

**Submission to Proposed Amendments on
the Draft Dublin City Development Plan
2022-2028**

Prepared by

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On behalf of

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Executive Summary

Richmond Homes welcomes the opportunity to make a submission on the Proposed Amendments to the draft Dublin City Development Plan 2022-2028 to facilitate collaboration with the planning authority in order to ensure a Plan which promotes and supports sustainable development and the progressive growth of Dublin City. Above all it should meet the needs of a growing population in the Plan period to 2028 and beyond. Key issues raised in this submission are summarised as follows.

Build to Rent Development

Apartments and Build to Rent (BTR) accommodation are vital elements of the future housing supply in Dublin City and should be adequately provided for within the Dublin CDP. Our client supports the provision of apartments as a suitable format of urban living which will contribute to the national and regional objectives of compact growth and the delivery of much needed housing in central areas which are well served by public transport and a range of facilities and employment centres. Apartment development is predicted to reach c. 40% of the overall housing stock in Dublin by 2028 and should consist of a mix of apartment types and tenures which contribute to a high-quality stock catering for all demographics and improving affordability.

Our client generally welcomes the proposed amendments to Policy QHSN38 as proposed which amends the requirement for a BTR concentration study to be submitted with such proposals within a 1km radius of the site. Furthermore, criterion for BTR which states that BTR should be developed within the canal rings is considered overly restrictive and will exclude significant areas of Dublin City Centre which would be considered as 'Central and/or Accessible Urban Locations' in the context of the Apartment Guidelines 2020 which recognise '*BTR development being more suitable for central locations and/or proximity to public transport services*'. This is inconsistent with Section 28 Guidelines and at odds with national policy objectives to promote compact growth at urban areas and sustainable locations. It is suggested that this criterion be omitted from the adopted version of the Plan and replaced with the text located in Section 2 below. BTR development is essential to address the housing needs and problems in the rental market sector in Dublin.

Policy QSNS39 seeks to exclude BTR developments of less than 100 units. The draft Plan provides no rationale for this policy and it is noted that Dublin City Council has recently granted permission for BTR developments at central locations. It is contended by our client that sub-100-unit BTR developments are entirely viable and suitable for urban locations. This is supported by the Office of the Planning Regulator's submission on the draft Plan which required the Council to omit this element of the policy. This should be reflected in the adopted version of the Plan.

Universal Design

The proposed introduction of a requirement of 50% of all apartments which exceed minimum standards is considered onerous and unnecessary. Particularly, when the Apartment Guidelines require 10% to be compliant with universal design standards. Such a requirement will only serve to reduce the potential delivery of apartment development at accessible urban locations and work against meeting housing needs across Dublin city. This requirement will result in significantly larger apartment units which will add substantially to construction costs in an already inflationary environment and will ultimately be passed on to the consumer, further impacting viability. While Richmond Homes always advocates a high standard of apartment type within proposed schemes it is considered that the requirement conflicts with the NPF and the Apartment Guidelines which make no suggestion for such a standard. As an alternative, our client believes it is not unreasonable to consider a blanket requirement for all apartment schemes to provide 5% of units as universally accessible. This approach has been introduced by other Planning Authorities in the Eastern & Midland Region and is considered appropriate for Dublin City.

Requirement for Community Floor Space

While Richmond Homes supports the provision of community and cultural uses across the city, it is considered that the requirement for 5% of floor space in SDRAs, Large-scale Developments and commercial development in excess of 10,000 sqm to be provided as community floor space is unwarranted and should be omitted from Objective CUO22. Rather, it suggests the need for community space should be assessed on the basis of a Community/Social Audit as part of a planning application and provided for via Section 48 Development Contribution Scheme or an appropriate financial

contribution in lieu. This will ensure community and cultural space is recognised and supported, provided in a proportionate and balanced manner. Furthermore, it will negate the scenario of floor space being provided only to be left redundant and detracting from the streetscape.

DOCUMENT CONTROL SHEET

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1. INTRODUCTION

- 1.1 On behalf of our client, Richmond Homes, Embassy House, Ballsbridge, Dublin 4, we wish to make a submission in respect of Proposed Amendments to the draft Dublin City Development Plan 2022-2028 published on 27th July 2022.
- 1.2 Richmond Homes made a submission to the draft Plan in February and welcomes this opportunity to make a submission on the Proposed Amendments to the draft City Development Plan. Richmond Homes is a national housebuilder with several land interests across Dublin and is currently one of largest private residential development firms in Ireland, building for both owner-occupier and BTR target markets. With a landbank of over 3,500 homes, Richmond Homes is developing in the Greater Dublin region. Richmond Homes seeks to work constructively with Dublin City Council to add much needed homes, infrastructure and amenities to the city through the parameters of a progressive and balanced City Development Plan.
- 1.3 This submission focuses on the following key alterations:
- **Build to Rent Accommodation**
 - Material Alteration Reference Number 5.23: Specific Housing Typologies
 - Material Alteration Reference Number 5.24: Policy QHSN38 Build to Rent Accommodation
 - Material Alteration Reference Number 15.8: Build to Rent Residential Developments
 - **Universal Design**
 - Material Alteration Reference Number 5.16: Objective QHSNO10 Universal Design
 - Material Alteration Reference Number 15.7: Unit Size / Layout
 - Material Alteration Reference Number Appendix 1.10: Specialist Provision
 - **Culture**
 - Material Alteration Reference Number 13.5: Objective SDRAO1 Overarching Principles and Vision
- 1.4 The submission also suggests amendments to the material alterations.
- 1.5 While our client is broadly supportive of the content of the draft Plan, Richmond Homes wishes to highlight the conflict between the proposed amendments and national planning policy and guidelines. The proposed amendments, taken as is, are likely to have significant implications on the viability and delivery of a substantial quantum of apartment developments in Dublin City.
- 1.6 Richmond Homes supports the inclusion of policies and objectives that reflect national policies and specifically, the Section 28 Ministerial Guidelines which were developed to assist planning authorities in the delivery of housing targets.

2. BUILD TO RENT ACCOMMODATION

2.1 In terms of Build to Rent, Richmond Homes is concerned about the restrictive nature of some Material Alterations in *Chapter 5: Quality Housing & Sustainable Neighbourhoods* and *Chapter 15: Development Standards* and believe they will have a negative impact on the construction costs and ultimately the viability of apartment developments in Dublin City.

2.2 Our client wishes to comment on and recommend changes to the following Material Alterations:

- **Build to Rent Accommodation**
 - Material Alteration Reference Number 5.23: Specific Housing Typologies
 - Material Alteration Reference Number 5.24: Policy QHSN38 Build to Rent Accommodation
 - Material Alteration Reference Number 15.8: Build to Rent Residential Developments

2.3 For ease, an extract is provided below:

Material Alteration Reference Number 5.24

Chapter 5

Section: 5.5.7 Specific Housing Typologies, subheading Build to Rent (BTR) and Shared Accommodation

Page: 186, Policy QHSN38

Amendment:

Policy QHSN38 Build to Rent Accommodation

To facilitate the provision of Build to Rent (BTR) Accommodation in the following specific locations:

- ~~(Within the Inner City (i.e. within the canal ring)).~~
- Within 500 metre walking distance of a high employment area i.e. more than 500 employees per hectare.
- Within 500 metres of major public transport interchanges (e.g. Connolly Station, Tara Street Station and Heuston Station), and
- Within identified Strategic Development Regenerations Areas.

There will be a general presumption against large scale residential developments (in excess of 100 units) which comprise of 100% BTR typology. To ensure there are opportunities for a sustainable mix of tenure and long term sustainable communities, a minimum of ~~(40%)~~ {60%} of ~~(standard build to sell apartments)~~ {units within a development must be designed as standard apartments in accordance with the requirements set out in the Sustainable Urban Housing: Design Standards for New Apartments, December 2020} ~~(will be required in such instances)~~. There will be a presumption against the proliferation and over concentration of BTR development in any one area. In this regard, applications for BTR developments should be accompanied by an assessment of other permitted {and proposed} BTR developments {within a} ~~(in the vicinity)~~ {1km} ~~{(3km)}~~ {radius} of the site to demonstrate:

- that the development would not result in the overconcentration of one housing tenure in a particular area and take into {account} ~~(regard)~~ the ~~(geographical-area)~~ {location} of the {proposed} BTR.
- {how the development supports housing need, particularly with regard to tenure, unit size and accessibility with particular reference to the Dublin City Council Housing Need and Demand Assessment.

