km/c. 25 minutes walking distance; and

- The Canal which defines the City Centre, is located within c. 1.6 km/c. 25 minutes walking distance of the subject site which contains significant employers such as Zendesk EMEA Headquarters, BOI Group HQ, Amazon Ireland[4], Department of Communications, Marsh Ireland Ltd and AIB Burlington Road etc. The Canal is located c. 1.5 km as the crow flies (please see image below):

Figure 4.4:

Map to Demonstrate the Location of the Canal Proximate to the Subject Lands (c. 1.5 km as the crow flies)

(Source:

Google Maps, annotated by Thornton O'Connor Town Planning, 2021)

[3] The new Facebook campus in Ballsbridge will employ c. 5,000 people which is a substantial increase of employees in the area (https://www.irishtimes.com/business/commercial-property/facebook-move-to-ballsbridge-site-will-open-door-for-5-000-jobs-1.3690665)

[4] As stated by the Irish Times, Amazon's decision to secure the Charlemont Square offices will give it the capacity to increase its existing Dublin-based workforce by an additional 1,700 workers (https://www.irishtimes.com/business/commercial-property/amazon-strikes-deal-for-new-dublin-offices-1.4099458)

- ***Sites within reasonable walking distance (i.e. up to 10 minutes or 800 – 1,000 m) to/from high capacity urban public transport stops (such as DART or Luas); and***

TOC Comment: The subject site is well served by public transport due to the position of the following Green Line Luas stops in proximity to the subject site as follows:

- Beechwood: c. 720 metres as the crow flies (1 Km walk/ c. 13 minute walk)
- Cowper: c. 740 metres as the crow flies (c. 1.3 Km walk/ c. 17 minute walk)
- Milltown: c. 918 metres as the crow flies (c. 1.3 Km walk/ c. 17 minute walk)
- Ranelagh: c. 1.1 Km as the crow flies (c. 1.1 Km walk/ c. 14 minute walk)

Figure 4.5: Luas Stop Located 1 km/c. 13 minutes Walking Distance from the Subject Site

(Source: Google Maps, annotated by Thornton O'Connor Town Planning, 2021)

The Green Line Luas allows easy access to a significant quantum of employment locations throughout the City Centre, North and South Dublin City, North and South of Dublin County in addition to the opportunity for users to change onto the Red Line Luas at O'Connell Street/Abbey Street which would provide access to employment locations to the east and west of the City Centre.

- ***Sites within easy walking distance (i.e. up to 5 minutes or 400 – 500m) to/from high frequency (i.e. min 10 minute peak hour frequency) urban bus services.'***

TOC Comment: We note that the nearest bus stop that operates with a 10-minute peak frequency is c. 550 metres from the subject site, just 50 No. metres outside the range outlined above. However, it is worth noting an example of the proximate bus services that are available in addition to the Green Line Luas at Beechwood which is located 1 km/c. 13 minutes walking distance from the site as discussed above:

No. 39A (10 minute peak frequency)
Stop No. 775 (Inbound – c. 600 metres/c. 7 minute walk)
Stop No. 758 (Outbound - c. 550 metres/c. 7 minute walk)

No. 46A (7-10 minute peak frequency)
Stop No. 775 (Inbound - c. 600 metres/c. 7 minute walk)
Stop No. 758 (Outbound - c. 550 metres/c. 7 minute walk)

No. 145 (10 minute peak frequency)
Stop No. 775 (Inbound - c. 600 metres/c. 7 minute walk)
Stop No. 758 (Outbound - c. 550 metres/c. 7 minute walk)

No. 11 (15-30 minute peak frequency)
Stop No. 884 (Inbound - c. 80 Metres/c. 1 minute walk)
Stop No. 855 (Outbound - Directly opposite the site on Sandford Road)

No. 18 (20-30 minute peak frequency)
Stop No. 2791 (Inbound – c. 1 km/13 minute walk)
Stop No. 416 (Outbound – c. 1.6 km/20 minute walk)

Aircoach (15 minutes peak frequency)
Stop No. 773 (Inbound – c. 700 metres/c. 9 minute walk)
Stop No. 759 (Outbound – c. 750 metres/c. 9 minute walk)

No. 155 (20 minute peak frequency)
Stop No. 775 (Inbound – c. 600 metres/c. 7 minute walk)
Stop No. 758 (Outbound - c. 550 metres/c. 7 minutes walk)

No. 44 (Hourly peak frequency)
Stop No. 884 (Inbound - c. 80 metres/c. 1 minute walk)
Stop No. 885 (Outbound - Directly Opposite the Site on Sandford Road)

No. 61 (Hourly peak frequency)
Stop No. 884 (Inbound - c. 80 metres/c. 1 minute walk)
Stop No. 855 (Outbound - Directly Opposite the Site on Sandford Road)

Therefore, as set out above, it is clear that the subject site can be considered a 'Central and/or Accessible Urban Location' as defined by the *Apartment Guidelines, 2020* due to the significant employment locations accessible within c. 1.5 km/c. 15 minutes walking distance of the site and the location of the Beechwood Green Line Luas stop within 1 km/c. 13 minutes walking distance of the site.

Regional Spatial and Economic Strategy for the Eastern and Midlands Region

The *Regional Spatial and Economic Strategy for the East and Midlands Regional Assembly ("RSES")* comprises a number of core Regional Policy Objectives which coincide with the National Planning Framework ("*NPF*"). The purpose of the guidelines is to guide all Local Authority future plans, projects and activities requiring consent of the Regional Assembly.

Under RPO 4.3 'Consolidation and Re-intensification' the following objective is stated:

> '***Support the consolidation and reintensification of infill/brownfield sites to provide high density and people intensive uses within the existing built up area of Dublin city and suburbs*** *and ensure that the development of future development areas is coordinated with the delivery of key water infrastructure and public transport projects.'* [Our Emphasis]

TOC Comment: The subject scheme will principally consist of 671 No. unit residential units comprising 604 No. Build-to-Rent apartment units and 67 No. Build-to-Sell duplex units and apartments, in addition to ancillary residential facilities and amenities, a creche and extensive public and communal open spaces. The 604 No. Build-to-Rent units will be provided in Blocks A1, A2, B, C, D, F and Tabor House and will comprise 88 No. studios, 262 No. one bed units, 242 No. two bed units and 12 No. three bed units. The 67 No. Build-to-Sell units will be provided in Blocks D and E and will comprise 11 No. studios, 9 No. one bed units, 32 No. two bed units and 15 No. three bed units. The total resultant density will be 157.5 No. units per hectare on a developable site area of c. 4.26 hectares. Therefore, the proposed development will result in the intensification of an underutilised, infill corner site in an existing built-up area.

Dublin City Development Plan 2016-2022

As noted throughout this Report, the *Dublin City Development Plan 2016-2022* prescribes a maximum height of 16 No. metres for residential and commercial development at the subject location. In addition, we note the following policy of the Development Plan:

> *'Policy SC16: To recognise that Dublin City is fundamentally a low-rise city and that the intrinsic quality associated with this feature is protected whilst also recognising the potential and need for taller buildings in a limited number of locations subject to the provisions of a relevant LAP, SDZ or within the designated strategic development regeneration area (SDRA)'.*

TOC Comment: We reiterate that the *Building Height Guidelines* post-dates the *Development Plan* and the *Development Plan* must be read in light of the changes to building height requirements introduced by the Guidelines. In particular, we note that an Bord Pleanála and Planning Authorities must have regard to these Guidelines and that the subject site has significant capacity to provide increased heights as has been demonstrated throughout this report. In addition, although the site is not subject to the provisions of a Local Area Plan, Strategic Development Zone or SDRA, we consider the subject lands within a core urban location and within walking and cycling distance to high-frequency public transport, services and facilities to be suitable for building heights greater than 16 No. metres (albeit in locations such as along the western boundary, the height does not exceed 16 No. metres).

The proposed scheme which involves the development of an existing underutilised, strategically located site is fully in accordance with National and Regional Policy. It is our professional opinion that the subject site can comfortably accommodate the proposed heights which have been appropriately positioned throughout the site. The high quality scheme represents the proper planning and sustainable development of the area we note

that a Landscape and Visual Impact Assessment and Daylight/Sunlight Analysis have been carried out as part of this planning application.

