

STRATEGIC HOUSING DEVELOPMENT
PLANNING APPLICATION

MATERIAL CONTRAVENTION STATEMENT

FOR LANDS AT HOLY CROSS COLLEGE, CLONLIFFE
ROAD, DUBLIN 3 AND DRUMCONDRA ROAD LOWER,
DRUMCONDRA, DUBLIN 9.

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Martin**

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CWTC Multi Family ICAV acting on behalf of its
sub-fund DBTR DR1 Fund

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July 2021

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1 INTRODUCTION

This document seeks to address the issue of material contraventions of the Dublin City Council Development Plan 2016 – 2022 (Development Plan) as required under Section 8 of the Planning and Development (Housing) and Residential Tenancies Act 2016. This Statement provides a rationale for An Bord Pleanála, as the consenting authority, to conclude that there is justification for material contravention in relation to Section 16.7.2 and Section 16.10.1 of the Development Plan.

Section 9 (6) of the Planning and Development (Housing) and Residential Tenancies Act, 2016 confirms that An Bord Pleanála may grant permission for a development which materially contravenes a Development Plan, other than in relation to the zoning of land having regard to the considerations specified in section 37(2)(b) of the Act of 2000.

The proposed development consists of the construction of a Build To Rent residential development set out in 12 no. blocks, ranging in height from 2 to 18 storeys, to accommodate 1614 no. apartments (comprising 540 studios, 602 no. 1 bed units, 419 no. 2 bed units and 53 no. 3 bed units) including a retail unit, a café unit, a crèche, and residential tenant amenity spaces. The proposed development sits as part of a wider Site Masterplan for the entire Holy Cross College lands which includes a permitted hotel development and future proposed GAA pitches and clubhouse. A full description is set out in the Statutory Notices.

The potential material contraventions in respect of the Holy Cross College Strategic Housing Development, for consideration by An Bord Pleanála, relate to:

- Building Height: Section 16.7.2 of the Dublin City Development Plan identifies building heights for the city and identifies a building height cap of 24m for residential development in this location. The *Urban Development and Building Heights – Guidelines for Planning Authorities* in December 2018 establish the principle for the re-examination of height limits and should be considered over the Development Plan height limits on a site specific contextual basis.
- Unit Mix & Floor Areas: Section 16.10.1 of the Development Plan, which refers to unit mix and floor areas, and it is considered that the Development Plan predated the introduction of Specific Planning Policy Requirements (SPPR) in the ‘Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities’ (2020) but nevertheless does make reference to ‘build to let apartment schemes’ and as such is considered in terms of a Material Contravention.

This legislation states that the Board may only grant permission in accordance with paragraph (a) where it considers that;

(i) ***the proposed development is of strategic or national importance-*** The subject site is considered of strategic importance due to being zoned as Z12 under the Dublin City Council Development Plan and are considered to have significant potential to contribute to the achievement of housing targets as set out in the Core Strategy for the City and the scheme contributes to the objectives of the National Planning Framework by providing much needed housing development in urban areas at increased densities.

and

(iii) ***permission for the proposed development should be granted having regard to regional planning guidelines for the area, guidelines under section 28 , policy directives under section 29 , the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government.-*** As set out in Section 5.2.2 the scheme is a prime example of the type of site anticipated in the Guidelines that can achieve increased building height and resulting increased density, as set out in the Section 28 Urban Development & Building Height Guidelines.

As put forward in this report and the supporting planning application documentation, it is considered that sufficient justification exists for An Bord Pleanála to grant permission for the proposed development notwithstanding the proposed material contraventions of the Dublin City Development Plan 2016-2022 having regard to the considerations specified in section 37(2) (b) of the Act of 2000.

2 SITE CONTEXT

The application site is approximately 8.9 ha in size and located 1.7 km north of Dublin City Centre. The site is bounded by Drumcondra Road Lower, Mater Dei College and the Archbishops House (a Protected Structure) to the West, Clonliffe Road to the South, Cornmill Apartments and Belvedere College Rugby Grounds to the East and by former playing pitches and the Tolka River to the North.

