

SHD Planning  
Application to  
An Bord  
Pleanála

Material  
Contravention  
Statement

Strategic Housing  
Development

Proposed Residential  
and Commercial  
Development at 42A  
Parkgate Street,  
Dublin 8.

For Ruirside  
Developments Limited

**JUNE 2021**

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## 1 INTRODUCTION

This document has been prepared by Stephen Little & Associates, Chartered Town Planners & Development Consultants, 26 / 27 Upper Pembroke Street, Dublin 2, to address matters that may be considered to materially contravene the applicable development plan, in accordance with Section 8(1)(a)(iv)(II) of the Planning and Development (Housing) and Residential Tenancies Act 2016 (as amended) (the 'SHD Act').

Under Section 8(1)(a)(iv)(II) of the SHD Act, where a proposed development is considered to materially contravene the objectives of the relevant development plan or local area plan (other than in relation to the zoning of the land), then the SHD application must include a statement indicating why permission should, nonetheless, be granted, having regard to a consideration specified in Section 37(2)(b) of the Planning and Development Act 2000 (as amended) ('the PDA').

The relevant development plan objective(s) must be identified and a determination made by the competent authority as to whether the proposed development, alone or cumulatively, would materially contravene such objective(s). An Bord Pleanála ('the Board') has discretion to grant permission for development that materially contravenes the development plan, other than in relation to land use zoning, subject to specific considerations. These considerations are identified in Section 2 below.

The relevant development plan is the Dublin City Development Plan 2016-2022 ('the Development Plan'). There is no local area plan to be considered.

This statement seeks to address the possibility that the proposed development could be deemed to represent a material contravention of the following objectives of the Development Plan, contained in Section 16.10.1 'Residential Quality Standards – Apartments'. The objectives relate to:

- Dwelling Mix
- Apartment Floor Area

We acknowledge that it lies with the Board to determine whether the proposed development materially contravenes the Development Plan.

## 2 DISCRETION OF AN BORD PLEANÁLA TO GRANT PERMISSION FOR DEVELOPMENT THAT MATERIALLY CONTRAVENES THE DEVELOPMENT PLAN

In accordance with Section 9(6) of the SHD Act, the Board may grant permission for a proposed strategic housing development that materially contravenes the development plan (and/or a local area plan), other than in relation to zoning. Section 9(6)(a) states:

*"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."*

Section 9(6)(c) of the 2016 Act, states that the Board may only grant permission for a development that materially contravenes a development plan (other than in relation to the zoning of the land) where it considers that, if Section 37(2)(b) of the PDA were to apply, it would grant permission for the proposed development.

Section 37(2)(b) of the PDA states that where a proposed development materially contravenes the development plan, the Board may grant permission only where it considers that:

- "(i) the proposed development is of strategic or national importance,*
- (ii) there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned, or*
- (iii) permission for the proposed development should be granted having regard to regional spatial and economic strategy for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government, or*

*(iv) permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.”*

### 3 PROPOSED DEVELOPMENT

The proposed development is described in detail in the plans and particulars that accompany the SHD planning application and in the planning application report prepared by Stephen Little & Associates.

Ruirside Developments Limited (the Applicant) is making an application to the Board under Section 4 of the SHD Act. This application is being made following a recent split decision by the Board that relates to the application site (ABP Ref. 306569-20 refers). That decision granted permission for a mixed use redevelopment scheme at the application site. However, it refused permission for the proposed ‘Block A’ building (accommodating residential and café use). We refer the Board to Section 4 of the Planning Report & Statement of Consistency, for further details of the planning history and consented scheme.

In brief, permission is sought for Strategic Housing Development, with a life of 8 years, at 42A Parkgate Street, Dublin 8, for development comprising:

A 30-storey residential building (‘Block A’) (c.14,364 sq m gfa), including residential, café/restaurant, replacement office use and ancillary accommodation and works, located in the eastern apex of the site subject of otherwise consented development under ABP-306569-20.