3.3 Subject No. 2 - Proposed Dwelling Mix, Location of the Proposed Build-to-Rent Unit and Build-to-Rent Legal Covenant

Potential Material Contravention in Relation to Dwelling Mix and Location of Building to-Rent Units Facilitated Through the Section 28 Guidelines (Section 37 (2)(b)(iii) of the Act)

In relation to dwelling mix, Section 16.10.1 of the *Development Plan* sets out the following:

> *'Each apartment development shall contain:*
>
> - *A maximum of 25%-30% one-bedroom units*
> - *A minimum of 15% three- or more bedroom units'*

This section of the Development Plan further states that:

> *'The above mix of units will not apply to managed 'build-to-let' apartment schemes for mobile workers where 42-50% of the total units may be in the form of one-bed or studio units'.*

The proposed residential element of the development will provide 671 No. apartments including 604 No. Build-to-Rent units and 67 No. Build-to-Sell units which can be broken down further as follows:

	Studios	1 bed	2 bed	3 bed	Total
Build-to-Rent	88	262	242	12	604
% of BTR	15%	43%	40%	2%	
Build-to-Sell	11	9	32	15	67
% of BTS	16%	13%	48%	23%	
Total Units	99	271	274	27	671

It can be seen that the Build-to-Sell element of the scheme fully accords with the dwelling mix limitations set out in the Development Plan as the dwelling mix is as follows: 16% studios, 13% 1 No. bedroom units, 48% 2 No. bedroom units and 23% 3 No. bedroom units.

The Build-to-Sell element also complies with SPPR 1 of the *Apartment Guidelines, 2020:*

> *'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).'* [Our Emphasis]

As demonstrated above, the Build-to-Sell element of the scheme comprises 11 No. studios, 9 No. 1 bedroom units, 32 No. 2 bedroom units and 15 No. 3 bedroom units which provides a breakdown of 16% studios, 13% No. 1 bedroom units, 48% 2 No. bedroom units and 23% No. 3 bedroom units and therefore is fully in accordance with SPPR 1 of the *Apartment Guidelines, 2020* (and the *Development Plan* policy as discussed above).

However, the Build-to-Rent element of the development provides 15% studios and 43% 1 No. bedroom units (total 58% studios and 1 No. bedroom units) and therefore exceeds the maximum standard for studios and 1 No. bedroom units set out in the *Development Plan*, which could be considered to materially contravene this *Development Plan* policy.

We note that the *Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities, 2020 ("Apartment Guidelines, 2020")* post-date the *Development Plan* and the *Development Plan* must be read in light of the changes introduced by the *Apartment Guidelines, 2020* (updated since 2015 and 2018*)*.

We note that Specific Planning Policy Requirement 1 of the *Apartment Guidelines, 2020* outlined above only relates to the Build-to-Sell element of the proposed development. SPPR 8 (i) of the *Apartment Guidelines, 2020* applies to the Build-to-Rent apartments and states:

> *'For proposals that qualify as specific BTR development in accordance with SPPR 7:*
>
> *(i) No restrictions on dwelling mix and all other requirements of these Guidelines shall apply, unless specified otherwise.'*

AS SPPR 8 of the *Apartment Guidelines, 2020* applies to the proposed Build-to-Rent apartments, no restrictions on dwelling mix apply and the conflicting provisions of the Development Plan in relation to housing mix do not apply. The *Development Plan* must be read in conjunction with SPPR8(i) of the *Apartment Guidelines, 2020*. Therefore, the proposed development is consistent with the *Apartment Guidelines, 2020* and is therefore acceptable in line with Section 37 (2)(b)(iii) of the Act.

In addition, we note that in terms of meeting future housing need, the *Apartment Guidelines, 2020* sets out that:

> '*demographic trends indicate that two-thirds of households added to those in Ireland since 1996 comprise 1-2- person, yet only 21% of dwellings completed in Ireland since then comprise apartments of any type*'.

Furthermore, the 2016 Census indicates that:

> *'if the number of 1-2 person dwellings is compared to the number of 1-2 person households, there is a deficit of approximately 150%, i.e. there are approximately two and half times as many 1-2- person households as there are 1-2- person homes.'*

The *Apartment Guidelines, 2020* recognise the need for alternative types of accommodation to facilitate the societal and economic changes that have affected household formation and housing demand.

As noted in Section 3.4 of the Planning Report enclosed separately, the subject site is located within the Rathmines East B Electoral Division. The 2016 Census results demonstrate that

the Electoral Division recorded an average of 2.3 No. persons per private household in 2016 which is lower than the national state average of 2.7 No. persons and the Dublin average of 2.5 No. persons. Therefore, the ED is predominated by smaller households and it is important to provide tenure choice for such household formations as is provided in the subject scheme. In addition, the Census data demonstrated that there are a large number of permanent private households which comprise 4 rooms or more within the Rathmines East B ED (1,441 No.). As such, it has been concluded from the Census data that the correlation between household sizes and average household sizes is disproportionate as the data demonstrates that despite the smaller average household sizes of 2.3 in the area, a large number of households comprise dwellings with 4 to 8+ rooms.

From analysing the Census data, we consider that there is a significant opportunity to densify this area of Dublin with a predominance of smaller units, whilst providing a lesser number of larger units, which will better serve the demographic profile of the area.

Furthermore, we note that the Build-to-Rent element of the scheme will provide rental options in the area whilst the Build-to-Sell units will provide an opportunity for people to purchase dwellings within the scheme and as such the scheme will cater for a wide cohort of persons.

The *NPF* states that:

> '*while apartments made up 12% of all occupied households in Ireland and 35% of occupied households in the Dublin City Council area in 2016 (Census data), we are a long way behind European averages in terms of the numbers and proportion of households living in apartments, especially in our cities and larger towns. In many European countries, it is normal to see 40%-60% of households living in apartments.'*

The *NPF* further calculates that:

> '*between 2018 and 2040, an average output of at least 25,000 new homes will need to be provided in Ireland every year to meet the needs for well-located and affordable housing,* ***with increasing demand to cater for one and two-person households'.*** [Our Emphasis]

Furthermore, it is noted that '*achieving this level of supply will require increased housing output into the 2020s to deal with a deficit that has built up since 2010.*'

The *NPF* highlights that 7 No. out of 10 No. households in the state consist of three people or less. In terms of changing family size, '*in Dublin city, one, two and three-person households comprise 80 percent of all households.*' It is also noted in a more general context that the '*household sizes in urban areas tend to be smaller than in suburbs or rural parts of the country*'. The policy document denotes that '*...**meeting the housing requirements arising in major urban areas for people on a range of incomes will be a major priority for this framework and the actions flowing from it'.*** [Our Emphasis]

The proposed mix of units will provide a wide choice of tenure which is a direct response to the housing shortage that is readily reported and identified in recent planning policy.

Furthermore, the *Development Plan* notes that:

'Communal facilities such as common rooms, gyms, laundry rooms etc. will be encouraged within such developments. ***This provision only applies to long-term purpose-built managed schemes of over 50 units, developed under the 'build-to-let' model and located within 500 m (walking distance) of centres of employment or adjoining major employment sites.*** *Centres of employment are identified in Fig W Housing Strategy Appendix 2A, and for clarity these centres are located within the following Electoral Divisions:*

- *North Dock B Mansion House A*
- *Pembroke West C*
- *North Dock C Mansion House B*
- *Pembroke East E*
- *North City Saint Kevins Pembroke*
- *East D*
- *Royal Exchange A South Dock Ushers F*
- *Royal Exchange B*
- *Mansion House A*
- *Mansion House B*
- *Saint Kevins*
- *South Dock*
- *Pembroke West C*
- *Pembroke East E*
- *Pembroke East D*
- *Ushers F*
- *Beaumont B*

This particular managed rental model shall be retained in single ownership for 20 years (minimum) during which period units may not be sold off on a piecemeal basis'.

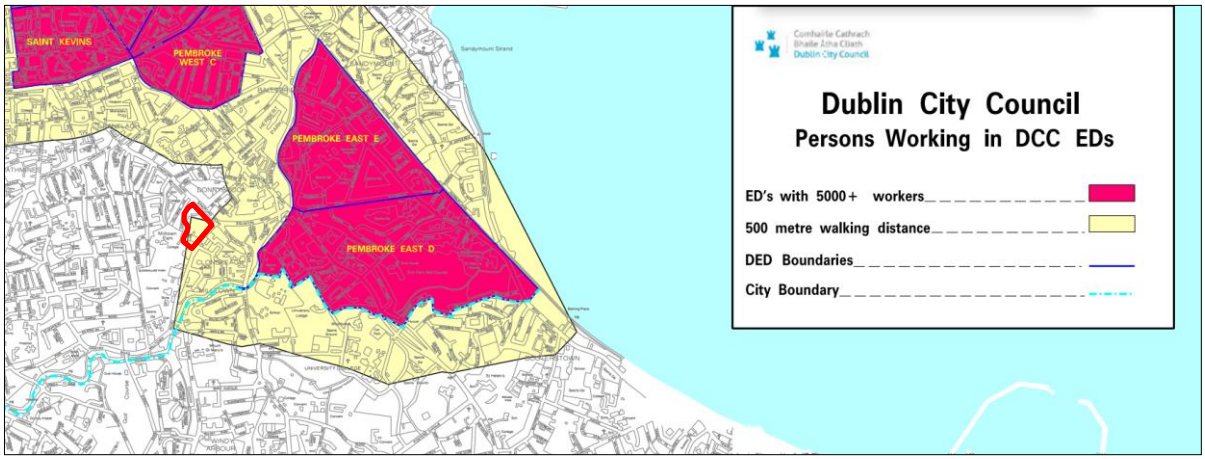

Figure 4.6: Map Demonstrating Location of the Predominantly Located within 500 Metre Walking Distance of EDs with 5000+ Workers

(Source: *Dublin City Development Plan 2016-2022*, annotated by Thornton O' Connor Town Planning, 2021)

The majority of the site is located within the 500 metre walking distance of the relevant EDs as shown above. However, on a precautionary basis, this policy is included in the material

contravention statement. The site is located in a 'Central and Accessible Urban Location' as defined by the *Apartment Guidelines, 2020, in proximity to public transport, employment, services and facilities* and is predominantly within the 500 metre walking distance of centres of employment shown above and thus we consider that the subject Build-to-Rent units proposed are acceptable at the subject site.