- 2.4 The Apartment Guidelines 2020 recognise the key role which BTR development can play in accelerating Residential Delivery at *'significantly greater scale than at present'* and when constructed *'the overall scheme is available to the rental sector over a much shorter timescale on completion and the investment model is therefore capable of delivering a much higher volume of housing than traditional models'*. Therefore, BTR should be considered by the Development Plan as a viable and an important component of a housing market which offers a range of tenures and types of accommodation. The material alteration is in direct conflict with Section 28 Guidelines for the Design of New Apartments 2020.
- 2.5 It is not unreasonable to suggest that the proposed amendments to the draft Plan on BTR, if adopted, will further exacerbate the city's housing crisis. Recently published figures by the property sales website daft.ie indicate, that the current stock of rental properties available in Dublin is less than a quarter of the typical average over the past twenty years at a period when population has continued to increase in the capital as per the preliminary results of the 2021 Census. Given the clear demand for rental properties in the capital and the well-publicised difficulties in obtaining suitable rental properties, a question arises around the impact adding restrictions to BTR units, which currently provide properties guaranteed for rental, will have on the existing shortage in rental properties. In any case, BTR development is noted by Dublin City Council to *'serve an important role in meeting housing demand and can fill a gap in tenure mix'* and therefore is considered to play an important role in the composition of the housing market in Dublin City.

Location

- 2.6 In the context of SPPR8 of the Apartment Guidelines, which identify BTR development as *'being more suitable for central locations and/or proximity to public transport services'*, it is essential that the Dublin CDP 2022-2028 provides for BTR development within its environs.
- 2.7 Lands that benefit from excellent proximity to public transport corridors should be deemed suitable for BTR accommodation. The proposed BusConnects local network improvements and implementation of Core Bus Corridors will further enhance services and accessibility for residents, alongside the existing Luas red and green lines and the proposed Metrolink service which are all available near sites in the city centre. National and regional policy objectives focus on the integration of land use and transport planning, capitalisation on public transport investment and promotion of compact growth in urban areas. Richmond Homes believe this should be the focus of BTR policy in the Development Plan.
- 2.8 It is noted that Material Alteration Reference Number 5.23 proposes the following text:
 BTR should be concentrated (~~in prime inner-city areas and also~~) in areas of high intensity employment use, (~~such as within 500 metres walking distance of a high employment area i.e. more than 500 employees per hectare,~~) within 500m of major public transport interchanges (~~(e.g. Connolly Station, Tara Street Station and Heuston Station)~~) and within identified Strategic Development Regeneration (~~s-Zones~~) {Areas}.
- 2.9 However, the proposed deletion of text is not fully reflected in the wording of Material Alteration Reference Number 5.24 in respect to employment areas and specific railway stations. It would be prudent to ensure this is resolved and made consistent in the adopted Plan.

- 2.10 The implementation of the policy provision proposed under Material Alteration 5.24 is in direct conflict with the Guidelines as this effectively prohibits BTR proposals coming forward at 'suburban locations well served by high quality public transport such as Ballsbridge, Rathmines, Ranelagh, Drumcondra, Clontarf and other significant parts of the city'. It is in conflict with Section 28 Guidelines and national planning policy which seeks to increase housing development within the existing urban footprint and make optimum use of land resource in accessible locations, including for rental accommodation. Furthermore, it contradicts Section 8.5.2 of the draft Plan which promotes the Effective Integration of Land Use and Transportation and refers to the key role this plays in implementing the objectives of the NPF and RSES. These national guidelines consider that urban locations are generally suitable for small-to large-scale and higher density development that may wholly comprise apartments and therefore by extension, BTR apartments.
- 2.11 It is considered that the support for BTR accommodation '*Within 500 metres walking distance of a high employment area i.e. more than 500 employees per hectare*' will be difficult to prove in practice and that the information will be difficult to ascertain during the Development Management process. We are not aware of any evidence base to demonstrate which areas of the City have more than 500 employees per hectare and therefore constitute "*high employment areas*".
- 2.12 The current Plan includes Figure W in Appendix 2A relating to the number of persons working with DCC Electoral Divisions. However, this information is out of date and does not provide the data to ascertain the number of employees per hectare. In fact mapping of publicly available data from the Census 2016 has proven ineffective in determining the concentration of jobs per hectare.
- 2.13 The Census records details on place of work, school, or college and collect it as anonymised data (referred to as POWSCAR), however, this information is only available to statistical researchers and not the general public. Publicly available data relates to 'commuting patterns by ED' and cannot be relied on to give an accurate figure for the number of jobs per hectare as currently required in the draft plan. There is available data from the AIRO All-Island Census Atlas, which provide POWSCAR data on the number of jobs by small area. However, this mapping was done after the 2011 Census and is outdated. In any case, this information still does not provide data as to the number of available jobs per hectare.
- 2.14 We believe there is no practicable way to definitively quantify the employment areas referred to in the draft Plan and proposed material alterations. While recent office completions provide circumstantial evidence as to the number of jobs in any area, it is not possible to determine this as fact. In addition, it can be seen that the areas where there are more than 500 jobs in the 2011 data, and the areas of highest commuting in the 2016 data already corresponds to the inner city. It is therefore appropriate that the text of Policy QHSN38 revert to the draft Plan text to ensure it aligns with the Apartment Guidelines 2020.
- 2.15 We suggest that Policy QHSN38, and associated sections of the adopted City Development Plan, be updated to reflect more closely the 'Central and/or Accessible' urban location criteria in the Apartment Guidelines 2020 which states the following for BTR:
- 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 800-1,000m) 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.

Over Concentration

Proposed Material Alterations 5.23 and 5.24 set out a requirement for proposed BTR developments to include a *'map showing all such facilities within a 1km of a proposal'* to demonstrate no over-concentration of BTR accommodation in an area. This is considered appropriate and aligned with central/ accessible areas which are considered to be most suitable for the location of BTR accommodation as specified within the Apartment Guidelines. This would be consistent with other metrics applied to apartment development i.e. proximity to public transport corridors and interchanges.

- 2.16 Furthermore, the draft Plan does not provide clarity on what would constitute an 'overconcentration' in this regard. Our client would seek that if carried forward to the adopted version of the Plan, this additional detail is provided.
- 2.17 To date, based on a JSA survey, BTR development has accounted for c. 35% of the total of SHD developments in the Dublin area. This cannot be considered to constitute a *'high proportion of SHD applications which have been dominated by BTR'* as stated in the HNDA and also contradicts the draft Plan which states BTR *'serves an important role in meeting housing demand and can fill a gap in tenure mix'*.
- 2.18 Despite outlining concerns on the provision of BTR development, the draft Plan does not include a metric for what is considered as an 'oversupply', nor does it provide factual analysis to support imposing restrictions on this type of housing. This should be clarified in the adopted version of the Plan.

Proposed Amendments

- 2.19 On the basis of the above, our client suggests the following amendments to BTR policies and objectives as set out in the Material Alterations.

Material Alteration Reference Number 5.24

Chapter 5

Section: 5.5.7 Specific Housing Typologies, subheading Build to Rent (BTR) and Shared Accommodation

Page: 184-185

Amendment:

It is recognised that Build to Rent (BTR) serves an important role in meeting housing demand and can fill a gap in tenure mix in established areas of owner-occupier housing. ~~Recent emerging trends however, would indicate that the dominance of BTR in large schemes can be to the detriment of standard designed apartment units.~~ Whilst such development has its place in the hierarchy of provision of homes across the city, the Planning Authority will seek to avoid over proliferation of such use in certain areas and encourage such development as part of a healthy mix of tenure in order to create sustainable communities and neighbourhoods.