The proposed new Block A building accommodates:

- 198no. ‘Build To Rent’ residential apartments (73no. studios, 97no. 1-bed, 27no. 2-bed & 1no. 3-bed) from 1st to 27th floors inclusive, including 53no. units with ‘winter garden’ balconies on the building’s eastern elevation.
- Ancillary internal (c.384 sq m) and external (c.255 sq m) residents’ private communal amenity areas and facilities, including ground floor reception/concierge area, lounge bars at mezzanine and 9th floors, and roof gardens at 9th and 28th floors. Also, access to residents’ private communal amenity areas within the consented scheme ABP-306569-20.
- 1no. café/restaurant (c.223 sq m) at ground floor.
- Replacement office floor area (c.595.6 sq m total) accommodated between 1st and 8th floor levels of Block A.
- Ancillary residential bicycle storage (22no. spaces), refuse, circulation and plant, and non-residential back of house and circulation areas at ground and mezzanine floors.
- Building Maintenance Unit (BMU) at roof level.

Ancillary and associated site works and other structural and landscape works are proposed to tie the proposed new Block A building in with the consented development (ABP-306569-20). Proposed amendments to the consented scheme, include:

- At the interface of proposed Block A with the consented Block B2 office building:
  - a reduction by c.909 sq m total of office floor area over 6 floors within the consented Block B2 office building;
  - a reduction by c.35 sq m of external residential amenity and associated minor amendments to landscaping at roof level of consented Block B2; and,
  - localised changes to the northern Parkgate St façade of the consented Block B2 to include a shadow gap at its junction with proposed Block A.
- 16no. additional bicycle parking spaces accommodated within consented Block B1 undercroft area.
- Minor localised amendments to adjoining consented public realm area to tie in with proposed Block A at ground level.
- New telecommunications infrastructure at roof level of consented Block B1, including: 4no. 300mm microwave link dishes mounted on 2no. 2m high steel poles fixed to the consented lift

shaft overrun, housed within GRP radio friendly shrouds, to mitigate potential for interference with existing telecommunication channels.

The site within which the proposed works sit, benefits from extant permission for residential-led mixed use strategic housing development under ABP-306569-20 (i.e. the consented development). Permission is not being re-sought for the consented development.

For avoidance of doubt, while the red line site boundary is drawn around the entire planning unit of ABP-306569-20, the development works for which permission is expressly sought are identified with a green dashed line, within the wider red line planning unit.

The overall site (c.0.82 ha) is principally bounded by Parkgate Street to the north, the River Liffey to the south, an existing electricity substation and the junction of Sean Heuston Bridge and Parkgate Street to the east, existing Parkgate Place office and residential development to the west. The application site includes areas of public footpath and roadway on Parkgate Street and a small landscaped area at the junction of Sean Heuston Bridge and Parkgate Street. There are Protected Structures on site.

#### 4 LAND USE ZONING

Under the Development Plan, the majority of the SHD application site is subject to the zoning objective, "Z5 – City Centre", in common with most of the lands in the immediate vicinity of the site.

*"To consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity."*

The Development Plan indicates that a wide range of accommodation is to be provided in this zoning area which is sustainable and within easy reach of services, open space, facilities and public transport. Residential and café/restaurant uses are acceptable in principle.

A narrow strip of land along the southern part of the site, which bounds the River Liffey, is zoned 'Z9 – Amenity/Open Space Lands/ Green Network', with the objective: *"To preserve, provide and improve recreational amenity and open space and green networks."*

Within the wider consented planning unit (ABP-306569-20) this Z9 area is incorporated into the landscaped public realm and river walk, providing the eastern pedestrian access to the site, connecting with the river walk and public plaza. The proposed building (Block A) maintains the same relationship with this area and the footprint of the proposed building does not encroach upon the Z9 area.