Furthermore, the *Apartment Guidelines, 2020* requires a Built-to-Rent Covenant/Legal Agreement be submitted to confirm that proposed Build-to-Rent units will remain 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. The *Development Plan* requires an agreement for 20 No. years.

It is considered that the development is in accordance with the *Apartment Guidelines, 2020* which requires a 15 No. year covenant, and is therefore acceptable in line with Section 37 (2)(b)(iii) of the Act of 2000 as National Policy has progressed (guidelines under Section 28) since the adoption of the Development Plan. The *Apartment Guidelines, 2020* post-date the *Development Plan* and the *Development Plan* must be read in light of the changes introduced by the *Apartment Guidelines, 2020*. This item has been included on a precautionary basis.

3.4 Subject No. 3 - Tabor House Units

Potential Material Contravention in Relation to Tabor House Areas Facilitated Through the Section 28 Guidelines (Section 37 (2)(b)(iii) of the Act)

We note that all new build apartments meet, and in many cases significantly exceed, the minimum apartment floor areas set out in the *Apartment Guidelines, 2020.* Some 85 No. studio units exceed the *Apartment Guidelines, 2020* standards of 37 sq m and of these 85 No. studios, 25 No. are above the 40 sq m standard for studios set out in the *Development Plan*. This will be dealt with under Section 3.7 of this Report.

However, this section deals with the 14 No. studio units within Tabor House, an existing historic building, which are slightly below the required floor area set out in the *Development Plan/ Apartment Guidelines, 2020*. In this regard, the *Apartment Guidelines, 2020* allow flexibility in relation to the refurbishment of existing historic buildings. Section 6.9 of the *Apartment Guidelines* notes:

> ***'Planning authorities are also requested to practically and flexibly apply the general requirements of these guidelines in relation to refurbishment schemes, particularly in historic buildings,*** *some urban townscapes and 'over the shop' type or other existing building conversion projects,* ***where property owners must work with existing building fabric and dimensions. Ultimately, building standards provide a key reference point and planning authorities must prioritise the objective of more effective usage of existing underutilised accommodation, including empty buildings and vacant upper floors commensurate with these building standards requirements'****.* [Our Emphasis]

Furthermore, the *Apartment Guidelines, 2020* state the following in Section 2.22:

'All standards set out in this guidance shall generally apply to ***building refurbishment schemes*** *on sites of any size, or urban infill schemes,* ***but there shall also be scope for planning authorities to exercise discretion on a case-by case basis, having regard to the overall quality of a proposed development.'***

The *Development Plan* also states the following in Section 16.10:

The standards for residential accommodation are divided into standards relating to apartments and houses (16.10.1 and 16.10.2 respectively) and apply to new-build residential schemes. ***While the minimum standards set within these sections will be sought in relation to refurbishment schemes it is acknowledged that this may not always be possible, particularly in relation to historic buildings****, 'living over the shop' projects, tight urban infill developments, and in the city regeneration area designated under the Living City Initiative.* ***In such cases the standards may be relaxed subject to the provision of good quality accommodation,*** *and where the proposal secures the effective usage of underutilised accommodation. In such cases it must be satisfactorily demonstrated that the internal design and overall layout is closely aligned to the specific needs of the intended occupiers.* [Our Emphasis]

The 14 No. studio units within the existing historic building, range in area from 34.6 to 35.5 sq m, which is only slightly below the *Apartment Guidelines, 2020* standard of 37 sq m and *Development Plan* (Section 16.10) standard of 40 sq m. It is considered that this slight shortfall in compliance with minimum floor areas under these Guidelines is acceptable as the studio units retain the existing footprint of the building, which is a positive intervention and reuse of a historic building.

The 14 No. units will also be slightly below the required area for living/kitchen/dining spaces (27.6-28.21 sq m provided which is slightly below the minimum 30 sq m) and widths (3.9 metres which is slightly under the required 4 No. metres) and storage areas (1.9-2.4 sq m which is slightly under the required 3 sq m). Some 10 No. units and 8 No. 1 bedroom units in Tabor House will not be provided with balconies in order to ensure that the character of the existing historic building is retained. Although the units are slightly smaller than the required 37 sq m/40 sq m, the units will have wide frontages with a number of windows provided to the units and thus good access to daylight

Therefore, the residential units within Tabor House will be afforded excellent residential amenity within this refurbished characterful historic building.

3.5 Subject No. 4 - Number of Units per Core

Potential Material Contravention in Relation to Number of Units per Core Facilitated Through the Section 28 Guidelines (Section 37 (2)(b)(iii) of the Act)

Section 16.10 of the *Development Plan* sets out that there shall be a maximum of 8 No. units per core per floor. The proposed development provides 6 No. units per core in Tabor House, which is in line with the *Development Plan* however the scheme provides between 9 and 17 No. units per core elsewhere throughout the scheme, which could be considered to materially contravene this specific requirement of the *Development Plan*.

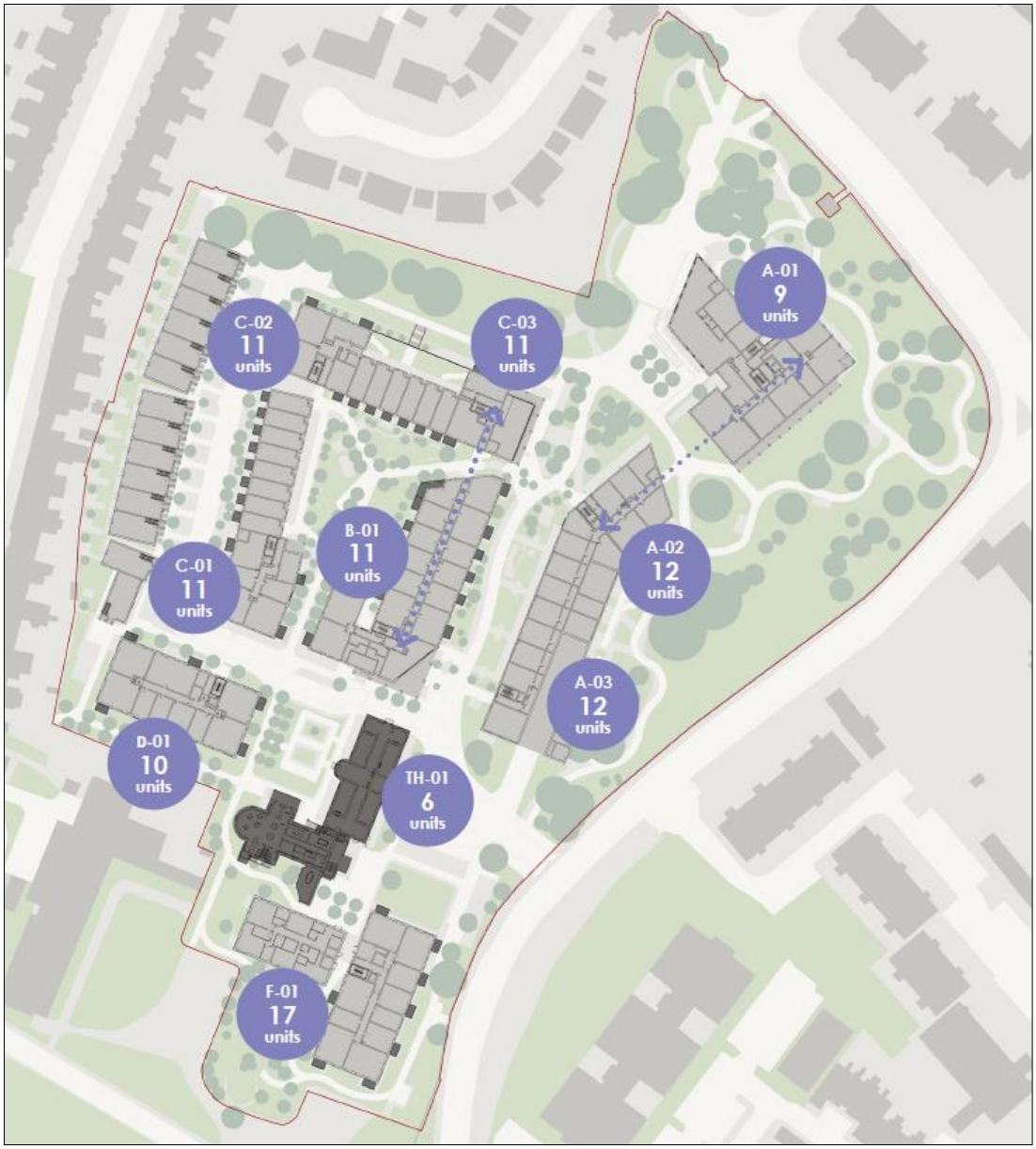

Figure 4.7: Map Demonstrating the Total Number of Units Per Core Within the Scheme

(Source: OMP Architects, 2021)

We note that the *Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities, 2020 ("Apartment Guidelines, 2020")* post-date the *Development Plan* and the *Development Plan* must be read in light of the changes introduced by the *Apartment Guidelines, 2020*.