BTR should be concentrated ~~in areas of high intensity employment use, within 500m of major public transport interchanges and within identified Strategic Development Regeneration Areas.~~ within central and/or accessible locations (as defined in the

Apartment Guidelines 2020), including but not limited to the following specific locations:

- **Within reasonable walking distance of high frequency public transport routes (up to 1,000m from high capacity urban public transport stops and 500m to urban bus services); and**
- **Within identified Strategic Development Regenerations Areas.**

Furthermore, applications for BTR schemes should be required to demonstrate how the development supports housing need, particularly with regard to tenure, unit size and accessibility with particular reference to the Dublin City Council Housing Need and Demand Assessment and that there is not an over-concentration of Build to Rent Accommodation within an area, including a map showing all such facilities within a 1km radius of a proposal. Such housing will be controlled in the interest of providing a mix of tenure and unit types. In assessing the matter of overconcentration, the Planning Authority will have regard to factors such as:

- the number and scale of other permitted BTR development in the vicinity (within a 1km radius) of the site,
- the household tenure and housing type of existing housing stock in the approximate vicinity (within a 1km radius) of the site,
- and the proximity of the proposal to high capacity urban public transport stops and interchange (such as DART, Luas and BusConnects).

Material Alteration Reference Number 5.24**Chapter 5****Section: 5.5.7 Specific Housing Typologies, subheading Build to Rent (BTR) and Shared Accommodation****Page: 186, Policy QHSN38****Amendment:****Policy QHSN38 Build to Rent Accommodation**

Build to Rent (BTR) Accommodation will be facilitated in but not restricted to the following locations:

- Within reasonable walking distance of high frequency public transport routes (up to 1,000m from high-capacity urban public transport stops and 500m to urban bus services); and
- Within identified Strategic Development Regenerations Areas.

There will be a presumption against the proliferation and over concentration of BTR development in any one area. In this regard, applications for BTR developments should be accompanied by an assessment of other existing and permitted ~~and proposed~~ BTR developments within a (in the vicinity) 1km of the site to demonstrate:

- that the development would not result in the overconcentration of one housing tenure in a particular area and take into account (regard) the ~~(geographical area)~~ location of the proposed BTR.
- how the development supports housing need, particularly with regard to tenure, unit size and accessibility with particular reference to the Dublin City Council Housing Need and Demand Assessment.

Material Alteration Reference Number 5.24**Chapter 15****Section: 15.10 Build to Rent Residential Developments (BTR)****Page: 706****Amendment:**

“Build to Rent” (BTR) refers to purpose built residential accommodation and associated amenities built specifically for long term rental that is managed and serviced in an institutional manner by an institutional landlord. Recent emerging trends would indicate that the dominance of BTR in large schemes can be to the detriment of standard designed apartments ~~(the build to sell)~~ units. Dublin City Council will consider “Built to Rent” developments in specific locations as follows:

-
- Within reasonable walking distance of high frequency public transport routes (up to 1,000m from high capacity urban public transport stops and 500m to urban bus services); and
- Within identified Strategic Development Regenerations Areas.

~~BTR schemes of less than 100 units will generally not be supported. The concept of Built to Rent requires a critical mass of accommodation to provide a meaningful provision of communal facilities and services. Smaller BTR schemes with less than 100 units will only be considered where it can be demonstrated that there is a strong need for the development and a detailed justification is provided.~~

Furthermore, whilst BTR is considered to be an integral part in achieving an appropriate mix of housing in the right locations, there will be a presumption against the proliferation and over concentration of Build to Rent development in any one area (refer to Section 5.5.7 of Chapter 5 Quality Housing and Sustainable Neighbourhoods). Applications for “Build to Rent” developments should be accompanied by as assessment of other and existing permitted BTR developments within a 1km radius of the site to demonstrate:

- that the development would not result in the over concentration of one housing tenure in a particular area.
- {how the development supports housing need, particularly with regard to tenure, unit size and accessibility with particular reference to the Dublin City Council Housing Need and Demand Assessment.}

3. UNIVERSAL DESIGN

3.0 Richmond Homes has serious concerns regarding Material Alterations as they relate to Universal Design at Chapter 5: Quality Housing & Sustainable Neighbourhoods and related requirements set out at Chapter 15: Development Standards and Appendix 1.10 which will have significant implications for the design, cost and ultimately the delivery of apartment developments in Dublin City.

3.1 Our client has the comments and alterations to make on the following text:

- **Universal Design**

- Material Alteration Reference Number 5.16: Objective QHSNO10 Universal Design
- Material Alteration Reference Number 15.7: Unit Size / Layout
- Material Alteration Reference Number Appendix 1.10: Specialist Provision

3.2 These are reproduced below for reference.

Material Alteration Reference Number 5.16

Chapter 5
Section: 5.5.5 Housing for All
Page: 178

Amendment:

Objective QHSNO10 Universal Design

~~(It is an Objective of Dublin City Council: To require that a minimum of 10% of dwellings in all schemes over 100 units are designed to accommodate people with disabilities and older people in accordance with the Universal Design Guidelines for Homes in Ireland 2015.)~~

{It is an Objective of Dublin City Council: To ensure that 50% of apartments in any development that are required to be in excess of minimum sizes should be designed to be suitable for older people/mobility impaired people, people living with dementia and people with disabilities in accordance with the guidelines set out in the Universal Design Guidelines for Homes in Ireland 2015, the DHLG&H's Design Manual for Quality Housing 2022 and the DHP&LG & DH's Housing Options for Our Ageing Population Policy Statement 2019.}

Material Alteration Reference Number 15.7

Chapter 15
Section: 15.9.2 Unit Size / Layout
Page: 693, 4th paragraph

Amendment:

The majority of all apartments in any proposed scheme of 10 or more apartments (excluding Build to Rent accommodation) shall exceed the minimum floor area types, by a minimum of 10% (any studio apartments must be included in the total, but are not included as units that exceed the minimum by at least 10%). ~~(The layout of the larger units of each type should be designed in accordance with the guidance set out in Universal Design Guidelines for Homes in Ireland 2015.)~~ {In accordance with the Housing Options for an Ageing Population Policy Statement 2019, 50% of the apartments that are in excess of the minimum sizes should be designed in accordance with the guidance set out in Universal Design Guidelines for Homes in Ireland 2015 to ensure that they are suitable for older people, mobility impaired people and people with disabilities.}

Material Alteration Reference Number 15.7**Volume 2: Appendix 1****Section: 7.2.3 Specialist Provision Support from Dublin City Council, subheading: Meeting the Housing Needs of Older Persons and Persons with Disabilities****Page: 72, 3rd paragraph****Amendment:**

~~(This housing strategy will support a commitment whereby a minimum of 10 percent of dwellings in all schemes over 100 units are designed to accommodate people with disabilities and older people in accordance with the Universal Design Guidelines for Homes in Ireland, 2015.)~~

{This housing strategy will support an objective to ensure that 50% of apartments in any development that are required to be in excess of minimum sizes should be designed to be suitable for older people/mobility impaired people and people with disabilities in accordance with the guidelines set out in the Universal Design Guidelines for Homes in Ireland 2015, the DHLG&H's Design Manual for Quality Housing 2022 and the DHP&LG & DH's Housing Options for Our Ageing Population Policy Statement 2019.}

