

Department of Housing, Planning and Local Government,  
Forward Planning Section,  
Room 1.71,  
Custom House,  
Dublin, D01 W6X0.  
[forwardplanning@housing.gov.ie](mailto:forwardplanning@housing.gov.ie)

Date: 25th January 2018

Dear Sir/Madam,

**RE: DESIGN STANDARDS FOR NEW APARTMENTS - GUIDELINES FOR PLANNING AUTHORITIES - DRAFT UPDATE (DEC. 2017)**

**1.0 INTRODUCTION**

- 1.1 We refer to the publication of the Design Standards for new Apartments – Guidelines for Planning Authorities – Draft Update (December 2017), which invites submissions from interested parties until an extended date of **25<sup>th</sup> of January 2018**. Please accept this letter as a formal response to the consultation process on behalf of Cairn Homes Properties Ltd ("*Cairn*", "*Client*").
- 1.2 Our client, Cairn Homes Properties Ltd, of 7 Grand Canal, Grand Canal Street Lower, Dublin 2, has instructed John Spain Associates to prepare this submission on their behalf.
- 1.3 In addition to making this submission, as one of the few developers actively constructing apartments in Ireland, our client respectfully requests an invitation to attend the workshop which we understand is to take place on 26<sup>th</sup> of January 2018.
- 1.4 Cairn believes that recent, practical and relevant experience garnered from their current apartment developments, which equate to over 500 new apartments, at Marianella in Rathgar, Hanover Quay in Dublin City Centre, Greenfield Park in Donnybrook and Shackleton Park near Lucan is invaluable and should be used to inform the finalisation of the guidelines. It is hoped that this will enable more efficient and economic future apartment developments throughout the country. Cairn have a number of other sites which are suitable for apartments and have the capacity to deliver approximately 5,000 new homes (excluding houses) in the short term. For a number of reasons, including infrastructural deficiencies, it is not possible to progress all developments simultaneously but it their intention to bring the majority of these to planning stage within the next 12 months.

Managing Director: John P. Spain BBS MRUP MRICS ASCS MRTPI MIPi  
Executive Directors: Paul Turley BA MRUP Dip Environmental & Planning Law MIPi Rory Kunz BA (MOD) MScERM MAT&CP Dip EIA Mgmt. MIPi

John Spain Associates Ltd. trading as John Spain Associates. Directors: J. Spain, S. Spain.  
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- 1.5 From Cairn's perspective and to address the current housing crisis, it is therefore imperative that the Guidelines are formalised as soon as practically possible. Our client fully supports the publication of the updated Apartment Guidelines and supports broadly their content, which when adopted may improve flexibility in the design and construction of apartments in appropriate locations.
- 1.6 Cairn recognises the important role that the planning process must play to ensure that apartment schemes are economically viable. These guidelines are only one element requiring refinement in the economic delivery of new apartments. Other major issues which adversely affect the delivery of apartments include compliance delays and excessive levies and the Department are encouraged to focus resources on refining these in the short term.
- 1.7 Cairn specifically request clarity in how the Guidelines are to be applied across Local Authority areas. In our experience, there are inconsistencies across Local Authorities on whether the existing guidelines are a '*guide*' or a '*standard*'. In our opinion they are (and should be) guidelines and flexibility is essential in instances where it is not possible to comply rigidly. For example, the BRE guidelines for Daylight and Sunlight are applied rigidly by some Local Authorities which can be extremely onerous and difficult to achieve while in other instances, they are correctly in our opinion, used as a guide to maximise daylight and sunlight for apartments.
- 1.8 Whilst the aim of the Guidelines should be to give certainty to developers when designing new apartments, it should not result in a uniform application of a standard and a degree of flexibility is key to delivering a variety of tenure types and designs.