On 10 March 2020, Variation No. 24 of the Development Plan was adopted, which rezoned a small parcel of land at the north east tip of the site, from 'Z6 – employment and enterprise' to 'Z5 – City Centre'. This consolidated the overall Z5 zoning at this location. The area in question is occupied by an old substation, public footpath and a small area of open space.

Material contravention of land use zoning does not arise in the case of the proposed development.

## 5 POTENTIAL MATERIAL CONTRAVENTION ISSUES – DEVELOPMENT PLAN STANDARDS

### 5.1 Dwelling Mix

Section 16.10.1 of the Development Plan sets out the requirements in relation the mix of dwellings provided as part of new apartment developments, which are as follows: -

- “A maximum of 25-30% one-bedroom units”
- “A minimum of 15% three- or more bedroom units”

The unit mix proposed as part of this development is as follows: -

Unit Type	No. of Units	Percentage of Total
Studio Apartment	73	37%
1 Bed Apartment	97	47%
2 Bed Apartment	27	14%
3 Bed Apartment	1	1%
<b>Total</b>	<b>198</b>	<b>100%</b>

Accordingly, the proposed development does not comply with the Development Plan requirements in relation to housing mix. However, the ‘Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities’ (December 2020) (‘the Apartment Guidelines’) contain ‘Specific Planning Policy Requirements’ (‘SPPRs’) in relation to dwelling mix requirements, which take precedence over conflicting policies and objectives of development plans.

See Section 6.2.1 below for justification for proposed unit mix based on SPPR8 of the Apartment Guidelines.

### 5.2 Floor Areas

Section 16.10.1 of the Dublin City Development Plan 2016 - 2022 specifies a minimum floor area for studio apartments at 40 sq m. The Apartment Guidelines (SPPR3) however set the minimum floor area for studio apartments at 37 sq m. There is then also a corresponding difference between the minimum internal room dimensions (floor area/width) standards of the Development Plan and those of Appendix 1 of the Apartment Guidelines.

See Section 6.2.2 below for justification of studio apartment floor areas based on SPPR8 of the Apartment Guidelines.

## 6 JUSTIFICATION FOR MATERIAL CONTRAVENTION

As noted in Section 2 above, Section 37(2)(b) of the PDA states that where a proposed development materially contravenes a development plan, the Board may grant permission where it considers that:

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

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

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

*(iv) permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.”*

We set out below our interpretation of how the Section 37(2)(b) considerations relate to the proposed development, from a planning perspective.

### 6.1 (i) The proposed development is of Strategic or National importance

The proposed development was deemed on foot of a pre-application request and subsequent tri-partite meeting with An Bord Pleanála and Dublin City to meet the legislative definition of ‘strategic housing development’. It may therefore be deemed of strategic importance with respect to the timely delivery of urban housing and implementation of the Government’s Action Plan for Housing and Homelessness – Rebuilding Ireland.

The significant shortfall in housing output to address current and projected demand is a national problem, with lack of housing in Metropolitan Dublin and elsewhere having social and economic ramifications for sustainable national growth. We therefore submit that the proposed development is of strategic and/or national importance.

The proposed development is considered to be in accordance with National Policy Objective (‘NPO’) 3a of the National Planning Framework (‘NPF’) which seeks to deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements.

The proposed development represents the achievement of more sustainable higher density residential development, in line with existing and emerging transportation facilities within the vicinity of the application site.

NPO 33 states: - *“Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.”*

The proposed development constitutes an efficient and sustainable use of lands, delivering new residential accommodation and supporting amenities on lands zoned for residential use, both on its own and in combination with the consented scheme (ABP. Ref. 306569-20 refers).

Furthermore NPO 36 seeks to put in place Section 28 Ministerial Guidelines to improve the evidence base, effectiveness and consistency of the planning process for housing provision to meet varying housing needs at regional, metropolitan and local authority levels. For example, in reconciling future housing requirements effectively, it is identified that in Dublin city, while one, two and three-person households comprise 80% of all households, the housing stock is largely comprised of 3 and 4-bedroom houses and that this needs to be rebalanced in the interests of meeting the needs of a range of household types.