- 3.3 The primary concern for our client is that this proposed amendment is at odds with the National Planning Framework and Apartment Guidelines, which make no suggestion or requirement for this. It is noted that Section 4.1 of the Apartment Guidelines encourages inclusive design and accessibility within proposed apartment developments to ensure they are *'easy for people to use and to reflect the fact that all people experience changes in their abilities as they progress through the different stages of life'*. The Apartment Guidelines also include reference to Part M of the Building Regulations which *'sets out standards to ensure that buildings are accessible and usable by everyone, including children, people with disabilities and older people'*. The requirements of the Apartment Guidelines make sufficient provision for accessibility and universal design to accommodate and adapt to users of varying needs and ages.
- 3.4 The proposed material alterations require a minimum of 25% of all proposed apartment developments over 10 units to meet the Universal Design Guidelines. This has significant design implications for proposed apartment developments which will require larger apartment sizes, wider and deeper rooms and increased balcony depth, cores and provision of elevators may also be required which goes beyond the requirements of the Apartment Guidelines. In turn, this will result in lower unit numbers and densities on sites suitable for apartment development at a time when delivering increased numbers of housing is a clear national objective as set out in the Government's Housing for All Plan 2021 and referenced in the draft Plan. Taken alongside the requirements relating to 5% community/arts/cultural space, this will add significantly to construction costs of apartment developments.
- 3.5 Furthermore, we believe that the proposed text in respect of universal design in apartment development is highly restrictive and will have negative impacts on the cost, density and ultimately the provision of high-quality apartment development in Dublin City.
- 3.6 It is considered that the implementation of Objective *QHSNO10 Universal Design and Section: 15.9.2 Unit Size / Layout* may discourage developers providing additional units over minimum standards beyond that required by the Apartment Guidelines. For example, many proposed apartment schemes of over 10 units would be comprised of a mix of unit types, the vast majority of which may be over 10% larger than the minimum apartment sizes set out in Appendix 1 of the Apartment Guidelines. This restrictive policy

requirement may result in developers and architects providing the absolute minimum requirement of 51% of apartments as set out in Section 3.8 Safeguarding Higher Standards in the Apartment Guidelines:

'Accordingly, it is a requirement that:

The majority of all apartments in any proposed scheme of 10 or more apartments shall exceed the minimum floor area standard for any combination of the relevant 1, 2 or 3 bedroom unit types, by a minimum of 10% (any studio apartments must be included in the total, but are not calculable as units that exceed the minimum by at least 10%)'

- 3.7 It is submitted that the implementation of a restrictive policy will be counterproductive to Section 3.8 of the Apartment Guidelines which seeks to safeguard higher standards as developers seek to maximise development density at locations within Dublin City.
- 3.8 The Development Plan Guidelines 2022 note that planning policy included within Development Plans should not duplicate let alone override other statutory or legislative codes. The Guidelines state *"Objectives dealing with specific issues that are governed by other legislative codes, for example, the Building Regulations or the Building Control Acts, should not be framed as mandatory or statutory objectives in development plans. Discretionary objectives that may be included in development plans are described in the First Schedule of the Planning Act"*. The Development Plan Guidelines 2022 relating to Objectives of Development Plan states *"The objective should not address matters that are the subject of other legislative provisions. Objectives dealing with specific issues that are governed by other legislative codes, including for example, the Building Regulations or the Building Control Acts, should not be included as mandatory objectives in development plans. While objectives may be provided to encourage particular formats or technical methods as appropriate, these should not be framed as mandatory or statutory requirements."*
- 3.9 The proposed material alteration to Objective QHSNO10 goes substantially beyond legislation requirements in Building Regulations and contrary to Apartment Guidelines. This is therefore contrary to national policy and constitutes the Planning Authority acting *ultra vires* in this regard.
- 3.10 On this basis, it is suggested that the proposed requirements in the material alterations for apartments to be designed to universal design standards should be omitted entirely from the adopted version of the Plan.
- 3.11 If the Council consider that a requirement for apartments to meet universal design standards should form a part of the adopted Plan, it is suggested that a definitive percentage of 5% of proposed apartments to be designed in accordance with the universal design guidelines is incorporated into text at *Objective QHSNO10 Universal Design and Section: 15.9.2 Unit Size / Layout sections*. This would remove any ambiguity around the requirements and introduce a simple standard which is considered more reasonable and aligns with other Planning Authorities in the Eastern & Midlands Region who have adopted a standardised approach in this regard. Meath County Development Plan 2021-2027 includes [Objective SH OBJ 23](#) which seeks that:

'all new residential developments on zoned lands in excess of 20 residential units provide for a minimum of 5% universally designed units in accordance with the requirements of the 'Building for Everyone: A Universal Design' developed by the Centre for Excellence in Universal Design (National Disability Authority)'.

3.12 [Objective CPO 6.8](#) of the draft Wicklow County Development Plan 2023-2029 requires that:

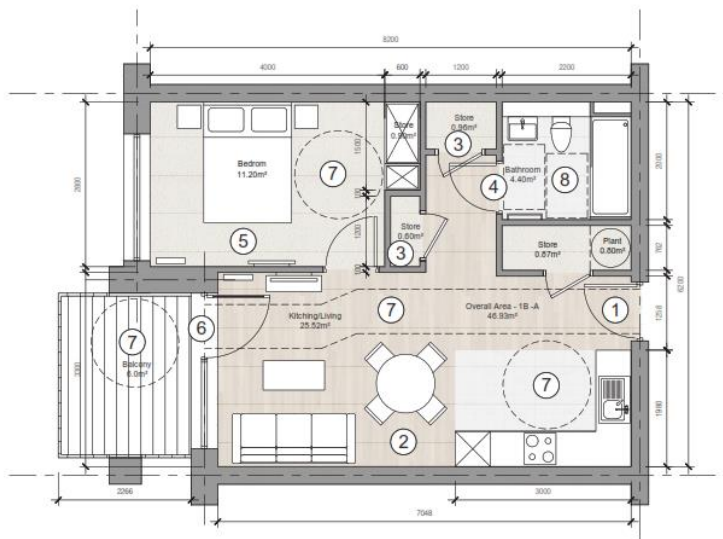
‘all new residential developments in excess of 20 residential units to provide a minimum 5% universally designed homes in accordance with the requirements of ‘Building for Everyone: A Universal Design Approach and the Universal Design Guidelines for Homes in Ireland (2015).’

3.13 Whereas [Objective SPQHO21](#) – Accessible Housing of the draft Fingal County Development Plan 2023-2029 seeks only to provide a certain percentage of social housing as fully accessible:

‘Fingal County Council recognises the importance of social inclusion and aims to make 30% of social housing should be fully accessible and built with a universal design approach which will mean that the property will be flexible and changed as needed over the course of the occupants lifetime.’

3.14 Our client asked an architect to provide a comparison between the following apartment designs which is based on a live scheme which Richmond Homes is currently constructing.

Standard 1-bed apartment (46.93m²)

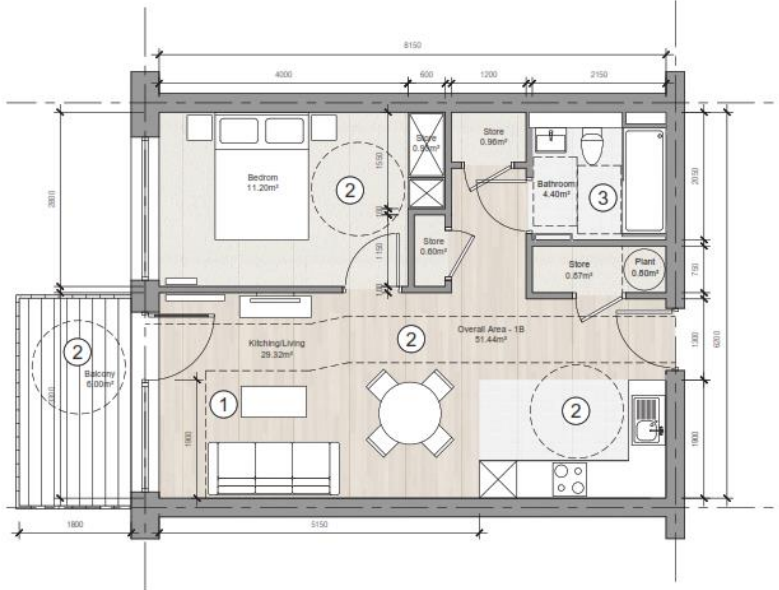


Achieving High Quality 1 Bed Apartment

- ① Generous entry
- ② Well considered functional layout to K/L/D
- ③ Variety of storage
- ④ Bathroom door is discrete from kitchen
- ⑤ Bedroom provides built in storage, good circulation, with generous window
- ⑥ Balcony min of 1.8m depth with generous door and window to living area
- ⑦ 1500mm turning area and 750mm circulation zone provides good accessibility
- ⑧ Accessible zone to basin and WC, large shower with shallow tray