The *Apartment Guidelines, 2020* set out the following in relation to units per core under Specific Planning Policy Requirement 6:

> *'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.'*

Furthermore, SPPR8(v) of the *Apartment Guidelines, 2020* states that:

> *'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.'*

Therefore, it is clear that SPPR8(v) sets out that the requirement for the maximum of 12 No. units per core does not apply to Build-to-Rent, and thus this requirement applies only to Build-to-Sell units. In addition, Blocks D and E of the scheme are below the 12 No. units per core requirement set out in SPPR6.

Therefore, we note that although the proposed development could be considered to materially contravene the specific policy of the *Development Plan* in relation to the units per core, we note that the *Development Plan* should be read in conjunction with SPPR6 of the Apartment Guidelines, 2020 and is therefore acceptable in line with Section 37 (2)(b)(iii) of the Act of 2000 as National Policy has progressed (guidelines under Section 28) since the adoption of the *Development Plan.*

3.6 Subject No. 5 - Daylight / Sunlight Assessment

Potential Material Contravention in Relation to Daylight/Sunlight Facilitated Through the Section 28 Guidelines (Section 37 (2)(b)(iii) of the Act)

Section 16.10.1 of the *Development Plan* sets out the following:

> *'Development shall be guided by the principles of Site Layout Planning for Daylight and Sunlight, A guide to good practice (Building Research Establishment Report, 2011)'.*

The *Apartment Guidelines, 2020* state:

> *'Planning authorities should have regard to quantitative performance approaches to daylight provision outlined in guides like the BRE guide 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting' when undertaken by development proposers which offer the capability to satisfy minimum standards of daylight provision'.*

As set out in the Daylight and Sunlight Assessment Report prepared by 3D Design Bureau,

> 'The BRE Guide is preceded by the following very clear warning as to how the design advice contained therein should be used:
>
> > *"The advice given here is not mandatory and the guide should not be seen as an instrument of planning policy; its aim is to help rather than constrain the designer. Although it gives numerical guidelines, these should be interpreted flexibly since natural lighting is only one of many factors in site layout design."*
>
> *That the recommendations of the BRE Guide are not suitable for rigid application to all developments in all contexts, is of particular importance in the context of national and local policies for the consolidation and densification of urban areas or when assessing*

applications for highly constrained sites (e.g. lands in close proximity or immediately to the south of residential lands).'

The *Apartment Guidelines, 2020* further state:

> *'Where an applicant cannot fully meet all of the requirements of the daylight provisions above, this must be clearly identified and a rationale for any alternative, compensatory design solutions must be set out, which planning authorities should apply their discretion in accepting taking account of its assessment of specific. This may arise due to a design constraints associated with the site or location 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'.*

Therefore, the *Apartment Guidelines, 2020* notes that any shortfalls in daylight provisions must be identified. The daylight/sunlight report demonstrates the units that do not fully meet the daylight requirements. As part of a compensatory design solution for the rooms that do not meet the recommended minimum average daylight factor, the proposed development includes communal amenity areas, all of which have been assessed and will have adequate levels of daylight. Furthermore, the scheme has incorporated a number of localised compensatory design measures. The majority of the rooms that do not meet the ADF target have been provided with either some or all of the following compensatory measures:

- Balcony space, some of which exceed the minimum requirement.
- Windows that face public open space in the development.
- Larger apartment floor areas, some of which are 10% larger (or more) of the minimum required standards.

We have included a list of the rooms that fall short of the guidelines for daylight provisions and demonstrated the compensatory design measures provided in Appendix A to this Report. In conclusion, the *Apartment Guidelines, 2020* allow alternative, compensatory design solutions to be provided where some units do not fully meet the ADF requirements. In this instance the scheme will achieve wider planning objectives such as sustainably densifying lands in a central and/or accessible urban location and the development will secure comprehensive urban regeneration and will provide an effective urban design and streetscape solution at the site, by providing a large quantum of public and communal open space and internal communal amenity space and permeable links through the site, which will benefit both the future residents and the community.

3.7 Subject No. 6 – Private Open Space in Some Build-to-Rent Units

Potential Material Contravention in Relation to Private Open Space Facilitated Through the Section 28 Guidelines (Section 37 (2)(b)(iii) of the Act)

Section 16.10 of the *Development Plan* sets out that private open space shall be provided in the form of gardens or patios/terraces for ground floor apartments and balconies at upper levels. The *Development Plan* also sets out that where the applicant cannot meet all of the

requirements (e.g. private open space), a rationale for any alternative, compensatory design measures should be set out.

We note that 592 No. of the 671 No. units will be provided with a balcony/terrace, and thus 79 No. units will be provided without a balcony. These 79 No. units relate to proposed Build-to-Rent units only and includes 18 No. units within Tabor House (the existing historic building proposed to be refurbished as discussed in Section 3.4). Therefore, there is just 61 No. Build-to-Rent units that do not have balconies and have all been provided with Juliet balconies. In this regard, we refer to the *Apartment Guidelines, 2020* where flexibility for Build-to-Rent units is allowed under Specific Planning Policy 8 (i) as follows:

> ***'For proposals that qualify as specific BTR development in accordance with SPPR 7:***
>
> ***(i) 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'*

The proposed development provides a large quantum of high-quality communal support facilities and amenities in addition to significant public and communal open spaces as follows:

	Amenities	Sq m
Block A1 - GF	Lounge, Reading room	198.8
Block A1 - 04	Residents club	111.4
Block B - GF	Lounge, Reading room	52.1
Block B - 05	Residents Lounge	117.4
Block C - GF	Co- working space	115.1
Tabor House - GF	Lounge	15.2
Tabor House - 01	-	-
The Chapel GF (Residents Hub)	Gym, Games rooms, Kitchen, Garden room	288.9
The Chapel 01 (Residents Hub)	Lounge, co working, Meeting room, Multipurpose space	349.9
TOTAL		**1248.8**

	Facilities	Sq m
Block A1 - GF	Concierge, Mail, WC	70.7
Block A1 - 04	-	-
Block B - GF	Concierge & Mail	45.6
Block B - 05	-	-
Block C - GF	-	-

Tabor House - GF	-	-
Tabor House - 01	Lobby & Mail	18.8
The Chapel GF (Residents Hub)	Staff facilities	23.2
The Chapel 01 (Residents Hub)	-	**-**
Total		**158.3**

	Amenities	**Sq m**
Block A1 - GF	Lounge, Reading room	198.8
Block A1 - 04	Residents club	111.4

	Sq m
Public Open Space	14,848 sq m
Communal Open Space	5,444 sq m + upper level terraces of 431 sq m
Total Open Space	20,723 sq m

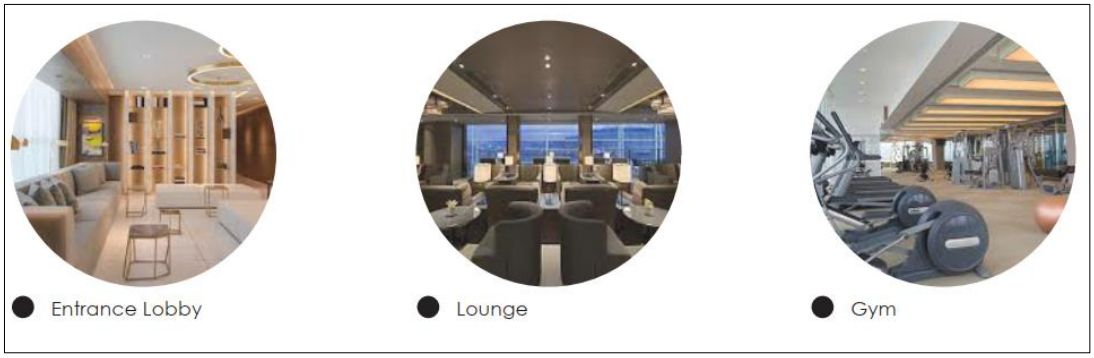

Figure 4.8: Images Demonstrating an Example of the Internal Amenity Spaces to be Provided