Further justification is set out below, in respect of the national and strategic importance of promoting higher density development at this brownfield urban site on the edge of Dublin City, so as to implement the regional and ministerial policy recommendations for sustainable growth to meet population projections, deliver housing and support employment opportunities.

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

The Development Plan was adopted before the publication of the National Planning Framework, the Regional Economic and Spatial Strategies for the Eastern & Midlands ('RSES') and Dublin Metropolitan Area Strategic Plan ('DMASP'), and the Apartment Guidelines (as originally published in 2018, or as varied in 2020).

Therefore, the principal justification for the Board in contravening the Development Plan standards relating to dwelling mix and minimum studio apartment floor area, where this is considered a material contravention, would be to ensure that strategic level planning policy and the Specific Planning Policy Recommendations (SPPRs) of Ministerial Guidelines relevant to the proposed development at this site are implemented. As such, it is our professional opinion that the above criteria would be met in the case of the proposed development. An explanation of opinion in that regard is provided below.

### 6.2.1 Residential Dwelling Mix

Section 16.10.1 of the Development Plan specifies that each apartment development shall contain a maximum of 25 – 30% one-bedroom units and a minimum of 15% three- or more bedroom units. The Dublin City Development Plan was adopted in 2016.

The National Planning Framework (NPF) states in respect of 'Performance-Based Design Standards' that:

*"To enable brownfield development, planning policies and standards need to be flexible, focusing on design led and performance-based outcomes, rather than specifying absolute requirements in all cases. Although sometimes necessary to safeguard against poor quality design, planning standards should be flexibly applied in response to well-designed development proposals that can achieve urban infill and brownfield development objectives in settlements of all sizes. This is in recognition of the fact that many current urban planning standards were devised for application to greenfield development sites and cannot account for the evolved layers of complexity in existing built-up areas."* (page 66)

The NPF notes that "7 out of 10 households in the state consist of three people or less" and also that "Household sizes in urban areas tend to be smaller than in the suburbs or rural parts of the country". In respect of Dublin, the NPF notes in addition that "In Dublin city, one, two and three person households comprise 80% of all households."(page 95)

In this regard, it is an NPF objective in respect of 'Housing Demand' 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 people's needs for well-located and affordable housing, with increasing demand to cater for one- and two-person households. Within this figure, there is a wide range of differing housing needs that will be required to be met."* (page 94)

National Policy Objective 36 of the NPF seeks to put in place Section 28 Ministerial Guidelines to improve the evidence base, effectiveness and consistency of the planning process for housing provision to meet varying housing needs at regional, metropolitan and local authority levels. For example, in reconciling future housing requirements effectively it is identified that in Dublin city, while one, two and three person households comprise 80% of all households, the housing stock is largely comprised of 3 and 4-bedroom houses, and that this needs to be rebalanced in the interests of meeting the needs of a range of household types.

SPPR 1 of the Apartment Guidelines, states: -

*"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)."*

**SPPR8** of the Apartment Guidelines (2020) then states that no restrictions on dwelling mix shall apply to declared 'Build to Rent' residential development.

The census 2016 indicates that 1-2 person households now comprise a majority of households and this trend is set to continue. Ongoing demographic and societal changes mean the expanding categories of household that may wish to be accommodated in apartments include young professional and workers generally and co-habiting couples without children.

The application site at Parkgate Street is located in the Phoenix Park DED. According to the results contained on the CSO web site (<http://census.cso.ie/P1map21/>) the immediate area around the site (Phoenix Park ED/Arran Quay D/Ushers A/Arran Quay C/Ushers B) had an average household size of 2.14 persons in 2016. This compares to a City wide average household size of 2.49 persons in 2016.

This highlights a need for greater numbers of studios, 1 and 2-bedroom units, to cater for household sizes between 1 – 3 people in this particular area.