Apartment Schedule 1B - A			
ZoneName	Zone Category	Measured Area	Required Area
Bedroom	Bedroom	11.20 m ²	11.4 m ²
Kitchen/Living	Kitchen / Dining/ Living	25.52 m ²	23.0 m ²
Store	Storage	3.33 m ²	3.0 m ²
1 Bedroom Apt.		46.93 m ²	45.0 m ²

1-bed apartment 10% above minimum standards (51.44m²)

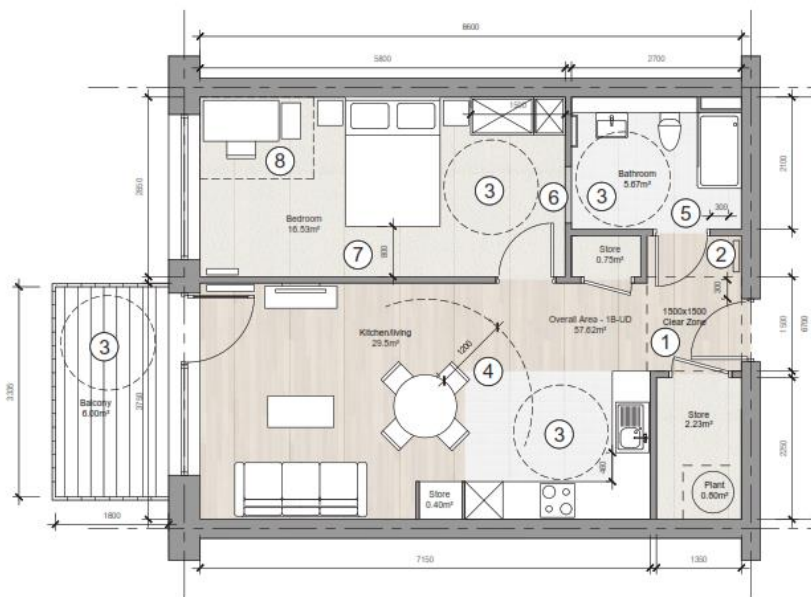


Larger Apartment To Achieve 10% Min Increase in Minimum Area

- ① Living room extended to ensure the maximum benefit in increase in apartment area
- ② 1500mm turning area and 750mm circulation zone provides good accessibility
- ③ Accessible zone to basin and WC, large shower with shallow tray

Apartment Schedule 1B			
ZoneName	Zone Category	Measured Area	Required Area
Bedroom	Bedroom	11.60 m ²	11.4 m ²
Kitchen/Living	Kitchen / Dining/ Living	29.3 m ²	23.0 m ²
Store	Storage	3.33 m ²	3.0 m ²
1 Bedroom Apt.		51.44 m ²	45.0 m ²

1-bed apartment designed in accordance with universal design standards (57.62m²)

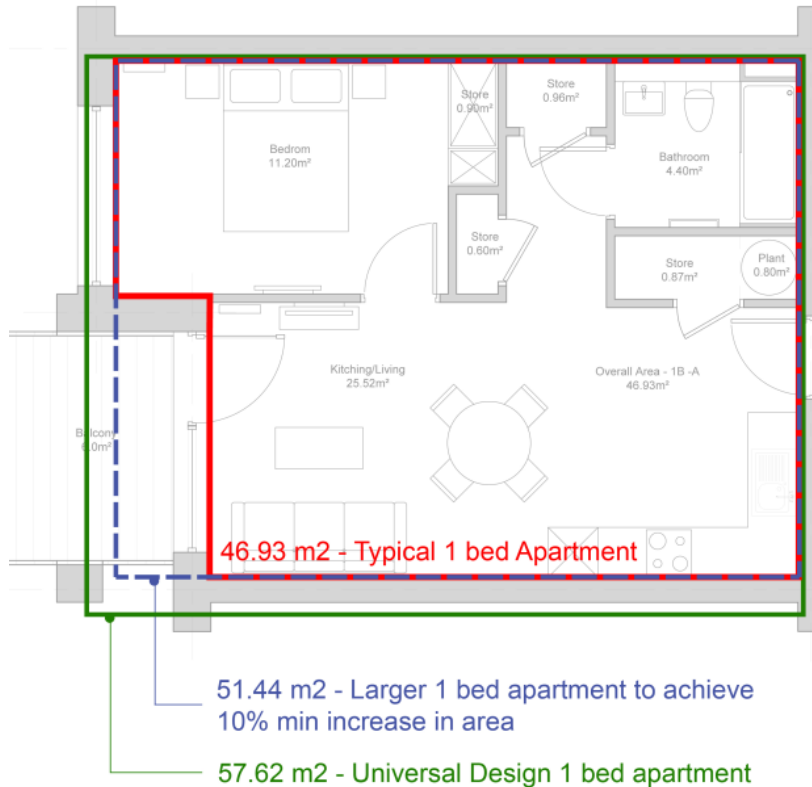


1 Bed Apartment Achieving Key Universal Design Requirements

- ① 1500 x 1500mm clear zone inside entrance
- ② 300mm clear to door edge
- ③ 1500mm min turning area
- ④ 1200mm min clear zone to two sides of dining table
- ⑤ 2100 x 2400mm min enlarged bathroom
- ⑥ Soft spot in wall between bedroom and adjoining bathroom
- ⑦ 800mm clear zone around bed
- ⑧ 1500 x 1800mm study area to facilitate office desk, chair and filing cabinet

Apartment Schedule 1B-UD			
ZoneName	Zone Category	Measured Area	Required Area
Bedroom	Bedroom	16.53 m ²	11.4 m ²
Kitchen/Living	Kitchen / Dining/ Living	29.5 m ²	23.0 m ²
Store	Storage	3.35 m ²	3.0 m ²
1 Bedroom Apt.		57.62 m ²	45.0 m ²

3.15 The diagram below overlays the detail above and shows how much larger the UD compliant apartment must be.



- 3.16 It is clearly demonstrated that an apartment designed to comply with the universal design standards set out in the material alterations will result in 1-bed units, that are required to be in excess of minimum sizes, exceeding the 51.44 sqm larger 1 bed apartment as guided by the Apartment Guidelines by c. 6.2 sqm or 11%. The universally designed 1-bed unit requires a floor space of 57.62 sqm which is noted to be 28% larger than the minimum standard 1-bed required by the Apartment Guidelines. This is clearly a significant increase in floor space which will have a substantial impact on overall build costs for a 100-unit apartment development for example where a minimum of 25 apartments would be required to meet universal design standards, causing an additional 155 sqm, equivalent in area to 3 no. 1 bed apartments.
- 3.17 In reality, this figure may be greater due to the mix of apartments proposed and the requirement of the Apartment Guidelines to have a majority of units in excess of 10% larger than minimum standards. Some standard apartment schemes may be providing up to 80% of units at least 10% above minimum size. This is a substantial and costly outlay for developers at a time of high inflation and labour shortages in the construction market and where the Apartment Guidelines provide for a standard of circulate in apartments. Taken in combination with the content of the draft Plan which requires 5% of overall floorspace in large scale developments to provide community/cultural space, the proposed universal design objectives are considered to be unviable in the current construction environment and have had little regard to the prevailing commercial conditions of the market at this time.