(Source: OMP Architects Design Statement, 2021)

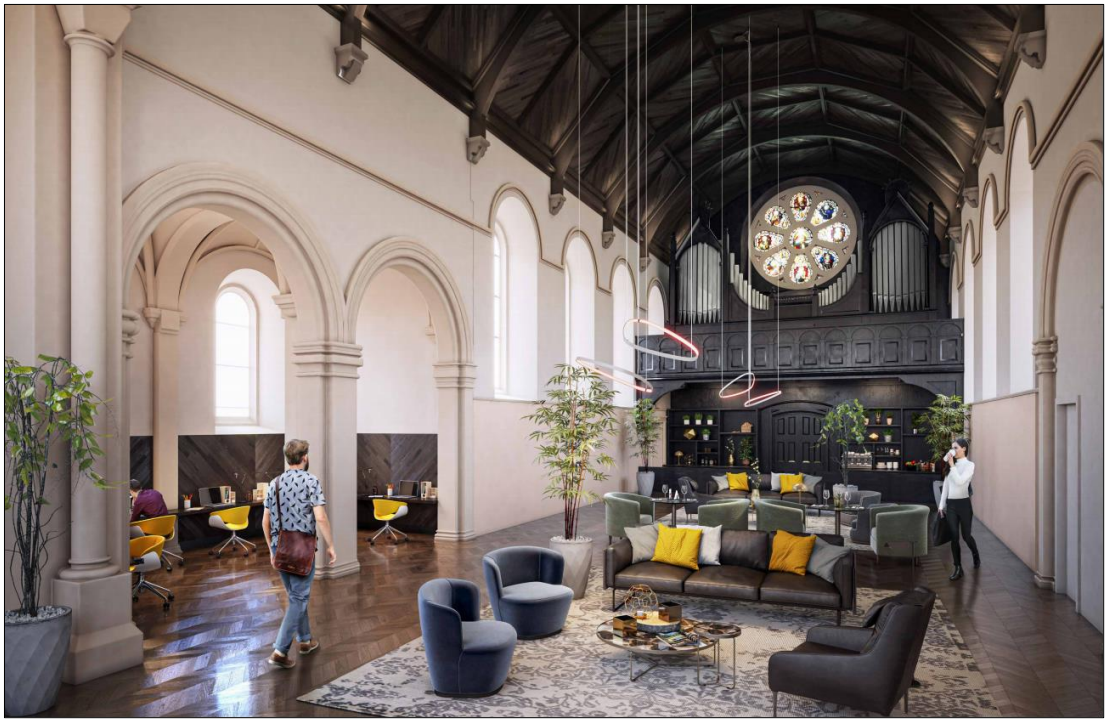

Figure 4.9: **Internal CGI of the Proposed Refurbished Chapel**

(Source: **3D Design Bureau, 2021)**

Figure 4.10: Public Open Space Provision at the Subject Lands

(Source: Cameo and Partners Design Studio, 2021)

Therefore, it is clear that flexibility is allowed in relation to Build-to-Rent units and there is a significant quantum of high-quality amenities and facilities provided in lieu. This has been included in this Material Contravention Statement on a precautionary basis.

3.8 Subject No. 7 – Studio Apartment Floor Areas / Apartment Room Sizes / Apartment Widths

Section 16.10 of the *Development Plan* sets out that the floor area of studio units should be 40 sq m. However, the *Apartment Guidelines, 2020* set out that floor area of studio units should be 37 sq m. New build studio units in the scheme range from 37.1 sq m to 49.2 sq m in size. Some 85 No. studio units exceed the *Apartment Guidelines, 2020* standards of 37 sq m and of these 85 No. studios, 25 No. are above the 40 sq m standard for studios set out in the *Development Plan*. However, SPPR1 of the *Apartment Guidelines, 2020* sets out that studio units should be a minimum area of 37 sq m and 100% of new build units meet this standard. Section 3.4 discusses the refurbished units in Tabor House.

Furthermore, Section 16.10 of the *Development Plan* sets out that the minimum living/dining/bedroom floor widths of studio bedrooms should be 5 No. metres. However, Appendix 1 of the *Apartment Guidelines, 2020* sets out that the width should be 4 No. metres (see below). Therefore, a target of 4 No. metres for the width of studios has been incorporated into the scheme, which is in accordance with the *Apartment Guidelines, 2020* but not the *Development Plan* standard.

In addition, the *Apartment Guidelines, 2020* allows a variation of up to 5% to be applied to room areas and widths subject to overall compliance with required minimum overall apartment floor areas (see below).

Minimum aggregate floor areas for living/dining/kitchen rooms:

Minimum widths for the main living/dining rooms		
Apartment type	**Width of living / dining room**	**Aggregate floor area of living/ dining/kitchen area***
Studio	5 m**	30 sq.m**
One bedroom	3.3 m	23 sq.m
Two bedroom	3.6 m	30 sq.m
Three bed	3.8 m	34 sq.m

*Note: an enclosed (separate) kitchen should have a min floor area of 6.5 sq.m. In most cases, the kitchen should have an external window.

**Note: Combined living/dining/bedspace

Minimum aggregate floor areas for living/dining/kitchen rooms, and minimum widths for the main living/dining rooms

Apartment type***	Width of living/dining room	Aggregate floor area of living / dining / kitchen area*
Studio	4m**	30 sq m**
One bedroom	3.3 m	23 sq m
Two bedrooms (3 person)	3.6m	28 sq m
Two bedrooms (4 person)	3.6 m	30 sq m
Three bedrooms	3.8 m	34 sq m

** Note: An enclosed (separate) kitchen should have a minimum floor area of 6.5 sq. metres*
*** Note: Combined living/dining/bedspace, also includes circulation*
**** Note: Variation of up to 5% can be applied to room areas and widths subject to overall compliance with required minimum overall apartment floor areas*

Figure 4.11: Minimum Widths and Floor Areas for Living/Dining Rooms in the *Development Plan* (Left) and *Apartment Guidelines, 2020* (Right)

Minimum bedroom floor areas/widths:

Minimum bedroom floor areas/widths		
Type	**Minimum width**	**Minimum floor area**
Studio	5 m**	30 sq.m**
Single bedroom	2.1 m	7.1 sq.m
Double bedroom	2.8 m	11.4 sq.m
Twin bedroom	2.8 m	13 sq.m

*Note: Minimum floor areas exclude built-in storage presses

**Note: Combined living/dining/bedspace

Minimum bedroom floor areas/widths***

Type	Minimum width	Minimum floor area
Studio	4m**	30 sq m**
Single bedroom	2.1 m	7.1 sq m
Double bedroom	2.8 m	11.4 sq m
Twin bedroom	2.8 m	13 sq m

** Note: Minimum floor areas exclude built-in storage presses that are contributing to storage space requirements*
*** Note: Combined living/dining/bedspace*
**** Note: Variation of up to 5% can be applied to room areas and widths subject to overall compliance with required minimum overall apartment floor areas*

Figure 4.12: Minimum Widths and Floor Areas for Bedroom in the *Development Plan* (Left) and *Apartment Guidelines, 2020* (Right)

This 5% variation in aggregate floor space and/or room widths has been applied to the following, which all meet the overall minimum floor area requirements of the *Apartment Guidelines, 2020*, as per the Housing Quality Assessment Table enclosed separately:

- Living/Kitchen/Dining Area – 154 No. units
- Living/Kitchen/Dining Width – 32 No. units
- Bedroom widths - 24 No. units
- Bedrooms areas – 22 No. units

Therefore, as a result, these units within the scheme will not meet the *Development Plan* standards in relation to aggregate room areas and/or widths in some cases, however this flexibility is allowed under the *Apartment Guidelines, 2020*.

It is considered that the proposed aggregate areas and room widths are accordance with the *Apartment Guidelines, 2020* and is therefore acceptable in line with Section 37 (2)(b)(iii) of the Act of 2000 as National Policy has progressed (guidelines under Section 28) since the adoption of the *Development Plan*.

3.9 Subject No. 8 – Ratio of Glazing

Section 16.10.1 of the *Development Plan* sets out that:

> *'Glazing to all habitable rooms should not be less than 20% of the floor area of the room.'*

This policy helps to steer projects in the right direction in the early stages of design in terms of achieving adequate standards of daylighting within the units for example. In relation to the proposed development, some 81.4% (546 No.) of the units are provided with 20% (or more) glazing, therefore 18.6% (125 No.) of the units are below the 20% target. In our professional assessment, the level of non-compliance should not be considered a material contravention and it is clear that the vast majority of the proposed units have met the target of 20% glazing. The units that do not meet the 20% target are provided with 16% or 17% glazing, which therefore represents only a slight deviation from the 20% target. However, we have included detail on the remaining units that do not meet the 20% target here on a precautionary basis.