The proposed development delivers a variety of residential accommodation capable of catering for a range of household sizes, based on current demographic trends identified in the NPF, RSES and the Apartment Guidelines. We would note that the current Dublin City Development Plan has not been prepared in accordance with more recently published 'Guidance on the Preparation of a *Housing Need and Demand Assessment*' (April 2021), that would provide a robust evidence base to support its objectives in relation to dwelling mix and size.

Accordingly, it is submitted that, to the extent that there is a material contravention of Section 16.10.1 of the Development Plan, in respect of unit mix, the Board is nonetheless justified in granting permission for the proposed BTR development.

### 6.2.2 Dwelling Size / Apartment Floor Area

Section 16.10.1 of the Development Plan specifies a minimum floor area for studio apartments at 40 sq m. The Apartment Guidelines (2020) however set the minimum at 37 sq m (SPPR3). There is a corresponding difference then also between the minimum room dimensions (floor area/width standards) in the Development Plan and those of Appendix 1 of the Apartment Guidelines.

Studio apartments were introduced as a unit type in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' (2015), but limited to specific circumstances such as 'build-to-let' managed accommodation. The Apartment Guidelines (as amended in 2020) have been updated *inter alia* to reflect the potential that studio apartments can contribute to both meeting the housing need and to the viability of apartment schemes.

Under **SPPR3** of the Guidelines, the minimum size of studio apartments is adjusted slightly, to min. 37 sq m, to enable modular developments and a 'mix and match' approach between studios and the minimum size of two bedroom apartments.

The proposed development is compliant with **SPPR3** and **SPPR8** in respect of declared 'Build to Rent' apartment schemes, delivering the following range of apartment sizes:

- Overall, the proposed apartment units range in size between 38 sq m – 100.7 sq m floor area.
- 37% of the proposed units are studio apartments. Proposed floor area ranges from of 38 – 39 sq m, thus exceeding the minimum floor area standard of 37 sq m. Suitable for occupation by single person households.
- 49% of the units are one bedroom units. Proposed floor area ranges from 46.3 sq m– 50.7 sq m, thus exceeding the minimum floor area standard of 45 sq m. Suitable for 2 persons
- 14% of the units are two bedroom units. Proposed floor area is 74.3 sq m, thus exceeding the minimum floor area standard of 63-73 sq m. Suitable for 2 to 4 persons.
- 1% of the units are three bedroom units, with a floor area of 100.7 sq m. Exceeds the minimum floor area standard of 90 sq m. Suitable for more than 4 persons.
- All individual rooms, floor areas and room widths comply with or exceed the design guideline requirement.

The proposed development delivers a variety of residential accommodation capable of catering for a range of household sizes, based on current demographic trends identified in the NPF, RSES and the Apartment Guidelines. We would note that the current Dublin City Development Plan has not been prepared in accordance with more recently published 'Guidance on the Preparation of a *Housing Need and Demand Assessment*' (April 2021), that would provide a robust evidence base to support its objectives in relation to dwelling mix and size.

The minimum studio apartment floor area standard is approximately half that of the minimum two-bedroom apartment floor area standard. The minimum one-bedroom apartment standard is half that of the minimum three bedroom apartment standard. This facilitates future adaptability to amalgamate units to respond to changes in demographic profile and housing demand over time.

It may be further noted that **SPPR 8** of the Apartment Guidelines (2020) states that the requirement that the majority of all apartments in a proposed scheme exceed the minimum floor areas standards by a minimum of 10% shall not apply to BTR schemes, due to the requirement to provide compensatory communal facilities and amenities for use by residents.

53no. units on the eastern elevation of the proposed Block A from Level 01 to Level 27 are provided with a 'winter garden'. Not all units have a winter garden, however all units will have access to private internal and external residents' amenities. Flexibility is applied in this respect under the 'Sustainable Urban Housing: Apartment Design Guidelines' (2020), for 'Build-to-Rent' schemes.