Proposed Amendments

- 3.18 In respect of the above, our client suggests that the requirement is removed fully, or at a minimum amended to reflect the following:

Material Alteration Reference Number 5.16

Chapter 5
Section: 5.5.5 Housing for All
Page: 178

Amendment:

Objective QHSNO10 Universal Design

~~(It is an Objective of Dublin City Council: To require that a minimum of 10% of dwellings in all schemes over 100 units are designed to accommodate people with disabilities and older people in accordance with the Universal Design Guidelines for Homes in Ireland 2015.)~~

{It is an Objective of Dublin City Council: To ensure that 5% ~~50%~~ of apartments in any development ~~that are required to be in excess of minimum sizes should~~ be designed to be suitable for older people/mobility impaired people, people living with dementia and people with disabilities in accordance with the guidelines set out in the Universal Design Guidelines for Homes in Ireland 2015, the DHLG&H's Design Manual for Quality Housing 2022 and the DHP&LG & DH's Housing Options for Our Ageing Population Policy Statement 2019.}

Material Alteration Reference Number 5.16

Chapter 15
Section: 15.9.2 Unit Size / Layout
Page: 693, 4th paragraph

Amendment:

The majority of all apartments in any proposed scheme of 10 or more apartments (excluding Build to Rent accommodation) shall exceed the minimum floor area types, by a minimum of 10% (any studio apartments must be included in the total, but are not included as units that exceed the minimum by at least 10%). ~~(The layout of the larger units of each type should be designed in accordance with the guidance set out in Universal Design Guidelines for Homes in Ireland 2015.)~~ {In accordance with the Housing Options for an Ageing Population Policy Statement 2019, 5% ~~50%~~ of the apartments that are in excess of the minimum sizes should be designed in accordance with the guidance set out in Universal Design Guidelines for Homes in Ireland 2015 to ensure that they are suitable for older people, mobility impaired people and people with disabilities.}

Material Alteration Reference Number Appendix 1.10

Volume 2: Appendix1

**Section: 7.2.3 Specialist Provision Support from Dublin City Council, subheading: Meeting the Housing Needs of Older Persons and Persons with Disabilities
Page: 72, 3rd paragraph**

Amendment:

~~(This housing strategy will support a commitment whereby a minimum of 10 percent of dwellings in all schemes over 100 units are designed to accommodate people with disabilities and older people in accordance with the Universal Design Guidelines for Homes in Ireland, 2015.)~~

{This housing strategy will support an objective to ensure that 5% 50% of apartments in any development that are required to be in excess of minimum sizes should be designed to be suitable for older people/mobility impaired people and people with disabilities in accordance with the guidelines set out in the Universal Design Guidelines for Homes in Ireland 2015, the DHLG&H's Design Manual for Quality Housing 2022 and the DHP&LG & DH's Housing Options for Our Ageing Population Policy Statement 2019.}

4. CULTURAL, ARTS & COMMUNITY USES

- 4.1 We note the following Material Alteration Reference Number 13.5 in respect of the provision of cultural, arts and community use.

Material Alteration Reference Number 13.5

Chapter 13

Section: 13.2 Overarching Principles

Page: 467 – 469, insert New Objective SDRAO1 in section 13.2 after 1st paragraph

Amendment:

After 1st paragraph delete existing text in section 13.2 and replace with the following text:

{13.2.1 Overarching Principles and Vision

Objective SDRAO1 Overarching Principles and Vision

It is the objective of Dublin City Council:

...

Cultural Infrastructure: All new regeneration areas (SDRAs) and large-scale developments above 10,000 sq. m. in total area must provide at a minimum 5% community, arts and culture internal floorspace as part of their development. See policy CUO21, Chapter 12 for further detail.}

- 4.2 This proposed material alteration requiring 5% of internal floorspace for community, arts and cultural use is considered unnecessary by our client and should be omitted from the adopted Plan. The draft Plan provides no rationale for this requirement, and we believe it should be assessed at planning application stage by a social/community audit and implemented by way of development contribution instead of a blanket requirement. This policy requirement conflicts with the National Planning Framework and the Apartment Guidelines, neither of which suggest that large-scale developments above 10,000 sqm or within regeneration areas should provide 5% of internal floorspace for community/arts/culture use. The addition of this requirement will only lead to increased construction costs of apartment development at a time when builders and developers are already struggling with viability of projects.
- 4.3 It is noted that SDRAs are subject to a series of 'Guiding Principles' and specific land use requirements which are provided for through a development framework or masterplan for each area. This mechanism is considered appropriate to provide for adequate cultural/community/arts facilities within the overall SDRA. It is not considered appropriate to then set out a requirement for an additional 5% floorspace of all development to be delivered for community and cultural space when a specific site may have been identified through the SDRA development framework. It is contended that the proposed requirement will render many of these spaces to be underutilised or redundant and will eventually result in change of use planning applications being submitted for these spaces. This has been experienced first-hand in Dublin City, with similar spaces provided by applicants and developers remaining vacant long after completion. Vacant internal spaces particularly at ground floor level will detract from passive surveillance and active frontage at street level, impacting negatively on the streetscape and vitality. As written, even very small-scale development in SDRAs must provide 5% cultural/community space. In some instances, this will result in very small-scale cultural facilities with no practical or viable uses, and ad hoc distribution of such facilities.

- 4.4 Our client suggests that a site-specific review, which is informed by the level of demand for such spaces in an area would be more appropriate. This can be achieved through the Section 48 Development Contributions Scheme or a financial contribution in lieu and implemented in an efficient and proportionate manner when a need is identified. It is considered unreasonable that housing/ apartment developments which may consist of 100 or more units, or a mid-sized commercial office development would be required to provide a minimum of 500 sqm for community/cultural/arts floor space which is a significant contribution. Such a requirement has the potential to detract from the viability of a development and act as a barrier to the provision of other commercial or retail uses which may be more appropriate at a location and for which there may be an identified need. This requirement under Objective SDRAO1 therefore has the potential to undermine the land use zoning objectives for SDRAs as well as other large-scale developments.
- 4.5 Table 15-1 at Chapter 15 of the draft Plan requires that residential applications of 50 units or more must provide a Community and Social Audit. This report should form the basis for the requirement of any community space within a proposed scheme. It is also noted that Objective CUO40 aims to undertake ‘an audit and implementation plan for each Electoral Area of the Council to assess the current and future needs with regard to cultural and artistic spaces’. This will also assist in the identification of need in certain areas.

Proposed Amendment

- 4.6 It is therefore requested that the proposed wording under Material Alteration Number 13.5 *Section: 13.2 Overarching Principles* in relation to Cultural, Arts and Community Use is amended as follows:

Material Alteration Number 13.5

Chapter 13

Section: 13.2 Overarching Principles

Page: 467 – 469, insert New Objective SDRAO1 in section 13.2 after 1st paragraph

Amendment:

After 1st paragraph delete existing text in section 13.2 and replace with the following text:

{13.2.1 Overarching Principles and Vision

Objective SDRAO1 Overarching Principles and Vision

It is the objective of Dublin City Council:

...