It is considered that this slight deviation from the 20% glazing target (16%/17% glazing provided) is a minor deviation in nature and in our professional assessment should not be considered a material contravention of the *Development Plan*. Our assessment notwithstanding, the scheme needs to achieve higher density and taller buildings, which are encouraged in the *Apartment Guidelines*, the *Building Height Guidelines* and the *National Planning Framework*.[5] Thus full compliance with policies such as the 20% glazing target may not always be achievable when attempting to achieve wider planning objectives. Therefore, it is considered that the development is in accordance with the wider planning objectives of the *Apartment Guidelines, 2020* the *Building Height Guidelines* and the *National Planning Framework*, and is therefore acceptable in line with Section 37 (2)(b)(iii) of the Act of 2000 as National Policy has progressed (guidelines under Section 28) since the adoption of the *Development Plan*.

3.10 Subject No. 9 - Taking-in-Charge

Section 16.9 and Policy QH15 of the *Development Plan* require that roads and services must be designed and built to taking-in-charge standards. In relation to the proposed development, there are some minor deviations proposed in relation to taking-in-charge standards which are as follows:

[5] E.g. 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

- The road in front of the duplexes and the plaza have a brick paver as the surface finish. This surface finish has been selected for aesthetic reasons i.e., brick pavers are preferred to asphalt. Once this finish was selected by the design team, DBFL then followed on with a pavement design detail to tie in with this surface finish. We have been advised by DBFL Consulting Engineers that it is assessed that there are no material design or structural disadvantages to using brick instead of asphalt.

It is further noted in Appendix 18 of the *Development Plan* that infrastructure to be Taken-in-Charge shall be constructed in accordance with the planning permission granted. Therefore, it is considered that a condition can be attached to any grant of permission should a particular surface finish be preferred (or a condition seeking materials to be agreed through compliance), should the development be put forward for taking-in-charge, although we reiterate that the proposed brick paver materials is the preferred option for aesthetic reasons.

This is a very minor deviation from taking-in-charge standards, and in our professional assessment should not be considered a material contravention of the *Development Plan*. We reiterate that the development is not proposed to be taken-in-charge, and this item has been included in the Material Contravention Statement on a precautionary basis. If the Board disagrees with our professional assessment, it is open to the Board to condition that internal roads surfaces are completed to taking-in-charge standard.

3.11 Subject No. 10 – Bedrooms facing onto the Deck

Section 16.10.1 of the *Development Plan* sets out the following in relation to deck access/bedrooms facing onto the deck:

> *'In certain circumstances, deck access may be acceptable as long as bedrooms do not face out on to the deck and it is well proportioned and designed. In some cases, secondary bedrooms facing on to the deck may be acceptable if quality issues are satisfactorily addressed by careful design such as providing a semi-private external buffer zone.'*

O' Mahony Pike Architects have advised that there are 56 No. 1 bedroom units within Block C which provide the bedroom facing onto the deck. As these are 1 No. bedroom units, the primary bedroom has been provided facing the deck. Although it is our opinion that the provision of 56 No. units with bedrooms facing onto the deck (which represents c. 8% of the total units) is not a "material" contravention of the Development Plan, we have included it in this Statement on a precautionary basis, should An Bord Pleanála consider this to represent a Material Contravention of the *Development Plan*.

The key criterion of the design is the quality of residential amenity, as described by O' Mahony Pike:

> '*The gantry access deck is an intrinsic part of the design for this block and its unique location within the scheme. It has been conceived to maximize views to the mature woodland to the north, and it enables the provision of dual aspect views from those units to also enjoy and benefit from Southerly views into the communal courtyard.*

As well as circulation to access residential entrances, the deck caters for private outdoor amenity zones. It is a space to promote a sense of community and relationships between neighbours. The adjacency of domestic spaces to the deck will ensure positive overlooking of the communal courtyard garden. The entrance threshold to these upper level units are designed with recessed own doors and bedroom windows to create a semi-private setback margin. A planter box which double as seat provides for a simple defensible space zone and enhances privacy.'

Furthermore, we note that permission has recently been granted by An Bord Pleanála on 31st May 2021 for a residential development on Blackhorse Avenue under DCC Reg. Ref. 2370/20 / ABP-308424-20, which includes deck access in the scheme. The An Bord Pleanála Inspector noted:

'While this layout, would to a degree directly inhibit the privacy and amenity of 29 No. apartments along these floors, consequent to persons passing the bedroom windows when accessing other apartments, I am satisfied that the arrangement would be acceptable given that an offset from the eastern elevation façade is provided by voids which afford more privacy to the bedrooms and also increase ventilation and light. In addition, all the apartments along these gantry sections are dual aspect, with their principal living areas generally facing west, therefore limiting the amount of direct impact on those areas'.

The 56 No. bedrooms in the subject scheme will be provided with a semi-private buffer zone outside the bedroom windows to maintain sufficient privacy. We note that all 56 No. units are dual aspect and the bedrooms will have views onto the internal courtyard. The provision of bedrooms facing onto the deck in these locations will allow a variation of unit types with the scheme, will provide a different character along the deck access in their locations and will provide varied and interesting external facades.

The provision of living and kitchen space to the rear of these units is designed to increase the overall amenity of the units and with regard to the *Apartment Guidelines, 2020* and *Building Height Guidelines*. According to the *Apartment Guidelines, 2020 '[u]ltimately, the daylighting and orientation of living spaces is the most important objective'*. These living spaces enjoy good daylight provision, with ADF levels of these living space generally exceeding the 2% target incorporated in both the *Apartment Guidelines, 2020* and *Building Height Guidelines*, save for 2 No. units on Level 01 which will have an ADF value of 1.61% and 1.87% (Units BC.0105 and BC.0206). One of these units meets the 2% target on level 02 (BC-0206) with the other unit meeting the 2% target on the 3rd floor (BC-0305). Dual aspect units are preferable to single aspect, and the Block C dual aspect units increase compliance with the 33% target in the *Apartment Guidelines, 2020*. These spaces also enjoy an unimpeded view of the communal courtyard between Blocks B and C. The provision of external access also allows for greater overall density in Block C and is in accordance with the *Apartment Guidelines, 2020*, *Building Height Guidelines* and the *National Planning Framework*.

Figure 4.13: Image Demonstrating Bedrooms Facing onto the Deck Access with Semi-Private Buffer Zone

(Source: OMP Architects, 2021)

Therefore, have regard to these reasons, it is considered that the variation in unit types along the deck access will positively contribute to the proposed development.

4.0 CONCLUSION

According to Section 9(6) of the *Planning and Development (Housing) and Residential Tenancies Act, 2016*, An Bord Pleanála may grant permission for a development, which materially contravenes the policies and objectives of a Development Plan, having regard to the adoption of Section 28 Guidelines or where the pattern of development or permissions granted in the area since the making of the development plan are considered, as prescribed in Section 37 (2)(b) of the *Planning and Development Act (as amended).*

As noted throughout this Material Contravention Statement, the Statement relates to:

- Building Height with reference to Chapter 16 of the *Development Plan*;
- Dwelling Mix, Location of the Proposed Build-to-Rent Unit and Build-to-Rent Legal Covenant with reference to Section 16.10.1 of the *Development Plan*;
- Tabor House (existing historic building) areas with reference to Section 16.10.1 of the *Development Plan*;
- Number of units provided per core with reference to Section 16.10 of the *Development Plan*;
- Daylight/Sunlight with reference to Section 16.10.1 of the *Development Plan;*

The following items have been included on a precautionary basis:

- Private Open Space in Some Build-to-Rent Units with reference to Section 16.10 of the *Development Plan)*;
- Studio Apartment Floor Areas / Apartment Rooms Sizes / Apartment Widths with reference to Section 16.10 of the *Development Plan*;
- Ratio of Glazing with reference to Section 16.10.1 of the *Development Plan*
- Taking-in-Charge with reference to Section 16.9/Policy QH15 of the *Development Plan;* and
- Bedrooms Facing onto Deck with reference to Section 16.10.1 of the *Development Plan*.

As set out in Section 37(2)(b) and Section 28(1)(C) of the *Planning and Development Act 2018* (as amended), An Bord Pleanála may materially contravene a development plan where national planning policy objectives take precedence. In particular, Section 9(3)(b) of the 2016 Act, as amended, provides that to the extent that they differ from the provisions of the Development Plan, the provisions of SPPRs must be applied instead.

Taking into account all of the foregoing set out in this report, it is therefore considered that there is sufficient justification for An Bord Pleanála to grant permission for the proposed development, notwithstanding any material contravention of the *Dublin City Development*

Plan 2016-2022, by reference to sub-paragraphs (iii) and (iv) of Section 37(2)(b) of the 2000 Act, as amended, for the reasons set out above.