## 2.0 EXECUTIVE SUMMARY OF KEY POINTS OF SUBMISSION

- 2.1 Cairn are seeking the following amendments to be included in the adopted guidelines:-
- **General Locational Requirements:** Clarity that the broad density range applies to apartment developments and not housing developments as the new Guidelines relate solely to apartments.
  - **2 bed 3 Person Apartments:** Omit the 10% limit to 2 bed 3-person dwellings and allow them to be provided within private and public apartment developments.
  - **Apartment Floor Area Sizes:** Recommend removal of the requirement for the majority of apartments to exceed minimum apartment sizes by 10%.
  - **Floor to Ceiling Height:** Changes to floor-to-ceiling height standards is not necessary and should be avoided.
  - **Apartment mix within apartment schemes:** Cairn supports the inclusion of Specific Planning Policy Requirement no. 1.
  - **Dual Aspect Ratios:** Cairn are seeking the wider application of 33% minimum dual aspect apartment ratios to all urban areas.

- **Lift and Stair Cores:** The increase to a maximum of 12 apartments per core is supported by Cairn.
- **Car Parking:** While Cairn welcomes the proposed changes for the elimination or reduction of car parking in central locations, Cairn seeks greater flexibility to provide sufficient parking in certain locations to encourage 'empty nesters' to move to apartment schemes where appropriate.
- **Building Height:** Cairn urges the Department to address the issue of height in the adopted guidelines so that sufficient clarity can be provided to designers and developers and facilitate the accelerated delivery of much needed dwellings in our cities and towns. The adopted Apartment Guidelines are a perfect opportunity to deliver new guidance on building heights in accordance with the draft National Planning Framework (NPF) as they are intrinsic to apartment type development.
- **Crèche /Childcare Provision:** Cairn welcome the removal of studio and 1-bedroom units as a factor in the calculation of the requirement of Crèche /childcare provision and propose that the benchmark provision is increased to 200 apartments.
- **Storage:** Cairn welcome the ability to calculate basement storage in the overall calculations, but considers that the 50% limit is overly prescriptive and not necessary. There is a need for greater flexibility as onerous storage can lead to additional, avoidable costs for starter homes.
- **Refuse Storage:** The requirement to keep storage areas out of the basement as required in section 4.9 of the Draft Guidelines is not necessary and should be omitted.
- **Communal Facilities:** Cairn suggests an off-set of the quantum of communal open space in apartment developments where internal meeting/community rooms are provided.
- **Build to Rent:** Cairn supports the inclusion of specific 'Build to Rent' (BTR) and shared accommodation sectors guidance and is in favour of compensatory offsets in the provision of communal open space where internal communal floorspace is provided.
  - The adopted Guidelines should not specify particular locations in CDP/LAPs where build to let or build to rent projects will be considered in preference to other locations and should avoid limiting their consideration only to locations within specified distances of public transport locations. There may be other locational contexts where Build to Rent would also be appropriate.
- **Management Fees:** Cairn strongly oppose the inclusion of paragraph 6.11 in the Guidelines which seeks the inclusion of long term running and maintenance costs with a planning application.
- **Part V:** Cairn welcomes the acknowledgement that both shared accommodation units and Student accommodation units are not suitable for social housing given they are not provided as self-contained residential units. Greater clarity in the wording of the adopted guidelines in relation to Part V as

not being applicable to both Student accommodation and shared accommodation should be included.

- **Guidelines or Policy:** Cairn request that an explanatory note be included with the document clarifying that flexibility can be applied in limited circumstances.

### 3.0 GROUNDS OF SUBMISSION

3.1 As highlighted in Section 1 above, Cairn is generally supportive of the Draft Guidelines and this submission is focussed on some of the technical aspects of the document.

3.2 Cairn welcome the over-arching objective of eliminating anomalies in policies relating to apartments and aligning the standards across planning authority areas which will provide a greater degree of efficiency in the design process.

#### General Locational Considerations

3.3 Cairn welcome the identification of locations in towns and cities that may be suitable for apartment development and the inclusion of broad proximity and accessibility considerations. The identification of areas suitable for apartments in the new guidelines should remove the anomaly where some Local Area Plans discourage, and in some cases, prohibit apartment development in sustainable urban locations.