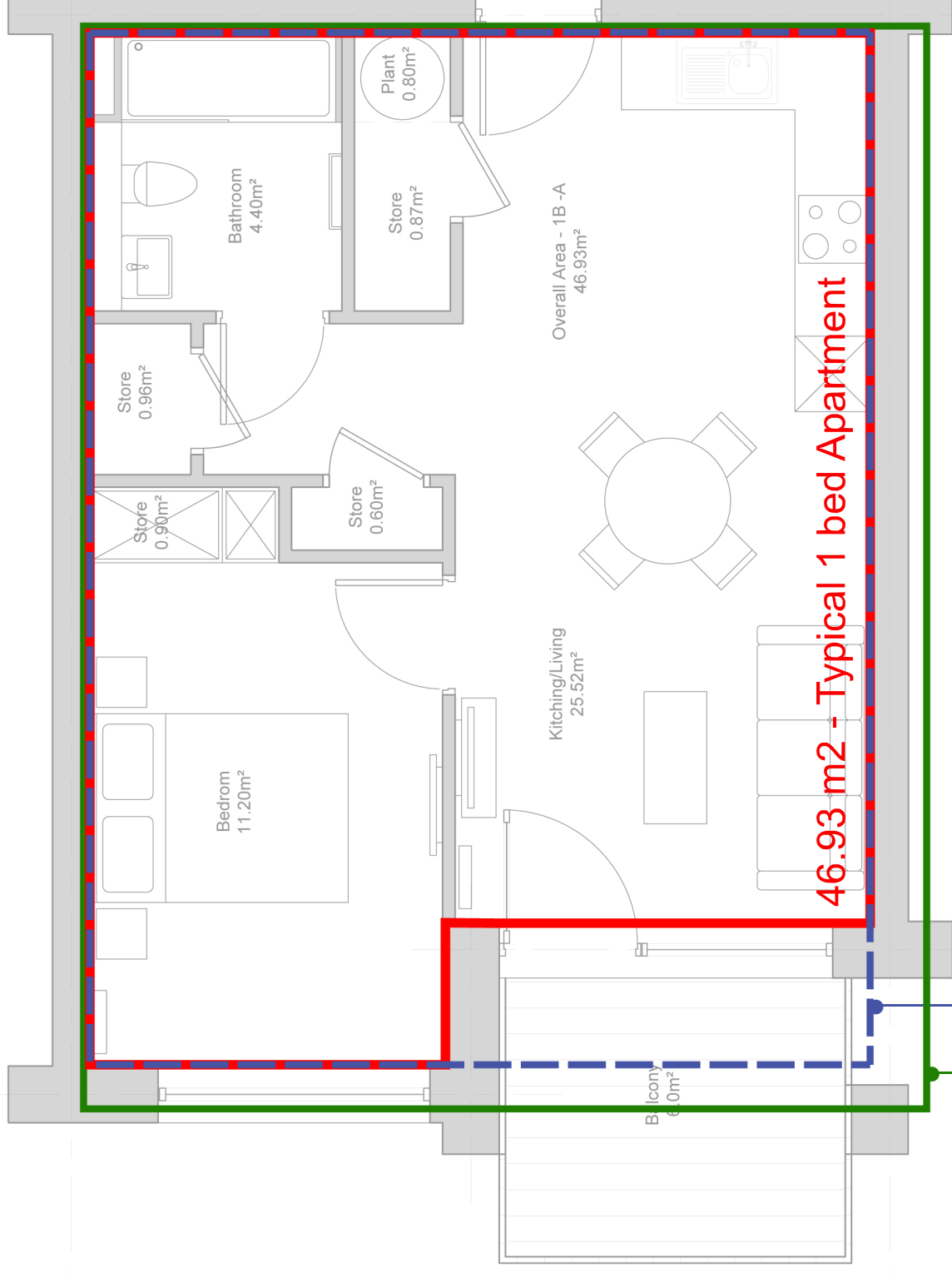
Cultural Infrastructure: All new regeneration areas (SDRAs) on site greater than 2 hectares and large-scale developments above 10,000 sq. m. in total area must provide a proportionate level of at a minimum 5% community, arts and culture internal floorspace consistent with the development framework for the area or to meet a need identified by the Cultural and Artistic Space Audit (to be undertaken by the Council under Objective CUO40) and/or a social infrastructure audit submitted with a planning application. Contributions will be sought through the Council’s Section 48 Development Contribution Scheme. See policy CUO21, Chapter 12 for further detail.

5. Conclusion

- 5.1 Our client respectfully requests that the Planning Authority includes the aforementioned alterations within the adopted version of the Dublin CDP 2022-2028 to help facilitate the proper and sustainable development of Dublin City in the period to 2028.
- 5.2 Richmond Homes commends the work the Council has done with regards to the making of this plan. We hope our comments are considered helpful and wish the Council the very best in the next stages of the process.