In the event that the Board decides to grant permission, the Board is obliged in its *"Reasons and Considerations"* for the decision to reference the matters under Section 37(2)(b) of the 2000 Act upon which it relies to justify the granting of permission in material contravention of the Development Plan. It is apparent from Section 10(3)(b) of the 2016 Act that such reasons and considerations must appear in the Board decision itself. Section 10(3) provides as follows:

> *'(3) A decision of the Board to grant a permission under section 9(4) shall state-*
> *....*
> *(b) where the Board grants a permission in accordance with section 9(6)(a), the main reasons and considerations for contravening materially the development plan or local area plan, as the case may be.'*

Having regard to the justification set out within this statement, it is respectfully submitted that this is an appropriate case for the Board to grant permission for the proposed development in accordance with national planning policy and statutory guidelines.

APPENDIX A – COMPENSATORY DESIGN MEASURES

Block	Level	Unit number	Room Discription	Recommended Mimimum ADF	ADF	Meets lower target	GFA as a % of Required floor area (units 110% highlighted)	Private Open Space (POS) area proposed (required) SQM (POS/Balconies that exceeded requirement highlighted)	Windows facing proposed open space
Block A1	0GF	BA1.B101	Studio	2.0%	1.80%	No	117	0(4)	Y
Block A1	0GF	BA1.B105	LKD	2.0%	**1.95%**	Yes	103	18.5 (7)	Y
Block A1	0GF	BA1.B109	LKD	2.0%	1.44%	No	138	6.1 (5)	Y
Block A1	0GF	BA1.B109	Bedroom	1.0%	0.37%	No	138	6.1 (5)	Y
Block A1	U0GF	BA1.G201	LKD	2.0%	1.24%	No	147	5.8 (5)	Y
Block A1	U0GF	BA1.G205	LKD	2.0%	1.47%	No	103	18.5 (7)	Y
Block A1	U0GF	BA1.G206	LKD	2.0%	**1.65%**	Yes	111	18 (6)	Y
Block A1	U0GF	BA1.G209	LKD	2.0%	**1.62%**	Yes	144	5 (5)	Y
Block A1	U0GF	BA1.G209	Bedroom	1.0%	0.53%	No	144	5 (5)	Y
Block A1	U0GF	BA1.G210	LKD	2.0%	1.31%	No	108	7 (7)	Y
Block A1	U0GF	BA1.G214	LKD	2.0%	**1.96%**	Yes	112	5.4 (5)	Y
Block A2	U0GF	BA2.G201	LKD	2.0%	**1.88%**	Yes	104	5.4 (5)	Y
Block A2	U0GF	BA2.G202	LKD	2.0%	**1.92%**	Yes	113	5.4 (5)	Y
Block A2	U0GF	BA2.G205	LKD	2.0%	**1.95%**	Yes	108	7 (7)	Y
Block A2	1stF	BA2.G106	Bedroom 1	1.0%	0.94%	No	143	13.1 (7)	Y
Block A2	1stF	BA2.G107	Bedroom 1	1.0%	0.92%	No	143	12.5 (7)	Y
Block A2	1stF	BA2.G108	Bedroom 1	1.0%	0.96%	No	142	12.7 (7)	Y
Block A2	2ndF	BA.0217	LKD	2.0%	1.25%	No	110	5.4 (5)	
Block A2	2ndF	BA.0218	LKD	2.0%	1.04%	No	113	5.4 (5)	
Block A2	2ndF	BA.0218	**Living Space^**	1.5%	1.41%	No	113	5.4 (5)	
Block A2	2ndF	BA.0219	LKD	2.0%	1.01%	No	113	5.4 (5)	
Block A2	2ndF	BA.0220	LKD	2.0%	1.20%	No	111	5.4 (5)	
Block A2	2ndF	BA.0221	LKD	2.0%	1.30%	No	111	5.4 (5)	
Block A2	2ndF	BA.0222	LKD	2.0%	1.23%	No	113	5.4 (5)	
Block A2	2ndF	BA.0223	LKD	2.0%	1.38%	No	113	5.4 (5)	
Block B	0GF	BB.G103	LKD	2.0%	1.25%	No	100.5	0 (4)	
Block B	0GF	BB.G104	LKD	2.0%	1.34%	No	110	7 (7)	
Block B	0GF	BB.G105	LKD	2.0%	1.36%	No	112	7 (5)	
Block B	0GF	BB.G106	LKD	2.0%	1.45%	No	110	7 (5)	
Block B	0GF	BB.G107	LKD	2.0%	**1.63%**	Yes	112	7 (5)	
Block B	0GF	BB.G113	LKD	2.0%	**1.91%**	Yes	112	7 (5)	Y
Block B	0GF	BB.G114	LKD	2.0%	**1.68%**	Yes	111	6 (5)	Y
Block B	1stF	BB.0104	LKD	2.0%	**1.51%**	Yes	112	5.4 (5)	Y
Block B	1stF	BB.0105	LKD	2.0%	1.02%	No	124.5	12.6 (9)	
Block B	1stF	BB.0105	**Living Space^**	1.5%	1.45%	No	124.5	12.6 (9)	
Block B	1stF	BB.0105	Bedroom 1	1.0%	0.84%	No	124.5	12.6 (9)	
Block B	1stF	BB.0106	LKD	2.0%	0.95%	No	112	7 (5)	
Block B	1stF	BB.0106	**Living Space^**	1.5%	1.42%	No	112	7 (5)	

APPENDIX A – COMPENSATORY DESIGN MEASURES

Block B	1stF	BB.0107	LKD	2.0%	1.04%	No	110	7 (5)	
Block B	1stF	BB.0108	LKD	2.0%	0.99%	No	112	7 (5)	
Block B	1stF	BB.0108	**Living Space^**	1.5%	1.36%	No	112	7 (5)	
Block B	1stF	BB.0109	LKD	2.0%	1.15%	No	106	7 (7)	Y
Block B	1stF	BB.0109	**Living Space^**	1.5%	1.49%	No	106	7 (7)	Y
Block B	1stF	BB.0110	LKD	2.0%	**1.94%**	Yes	101	7 (7)	Y
Block B	1stF	BB.0111	LKD	2.0%	**1.65%**	Yes	106	16.6 (5)	Y
Block B	1stF	BB.0112	LKD	2.0%	1.36%	No	112	7.5 (5)	Y
Block B	1stF	BB.0113	LKD	2.0%	1.44%	No	112	7 (5)	Y
Block B	1stF	BB.0114	LKD	2.0%	**1.63%**	Yes	112	7 (5)	Y
Block B	1stF	BB.0115	LKD	2.0%	1.33%	No	110	5.4 (5)	Y
Block B	1stF	BB.0116	LKD	2.0%	1.11%	No	103	7 (7)	Y
Block B	1stF	BB.0116	**Living Space^**	1.5%	1.49%	No	103	7 (7)	Y
Block C	0GF	BC.G202	LKD	2.0%	1.26%	No	111	9.5 (7)	
Block C	0GF	BC.G209	LKD	2.0%	**1.75%**	Yes	111	5.5 (5)	
Block C	0GF	BC.G221	LKD	2.0%	**1.90%**	Yes	103	5.9 (4)	
Block C	1st	BC.0104	LKD	2.0%	1.01%	No	108	7 (7)	Y
Block C	1st	BC.0104	**Living Space^**	1.5%	1.39%	No	108	7 (7)	Y
Block C	1st	BC.0105	LKD	2.0%	**1.61%**	Yes	115	5.4 (5)	Y
Block C	1st	BC.0106	LKD	2.0%	**1.87%**	Yes	115	5.4 (5)	Y
Block C	1st	BC.0111	LKD	2.0%	1.42%	No	111	5.4 (5)	Y
Block C	1st	BC.0124	LKD	2.0%	**1.58%**	Yes	112	7 (7)	
Block D	1stF	BD.0104	LKD	2.0%	**1.80%**	Yes	112	7 (5)	Y
Block D	1stF	BD.0105	Studio	2.0%	1.97%	No	100.5	5.4 (4)	
Block D	1stF	BD.0109	LKD	2.0%	**1.70%**	Yes	103	7 (7)	
Block D	1stF	BD.0110	LKD	2.0%	**1.64%**	Yes	112	7 (5)	
Block E	0GF	BE.0003	LKD	2.0%	**1.80%**	Yes	112	53.6 (7)	
Block E	0GF	BE.0004	LKD	2.0%	**1.50%**	Yes	112	57.4 (7)	
Block E	0GF	BE.0005	LKD	2.0%	**1.64%**	Yes	112	60.2 (7)	
Block E	0GF	BE.0006	LKD	2.0%	**1.73%**	Yes	112	59.4 (7)	
Block E	0GF	BE.0007	LKD	2.0%	**1.79%**	Yes	112	55.7 (7)	
Block E	0GF	BE.0008	LKD	2.0%	**1.76%**	Yes	112	100.2 (7)	
Block E	0GF	BE.0010	LKD	2.0%	**1.83%**	Yes	134	9.1 (9)	
Block E	0GF	BE.0011	LKD	2.0%	**1.75%**	Yes	134	9.1 (9)	
Block E	0GF	BE.0012	LKD	2.0%	**1.72%**	Yes	134	9.1 (9)	
Block E	0GF	BE.0013	LKD	2.0%	**1.81%**	Yes	134	9.3 (9)	
Block F	0GF	BF.0003	LKD	2.0%	**1.91%**	Yes	110	7 (5)	Y
Block F	0GF	BF.0010	LKD	2.0%	**1.67%**	Yes	103	7 (7)	Y
Block F	0GF	BF.0010	Bedroom 1	1.0%	0.80%	No	103	7 (7)	Y
Block F	1st	BF.0103	LKD	2.0%	1.35%	No	110	7 (5)	Y
Block F	1st	BF.0104	LKD	2.0%	**1.87%**	Yes	109	7 (5)	Y
Block F	1st	BF.0106	LKD	2.0%	**1.63%**	Yes	109	7 (5)	Y
Block F	1st	BF.0110	LKD	2.0%	1.33%	No	103	7 (7)	Y
Block F	1st	BF.0110	Bedroom 1	1.0%	0.77%	No	103	7 (7)	