Ancillary internal (c.384 sq m) and external (c.255 sq m) residents' private communal amenity areas and facilities, include ground floor reception/concierge area, lounge bars at mezzanine and 9th floors, and roof gardens at 9th and 28th floors.

Residential amenities are provided at ground floor level where residents are provided with a reception and foyer area (c. 75 sq m) and a post/parcel area.

A large residents' lounge area (c.132 sq m) is located at mezzanine level which provides flexible co-working spaces for residents with an accessible WC and kitchenette provided. The mezzanine provides views out over the ground level foyer/lounge, out onto Parkgate Street, over the river walk to the south and beyond.

Further internal amenity space (c. 49 sq m) at Level 09 connects the residential tower to a large, landscaped terrace on the roof of the permitted office building (Block B2) which provides a quantity of Block A's communal open amenity space (c. 300 sq m).

At Level 28 an internal residents' lounge and dining rooms (c.128 sq m) opens out to the external amenity space and viewing platform (c.255 sq m), which is suitable screened against wind effects and allows 360° views of the city.

Block A residents also have access to internal and external amenities within the wider consented scheme (ABP. Ref. 306569-20 refers) including gym facilities in the River Building, a quality communal open space in the form of attractive high quality landscaped south facing communal courtyard between the rear finger blocks (consented Blocks C and B) and co-working space within consented Block B1.

The ground floor café/ restaurant, as well as the public open spaces permitted under ABP-306569-20 will contribute further to the development of a high quality, sustainable neighbourhood.

Storage requirements are provided entirely within the apartments. In addition, the ground floor of the development will have an area for post and parcel delivery adjacent to the reception area.

A detailed Housing Quality Assessment has been prepared by Reddy Architecture and Urbanism, demonstrating compliance with the required residential design standards for apartments.

Further detail on residential amenity design, apartment layout and amenity open space is provided in the Architectural Design Statement, prepared by Reddy Architecture and Urbanism, and in the Landscape Design Report, prepared by Mitchell & Associates, that accompany the planning application.

Accordingly, it is submitted that, to the extent that there is a material contravention of Section 16.10.1 of the Development Plan, in respect of unit size, the Board is nonetheless justified in granting permission for the proposed BTR development.

## 7 CONCLUSION

We would highlight, that in making its determination in the case of ABP-306569-20, the Board was satisfied that there was reasonable justification for a grant of permission for development that could materially contravene section 16.10.1 of the Development Plan, in terms of unit mix and floor area, having regard to:

- The Government's policy to ramp up delivery of housing from its current under-supply set out in *'Rebuilding Ireland – Action Plan for Housing and Homelessness'* (July 2016).
- SPPR8 of the *'Sustainable Urban Housing: Design Standards for New Apartment Guidelines for Planning Authorities'* (2018, and since amended in December 2020).
- SPPR3 of the *'Sustainable Urban Housing: Design Standards for New Apartment Guidelines for Planning Authorities'* (2018, and since amended in December 2020).
- Appendix 1 of the *'Sustainable Urban Housing: Design Standards for New Apartment Guidelines for Planning Authorities'* (2018, and since amended in December 2020).
- Section 16.10.1 of the Dublin City Development Plan 2016-2022.

All of the above were considered to support denser residential development consisting of apartments on public transport corridors within the built-up area of Dublin City and its suburbs.

The Board confirmed that the criteria of sections 37(2)(b)(i) and (iii) of the PDA 2000 (as amended) were satisfied in this respect, in the case of ABP-306569-20.

We respectfully submit that, should the Board consider the proposed development a material contravention of the same residential design standards of the Development Plan, relating to dwelling mix and apartment size, the same appropriate justification as set out above can be relied on.

We acknowledge that this is a matter for the Board's determination. We refer the Board to the supporting evidence contained in this report, to facilitate its assessment and determination on whether a material contravention of Section 16.10.1 of the Development arises and that there is appropriate justification to meet the relevant criteria of the Planning and Development Act.