3.4 However, it is important to note that on large and complex sites that there are other constraining factors such as proximity to protected structures as well as environmental factors which in combination would make the broad > 45 units per hectare net, difficult to achieve. This must be recognised in the new Guidelines to provide sufficient flexibility to Local Authorities and An Bord Pleanála in making decisions on planning applications. The prevailing character of an area is also an important factor in the appropriate calculation of density on any residential scheme. Ultimately the appropriate density for a site should be design driven and not unduly influenced by adherence to specific density standards. Whilst apartments may meet density standards, in some more peripheral locations, they are often not viable and should not be encouraged in such situations.

3.5 Cairn are of the view that the adopted guidelines should recognise that in some cases >45 units per hectare is not always appropriate and that the reference in the Draft Guidelines, particularly in relation to the 45 dwellings per hectare in "*Intermediate Urban Locations*" should not be regarded by decision makers as a minimum target for net densities for **non-apartment** type developments.

3.6 Cairn has indicated that the unintended consequence of a higher minimum density threshold (from 35 to 45 dwellings per hectare) is that some schemes will become economically unviable due to the unnecessary over-provision of apartments to meet the 45-dwelling threshold. This is of particular relevance in provincial town and suburban contexts, where there is little or no market demand and little value accruing to such densities. The consequence of this would be unviable planning permissions being issued that cannot be implemented by house builders. Housebuilders will be less inclined to build in these areas.

3.7 Clarity is sought by Cairn on the broad density range of 45 units per hectare and consider that it should apply to apartment schemes only. Also within large scale

developments some flexibility should be provided to recognise that some elements of an overall masterplan area could be located within walking distance of a town centre but that other areas are located at a greater distance and as such the provisions of the “*Sustainable Residential Development in Urban Areas*” (2009) should apply i.e. lower densities in areas further away from town centre and more remote to public transport.

### **Apartment Floor Areas**

- 3.8 Cairn agrees with the proposed changes to the apartment floor areas and the Specific Planning Policy Requirement no. 3 which sets out the minimum apartment floor areas and welcomes the reduction in the minimum studio size from 40 sq. m to 37 sq. m.
- 3.9 Furthermore, Cairn supports the introduction of the 2-bedroom 3-person unit measuring a minimum size of 63 sqm which will allow more variety in apartments developments. However, Cairn have concerns that the Guidelines imply that such units may be unfairly restricted to “*social housing schemes such as sheltered housing*”. This type of unit could be very attractive to a range of people in both the private and public sector markets. For example, a starter home, a downsizer or a single person with a child who only visits occasionally. Restricting this type of unit to social housing is not necessary and the Guidelines should not discriminate against the private sector in this regard.
- 3.10 Furthermore, Cairn are not in favour of the 10% limit as currently indicated in the draft guidelines and is seeking a change to omit this restriction. The 10% cap will unnecessarily limit the flexibility required in the dynamic apartment market and should be removed.

### **Apartment Sizes**

- 3.11 It is noted that Paragraph 3.8 of the Guidelines requires that the majority (i.e., over 50%) of units must exceed the minimum apartment sizes by 10%. It is submitted that the minimum standards set out in Appendix 1 of the Draft Guidelines are sufficient and will provide for a high degree of residential amenity and that there is no justification for an additional 10% of floorspace. It is Cairn’s belief that the market will dictate the range of sizes in apartment developments and larger apartments are often supported in certain locations. In other locations, where maximising densities is the most sustainable and viable option such as inner city, meeting the minimum thresholds may be the most sustainable and viable use of the land. It is considered that there are safeguards included in the Draft Guidelines to ensure that the future residential amenity of residents is taken into account. High quality residential schemes can be achieved by a combination of factors including aspect, location, general design, high quality finishes, landscaping etc.