Appendix 1
Coady Architects Universal Design Comparison Drawings

Comparative Apartment Outline

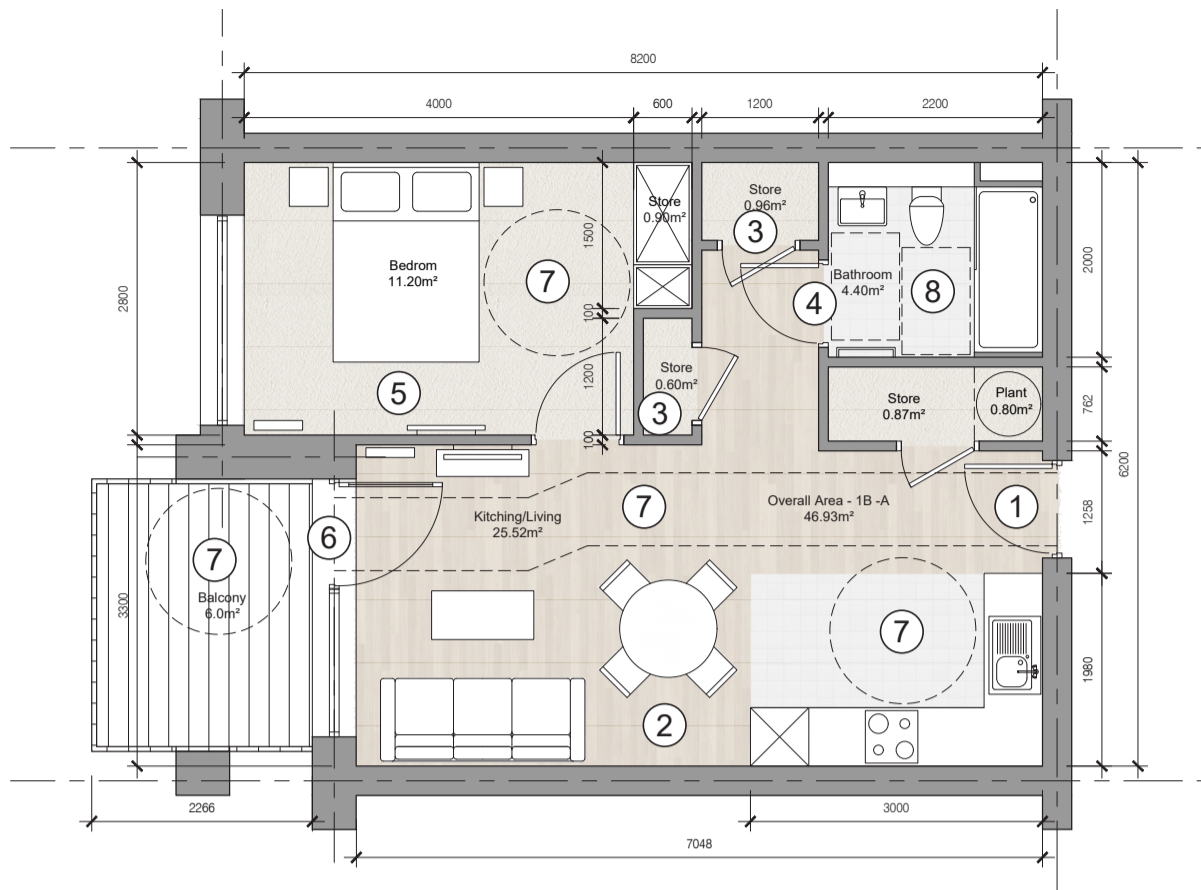


46.93 m² - Typical 1 bed Apartment

51.44 m² - Larger 1 bed apartment to achieve
10% min increase in area

57.62 m² - Universal Design 1 bed apartment

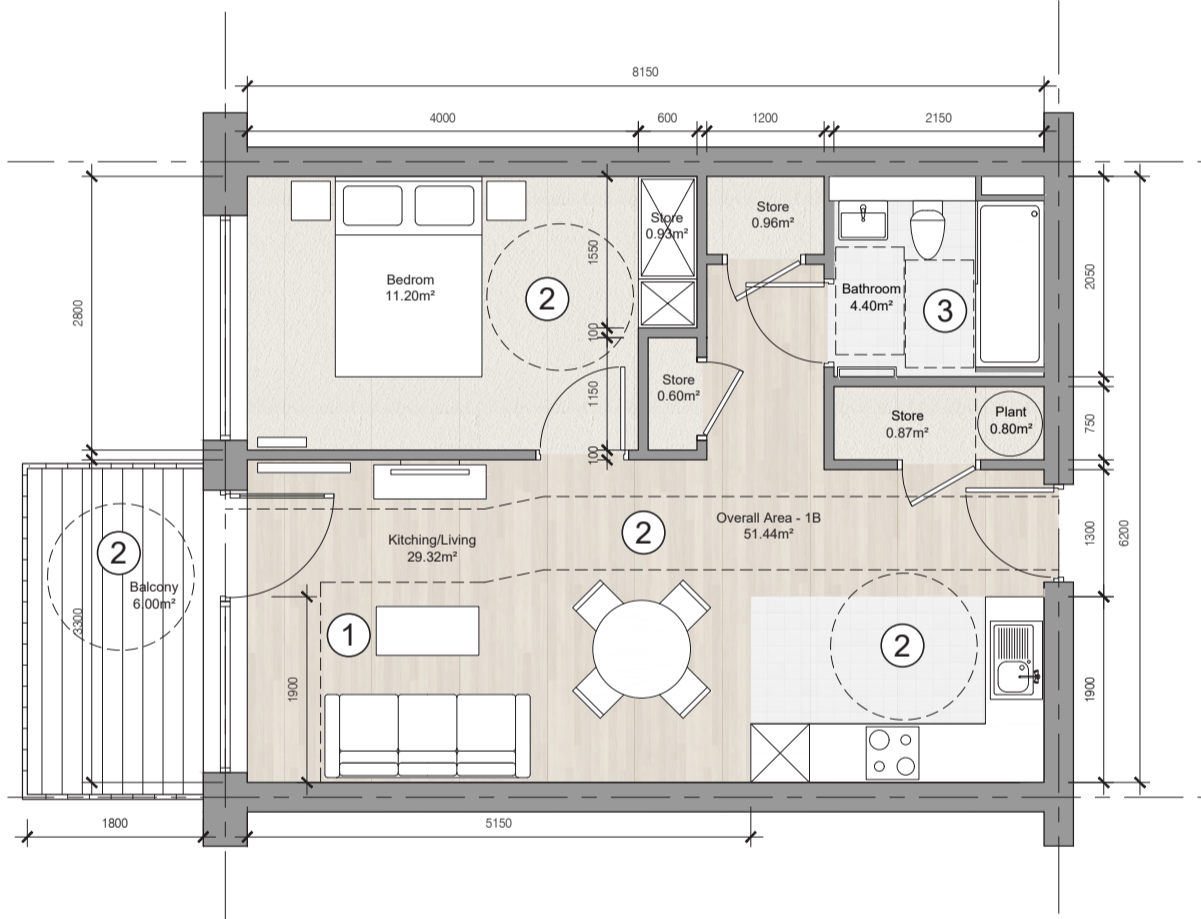
Apartment Compliance With Universal Design Standards



Achieving High Quality 1 Bed Apartment

- ① Generous entry
- ② Well considered functional layout to K/L/D
- ③ Variety of storage
- ④ Bathroom door is discrete from kitchen
- ⑤ Bedroom provides built in storage, good circulation, with generous window
- ⑥ Balcony min of 1.8m depth with generous door and window to living area
- ⑦ 1500mm turning area and 750mm circulation zone provides good accessibility
- ⑧ Accessible zone to basin and WC, large shower with shallow tray

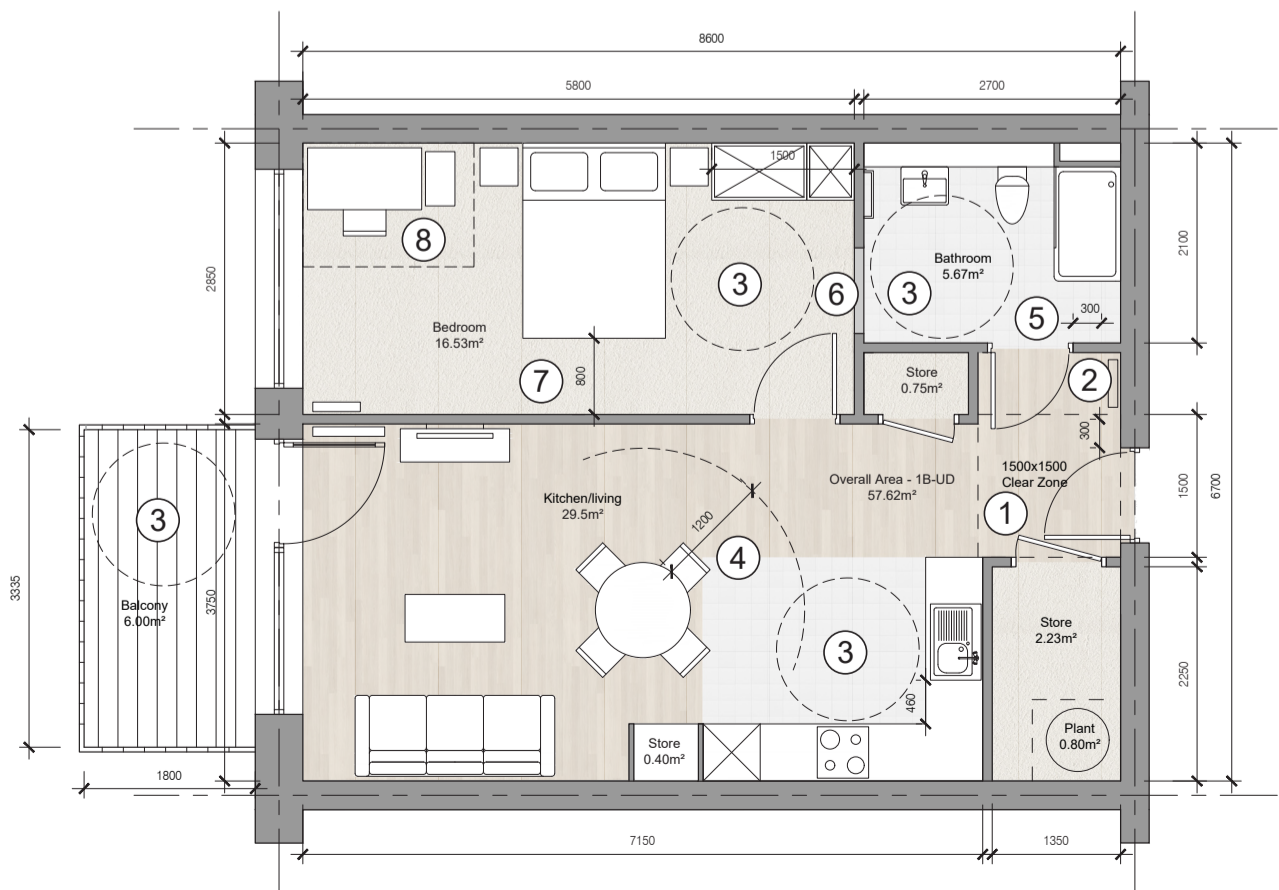
Apartment Schedule 1B - A			
ZoneName	Zone Category	Measured Area	Required Area
Bedroom	Bedroom	11.20m ²	11.4m ²
Kitchen/living	Kitchen / Dining/ Living	25.52m ²	23.0m ²
Store	Storage	3.33 m ²	3.0 m ²
1 Bedroom Apt.		46.93m ²	45.0m ²



Larger Apartment To Achieve 10% Min Increase In Minimum Area

- ① Living room extended to ensure the maximum benefit in increase in apartment area
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1 Bed Apartment Achieving Key Universal Design Requirments

- ① 1500 x 1500mm clear zone inside entrance
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Store	Storage	3.38 m ²	3.0 m ²
1 Bedroom Apt.		57.62m ²	45.0m ²