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Block F	1st	BF.0111	LKD	2.0%	**1.74%**	Yes	106	7 (7)	Y
Tabor House	0GF	BT.0004	LKD	2.0%	**1.63%**	Yes	94	-	Y
Tabor House	0GF	BT.0001	LKD	2.0%	1.34%	No	94	-	Y
Tabor House	1stF	BT.0101	LKD	2.0%	**1.51%**	Yes	95	-	Y
Tabor House	1stF	BT.0104	LKD	2.0%	1.22%	No	94	-	Y
Tabor House	1stF	BT.0105	LKD	2.0%	**1.94%**	Yes	122	5	Y
Block A1	1stF	BA1-0101	LKD	2.0%	1.44%	No	143	5.8 (5)	Y
Block A1	2ndF	BA1-0201	LKD	2.0%	**1.61%**	Yes	143	5.8 (5)	Y
Block A1	3rdF	BA1-0301	LKD	2.0%	**1.85%**	Yes	143	5.8 (5)	Y
Block A1	1stF	BA1-0105	LKD	2.0%	**1.75%**	Yes	103	18.5 (7)	Y
Block A1	3rdF	BA1-0305	LKD	2.0%	**1.65%**	Yes	103	18.6 (7)	Y
Block A1	1stF	BA1-0106	LKD	2.0%	**1.98%**	Yes	111	18 (6)	Y
Block A1	3rdF	BA1-0306	LKD	2.0%	**1.81%**	Yes	111	18 (6)	Y
Block A1	1stF	BA1-0109	Bedroom	1.0%	0.66%	No	138	5 (5)	Y
Block A1	2ndF	BA1-0209	Bedroom	1.0%	0.80%	No	138	5 (5)	Y
Block A1	1stF	BA1-0109	LKD	2.0%	**1.72%**	Yes	138	5 (5)	Y
Block A1	2ndF	BA1-0209	LKD	2.0%	**1.93%**	Yes	138	5 (5)	Y
Block A1	1stF	BA1-0110	LKD	2.0%	1.50%	No	108	7 (7)	Y
Block A1	2ndF	BA1-0210	LKD	2.0%	**1.72%**	Yes	108	7 (7)	Y
Block A2	3rdF	BA2-0315	LKD	2.0%	**1.52%**	Yes	110	5.4 (5)	Y
Block A2	4thF	BA2-0415	LKD	2.0%	**1.88%**	Yes	110	5.4 (5)	Y
Block A2	5thF	BA2-0511	LKD	2.0%	**1.76%**	Yes	110	5.4 (5)	Y
Block A2	3rdF	BA2-0316	LKD	2.0%	1.28%	No	113	5.4 (5)	Y
Block A2	4thF	BA2-0416	LKD	2.0%	**1.61%**	Yes	113	5.4 (5)	Y
Block A2	3rdF	BA2-0317	LKD	2.0%	1.24%	No	113	5.4 (5)	Y
Block A2	4thF	BA2-0417	LKD	2.0%	**1.62%**	Yes	113	5.4 (5)	Y
Block A2	5thF	BA2-0513	LKD	2.0%	**1.55%**	Yes	113	5.4 (5)	Y
Block A2	3rdF	BA2-0318	LKD	2.0%	**1.51%**	Yes	111	5.4 (5)	Y
Block A2	3rdF	BA2-0319	LKD	2.0%	**1.66%**	Yes	111	5.4 (5)	Y
Block A2	3rdF	BA2-0320	LKD	2.0%	**1.61%**	Yes	113	5.4 (5)	Y
Block A2	3rdF	BA2-0321	LKD	2.0%	**1.80%**	Yes	113	5.4 (5)	Y
Block B	2ndF	BB-0204	LKD	2.0%	**1.58%**	Yes	134	7 (6)	
Block B	2ndF	BB-0206	Studio	2.0%	1.94%	No	109	0 (4)	Y
Block B	2ndF	BB-0207	LKD	2.0%	1.12%	No	106	7 (7)	Y
Block B	3rdF	BB-0304	LKD	2.0%	1.26%	No	106	7 (7)	
Block B	2ndF	BB-0208	LKD	2.0%	1.06%	No	112	7 (5)	
Block B	3rdF	BB-0305	LKD	2.0%	1.23%	No	112	7 (5)	
Block B	4thF	BB-0405	LKD	2.0%	**1.77%**	Yes	112	7 (5)	
Block B	2ndF	BB-0209	LKD	2.0%	1.17%	No	112	7 (5)	
Block B	3rdF	BB-0306	LKD	2.0%	**1.57%**	Yes	110	7 (5)	
Block B	2ndF	BB-0210	LKD	2.0%	1.13%	No	112	7 (5)	

APPENDIX A – COMPENSATORY DESIGN MEASURES

Block B	3rdF	BB-0307	LKD	2.0%	**1.50%**	Yes	112	7 (5)	
Block B	2ndF	BB-0211	LKD	2.0%	1.30%	No	106	7(7)	Y
Block B	3rdF	BB-0308	LKD	2.0%	**1.56%**	Yes	106	7 (7)	Y
Block B	2ndF	BB-0213	LKD	2.0%	**1.95%**	Yes	106	16.6 (5)	Y
Block B	2ndF	BB-0214	LKD	2.0%	**1.59%**	Yes	112	7.5 (5)	Y
Block B	3rdF	BB-0311	LKD	2.0%	**1.84%**	Yes	112	7 (7)	Y
Block B	2ndF	BB-0215	LKD	2.0%	**1.67%**	Yes	112	7 (7)	Y
Block B	3rdF	BB-0312	LKD	2.0%	**1.91%**	Yes	112	7 (7)	Y
Block B	2ndF	BB-0216	LKD	2.0%	**1.88%**	Yes	112	7 (5)	Y
Block B	2ndF	BB-0217	LKD	2.0%	**1.54%**	Yes	110	5.4 (5)	
Block B	3rdF	BB-0314	LKD	2.0%	**1.76%**	Yes	110	5.4 (5)	
Block B	2ndF	BB-0218	LKD	2.0%	1.41%	No	103	7 (7)	Y
Block B	3rdF	BB-0315	LKD	2.0%	**1.75%**	Yes	103	7 (7)	Y
Block C	2ndF	BC-0204	LKD	2.0%	1.03%	No	108	7 (7)	Y
Block C	3rdF	BC-0304	LKD	2.0%	1.34%	No	108	7 (7)	Y
Block C	3rdF	BC-0404	LKD	2.0%	**1.94%**	Yes	108	7 (7)	Y
Block C	2ndF	BC-0204	**Living Space^**	1.5%	1.39%	No	108	7 (7)	Y
Block F	2ndF	BF-0210	LKD	2.0%	1.48%	No	142	7 (5)	Y
Block F	3rdF	BF-0310	LKD	2.0%	**1.72%**	Yes	142	7 (5)	Y
Block C	2ndF	BC-0205	LKD	2.0%	**1.81%**	Yes	115	5.4 (5)	Y
Block C	2ndF	BC-0222	LKD	2.0%	**1.79%**	Yes	112	7 (7)	Y
Block D	2ndF	BD-0110	LKD	2.0%	**1.74%**	Yes	112	5 (5)	
Block F	2ndF	BF-0203	LKD	2.0%	**1.56%**	Yes	110	7 (5)	Y
Block F	2ndF	BF-0206	LKD	2.0%	**1.92%**	Yes	110	7 (5)	Y
Block F	2ndF	BF-0211	LKD	0.02	**1.98%**	Yes	106	7 (7)	Y
Tabor House	2ndF	BT-0204	LKD	0.02	1.47%	No	130	0 (5)	Y
Tabor House	3rdF	BT-0304	LKD	0.02	1.29%	No	128	0 (5)	Y

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