### **Floor to Ceiling Heights**

- 3.12 Cairn strongly oppose the inclusion of Specific Policy Requirement no. 5 which seeks a to amend minimum floor to ceiling heights at ground and upper floors to 2.7m.
- 3.13 It is submitted that the 2.4m floor to ceiling height currently indicated is sufficient and that any internal residential amenity concerns in relation to sunlight should be addressed as part of a daylight/sunlight analysis. The unnecessary increase in

height of floor to ceiling heights adds significant costs to the overall development and adversely impacts on the viability of schemes.

- 3.14 The introduction of increased floor to ceiling heights will increase the heights of an apartment block which may result in the loss of an entire floor to a building which may impact on the viability of a scheme. For example, the addition of 300mm per floor over 9 floors results in the loss of an entire floor. This could undermine the viability of a scheme and is not required, particularly if it can be demonstrated that technically there is no diminution of residential amenity.

### **Apartment Mix within Apartment Schemes**

- 3.15 Cairn welcome the proposed changes to the overall mix in apartment buildings and the inclusion of Specific Planning Policy Requirement no. 1 which states that apartment developments may include up to 50% one-bedroom or studio type units (with no more than 20-25% of the development as studios) and that there will be no minimum requirement for apartments with three or more bedrooms within schemes.

### **Dual Aspect Ratios**

- 3.16 We note the Specific Planning Policy Requirement no. 4 which relates to dual aspect ratios and which specifies the minimum number of dual aspect apartments that may be provided within central and accessible urban locations at 33%. While Cairn is supportive of this overall approach, further refinement should be considered to broaden the 33% minimum dual aspect apartments to all urban sites or locations.

### **Lift and Stair Cores**

- 3.17 The proposed inclusion of Specific Planning Policy no. 6 which allows the increase of apartments per core to a maximum of 12, is welcomed and supported by our client, which will add to the efficiency of the build cost and assist in the viability of apartment development.

### **Car Parking**

- 3.18 The level of car parking provision is a key factor in the sustainability and viability of residential developments and Cairn welcome the proposed changes for the elimination or reduction of car parking, as set out in paragraph 4.16 of the Draft Guidelines, particularly for central and/or accessible urban locations. In addition, the reduction in car parking numbers in intermediate urban locations and the application of a maximum car parking standards in accordance with the draft NPF is supported.
- 3.19 It is also noted that in some instances within city centre and more accessible areas, that parking provision is often sought by purchasers and future occupants of apartment schemes. In this scenario an upper limit of 1 space per apartment dwelling could be countenanced and that flexibility should be applied where there is demand for such schemes. This is particularly relevant in high car ownership areas where '*empty nesters*' are seeking to trade down from large houses to smaller apartments, but prefer to retain two cars. In our opinion this scenario may be the exception to the rule but must still be considered and provided for.
- 3.20 We would also note that the provision of under-croft parking has the potential to reduce costs and should be included as part of the range of options in the provision

of car parking, if required. It is considered that the ability to utilise a full range of options subject to location, site levels and design quality should be employed in the provision of appropriate parking to any site.

### **Building Height**

- 3.21 Cairn welcomes the signalled move away from inappropriate rigidly applied blanket planning standards in relation to height and separation distances in favour of performance based standards to ensure well-designed outcomes and urges the timely delivery of guidelines on height. Increased height should be supported where there is a justification in terms of its locational context. Cairn welcome the recognition by the Department that there is a need for greater flexibility in height and separation distances to achieve a significantly increased quantum of apartment development in Ireland's cities.
- 3.22 Cairn are of the view that the apartment guidelines are an opportunity to deliver essential guidance on building heights in accordance with the draft National Planning Framework (NPF) as they are intrinsic to apartment type development. Further delays in relation to height policy will have the effect of delaying the design process and viability of many residential schemes. Certainty is extremely important for commercial businesses and in our opinion the lack of clarity on building heights is delaying planning applications coming before Planning Authorities and An Bord Pleanála and ultimately the delivery of new homes.
- 3.23 Cairn agree with the change from numerical restrictions on height to performance criteria applied on a site by site basis and consider that such criteria could be included in this document and provide more certainty to landowners and developers.
- 3.24 Suggested performance criteria might include:
- Proximity to public transport (Train, DART, Luas, BRT and Quality Bus corridors);
  - High quality design;
  - Proximity to town and urban centres;
  - The ability of a site to accommodate a tall building (size of site, topography, tree cover);
  - No material external impacts (overlooking/overshadowing)
  - Visual Impact Assessment.
- 3.25 Cairn urges the Department to address the issue of height in the adopted guidelines so that sufficient clarity can be provided to designers and developers and facilitate the accelerated delivery of much needed dwellings in our cities and towns.

### **Crèche /Childcare Provision**

- 3.26 Cairn welcomes the removal of studio and 1-bedroom units as a factor in the calculation of the requirement of Crèche /childcare provision. It is submitted that since the introduction of the Planning Guidelines for Childcare Facilities in 2001 that the provision of childcare facilities has been transformed and the standards have resulted on much improved purpose built and generally larger facilities (for economic viability). Furthermore, government policy is influencing the market demand of certain forms of childcare and the viability of certain forms of childcare

for operators (e.g. ECCE scheme has seen increased demand for sessional childcare). We note the current guidelines (Appendix 2) specify that *“For housing, a benchmark provision of one childcare facility per 75 dwellings is recommended.”*

- 3.27 Cairn is seeking that for apartment developments that the benchmark provision is increased to 200 apartments as experience has shown that there is not sufficient demand for childcare places for development of the order of 75 no. units in apartment schemes. Given the typical demographic profile of apartment occupiers, the provision should be based solely on the calculation of 2 and 3 bedroom units together with the inclusion of a Crèche/childcare review to demonstrate that sufficient childcare/Crèche provision exists within a particular area.
- 3.28 For apartment developments our client is in agreement that a Crèche audit for proposals of greater than 75 apartments should be included with a planning application and that the onus should be on the applicant to demonstrate the size and requirement (if any) for Crèche /childcare provision. The Crèche /childcare audit should have regard to the existing geographical distribution of childcare facilities and the demographic profile of an area. In Cairn’s experience some Local Planning Authorities do not give full regard to information contained in Crèche audits which often results in Crèches being provided within developments where there is no demand for them. This can have a significant negative impact on the viability of a particular development.
- 3.29 Cairn acknowledges that housing schemes will differ as dwellings are more appropriate to young families but suggests that the guide should be increased to 100 units in housing schemes. It is acknowledged that this may be reviewed in the forthcoming Childcare guidelines which Cairn look forward to participating in the consultation process in due course.

### **Storage**

- 3.30 In relation to storage Cairn’s considerable market experience has found that the storage requirements are too prescriptive and there is a need for greater flexibility. The quantum of storage in high end apartment schemes is driven by buyers who specifically request additional storage. However, in other areas, where smaller units are being provided, storage is less of an issue, and can lead to additional costs and affordability issues for smaller units. Accommodating 6 sqm of storage in a minimum sized 2 bed apartment is difficult and it is recommended that a degree of flexibility should be applied.
- 3.31 Cairn are seeking clarity on balcony storage. For example, in schemes with large balconies, there is an opportunity to accommodate an enclosed storage area on the balcony which does not create clutter on the façade. Cairn are seeking the ability to use such an option for storage which would go towards the contribution of the overall storage for an apartment, provided it does not reduce the minimum private open space requirements as set out in Appendix 1 (of the Guidelines).
- 3.32 Cairn welcomes the ability to calculate basement storage in the overall calculations, but considers that the 50% limit is overly prescriptive and not necessary.

### **Refuse Storage**

- 3.33 In relation to refuse storage, from Cairn’s experience, waste storage areas can be quite large particularly in large apartment schemes as a result of the various

recycling requirements. As such, it is therefore not practical to locate them out of the basement as required in section 4.9 of the Draft Guidelines. Furthermore, where basements are being proposed, locating the refuse storage areas at ground floor will result in the loss of quality residential accommodation and may put the viability of the scheme into question. This requirement is not necessary and should be omitted from the adopted Guidelines.

### **Communal Facilities**

- 3.34 It is noted that the Draft Guidelines promote the incorporation of internal community meeting rooms or gym uses. Cairn would welcome the inclusion of support for the off-set of the quantum of communal open space in apartment developments where internal meeting/community rooms are provided. A similar compensatory mechanism is already provided for in respect of the *'Build to Rent'* model as set out in Specific Planning Policy Requirement no. 8 and it is considered appropriate that a similar level of flexibility could be provided in respect of the *'Build to Own/Sell'* model.

### **Build to Rent**

- 3.35 Cairn welcome the inclusion of specific *'Build to Rent'* (BTR) and shared accommodation sectors guidance in the Draft Apartment Guidelines.
- 3.36 Cairn is in agreement and support Specific Planning Policy Requirement no. 9 and in particular the flexibility in relation to the storage and amenity space set out in Appendix 1 (of the Draft Guidelines) *"on the basis of the provision of compensatory communal support facilities and amenities."* For clarity the amenity space should be identified as comprising both private amenity and communal amenity space.
- 3.37 While it may form part of separate Guidelines, it is Cairn's strong opinion that a c. 15-year covenant applied to BTR developments is unnecessary and will have a detrimental effect on the delivery of this type of accommodation.
- 3.38 We note that in relation to locational requirements for *'Build to Rent'* schemes that some Development Plans include some restrictions on over-concentration while the Department's 2016 October Circular requests that planning authorities (as a specific planning policy requirement) are to:
- (i) *avoid specifying particular locations where build to let or build to rent projects will be considered in preference to other locations and*
  - (ii) *avoid limiting their consideration to locations within specified distances of public transport locations,*  
*However, B2R projects which seek to derogate from the statutory development plan unit mix standards, and specifically those incorporating 20% or more studio units, should be located in areas that are highly accessible in public transport terms and that ensure a good mix of other housing types and such proposals shall make provision in design that potential modification to other forms of residential accommodation, for example by way of amalgamation of units, can meet statutory development plan unit mix standards.*
- 3.39 The current draft guidelines do not specifically preclude Planning Authorities restricting Build to Rent schemes in respect of location. As such Cairn are recommending that the adopted guidelines include similar wording and specific guidance, to that included in the 2016 Circular so as to avoid unnecessary

restrictions on the siting and location of Build to Rent or shared accommodation schemes.

### **Management Fees**

- 3.40 Cairn is not in favour of paragraph 6.11 of the Draft Guidelines which seeks the inclusion of long term running and maintenance costs with a planning application as it is considered unnecessary and overly onerous for the planning application stage of the development process. It is submitted that the calculation of long term running and maintenance costs within any management fee is not a planning consideration in the broad context of the delivery of new apartment schemes. Our client is of the view that such information is considered commercially sensitive and not necessary for planning applications.

### **Part V**

- 3.41 With reference to Part V obligations Cairn welcome the acknowledgement that both shared accommodation units and student accommodation units are not suitable for social housing given they are not provided as self-contained residential units. Greater clarity is required in relation to the wording of the adopted guidelines so that they state the following:-

*“As is the case with student accommodation projects, shared accommodation units will not be subject to Part V requirements in relation to the reservation of 10% of the units as social housing because shared accommodation would not be suitable for social housing given that they are not provided as individual self-contained residential units”.*

## **4.0 CONCLUSIONS**

- 4.1 Cairn welcome the publication of the update to the Apartment Guidelines, which when adopted will provide greater flexibility in the construction of much needed apartments.
- 4.2 We respectfully request the Department to take this submission into account and to include the proposed alterations into the adopted Apartment Guidelines.

Yours Faithfully,



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**John Spain Associates**