The Holy Cross College Lands were acquired by the Archdiocese in 1859, college facilities were developed and they housed a seminary for the Catholic Church in Ireland and administration offices for the Archdiocese and various diocesan activities. The seminary ceased operation in year 2000 but the buildings still accommodate administration offices for the Archdiocese, the various diocesan activities and offices for some charitable organisations (Crosscare and DePaul). These activities are vacating the properties.

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The Archdiocese has since entered into an agreement with Cumann Lúthchleas Gael / the Gaelic Athletic Association to acquire these lands and who have subsequently entered into an agreement to onward sell these to Hines Real Estate Ireland (through the applicant CWTC Multi Family ICAV acting on behalf of its sub-fund DBTR DR1 Fund). The Archdiocese will retain the Archbishop's Residence and surrounding lands and lands in the south-west corner of the Holy Cross College property, which includes the Mater Dei building and a large surface car park. The GAA are retaining the hotel site and the future football pitches.

The surrounding area is comprises a mix of uses, including: light industrial and warehousing to the north; residential areas to the south, west and east at along Clonliffe Road and Drumcondra Road; and, the sports facilities directly east and to the north beyond the River Tolka is Tolka Park Football Stadium.

The site comprises a number of sports pitches, greenspaces and existing large institutional buildings (approx. 11,865sqm) associated with its current use (some of which are protected structures). The site as many large mature trees giving it a unique character apart from the nearby busy roads.

The northern portion of the site is set back from the busy Drumcondra road, separated by large mature trees. While the southern part of the site fronts onto Clonliffe Road.

The site sits between the established residential communities of Drumcondra to the west and north and Clonliffe Road and Ballybough to the South and East. Both are established, mature suburbs of Dublin City with the surrounding area predominately developed. The immediate area gives access to a range of public facilities including community centres, healthcare, libraries, shops and sports / recreation facilities.

The site is approximately 400m from Drumcondra Commuter Railway Station to the south west, and adjacent to Drumcondra Road, which is a quality bus corridor (QBC) that is served by several Dublin Buses including: No's 13; 16; 41; 41c; 1; 11; 33; and 44. It is anticipated that the site will be served by Bus Connects 'Core Bus Corridor No. 2' (Swords to City Centre).

3 PLANNING AND DEVELOPMENT (HOUSING) AND RESIDENTIAL TENANCIES ACT, 2016 (AS AMENDED)

Under Section 8(1)(iv) of the Planning and Development (Housing) and Residential Tenancies Act 2016, where a proposed development is considered to materially contravene 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:

- “(I) setting out how the proposal will be consistent with the objectives of the relevant development plan or local area plan, and
- (II) where the proposed development materially contravenes the said plan other than in relation to the zoning of the land, indicating why permission should, nonetheless, be granted, having regard to a consideration specified in section 37(2)(b) of the Act of 2000”

Section 9 (6) of the Planning and Development (Housing) and Residential Tenancies Act, 2016 confirms that An Bord Pleanála may grant permission for a development which materially contravenes a Development Plan, other than in relation to the zoning of land as follows:

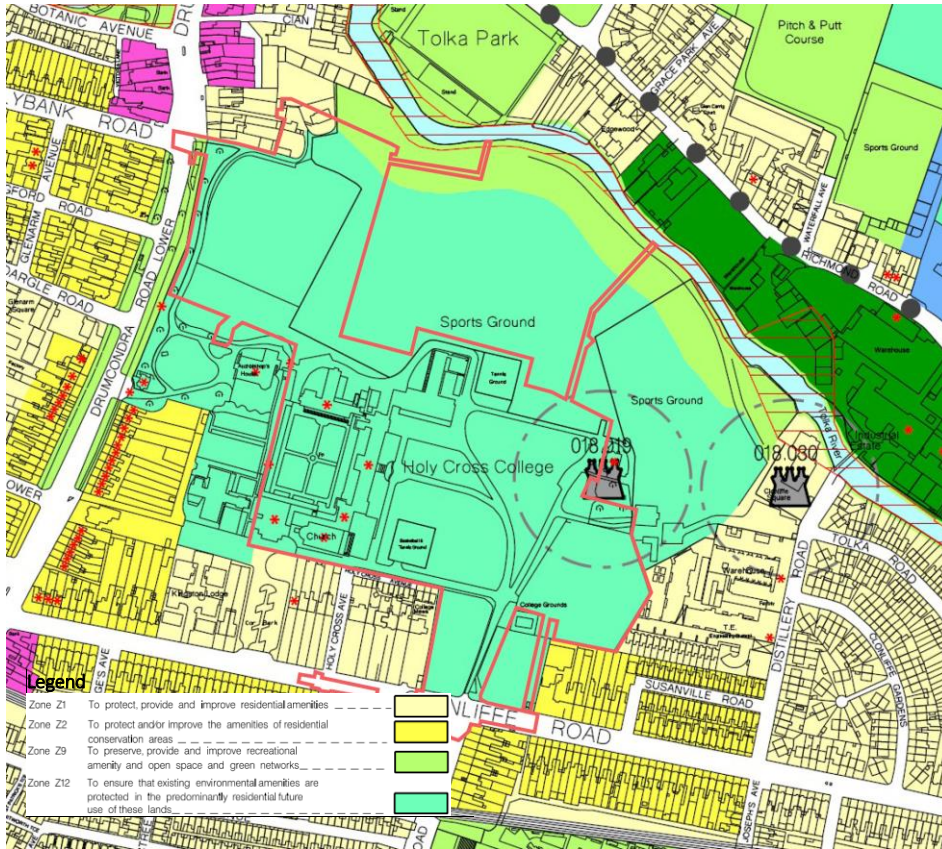
(6) (a) Subject to paragraph (b), the Board may decide to grant a permission for a proposed strategic housing development in respect of an application under section 4 even where the proposed development, or a part of it, contravenes materially the development plan or local area plan relating to the area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

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

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

The proposed material contravention relates only to building height and residential standards as the Z12 zoning of the site identifies it as ‘Institutional Land (Future Development Potential)’, which has the stated aim “to ensure existing environmental amenities are protected in the predominantly residential future use of these lands” and the Z1 zoned lands are identified as ‘Sustainable Residential Neighbourhoods’ with the stated aim ‘to protect, provide and improve residential amenities’ and as such the residential use as proposed is permitted under both the Z12 and Z1 zoning of the site.

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It is considered that the element being provided are related to drainage infrastructure in the form of below ground outfall pipes connecting the development to the Tolka River to the north.



These are being provided as part of an agreed drainage strategy with both Dublin City Council and Irish Water.

On the basis that the outfall pipes are required to connect to the River Tolka, which requires them being located within a Z9 zoning, below ground, with no alternative connection to the river possible, it is considered that they are provided in a manner that maintains the Z9 zoning for amenity uses and does not impact this use.

Proposed residential development only occur on Z12 and Z1 zoned lands the zoning of which permits residential development and as such no material contravention of the zoning occurs.

4 PLANNING AND DEVELOPMENT ACT, 2000 (AS AMENDED)

As outlined in Section 2 above, the Planning and Development (Housing) and Residential Tenancies Act, 2016 (as amended) sets out that *‘where the proposed strategic housing development would materially contravene the development plan...then the Board may only grant permission where it considers that, if section 37(2)(b) of the Act of 2000 were to apply, it would grant permission for the proposed development’*.

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

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

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

- i. **the proposed development is of strategic or national importance,***
- ii. there are conflicting objectives in the Development Plan or the objectives are not clearly stated, insofar as the proposed development is concerned, or*
- iii. **permission for the proposed development should be granted having regard to regional planning guidelines for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government, or***
- iv. permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.’ [Our Emphasis]*

It follows from the foregoing that it must be established that the proposed development is of “strategic” or “national importance” and that one of the other criteria under (ii), (iii) or (iv) are met. It is considered, in the case of this development that the scheme can be considered under Criteria (iii).

This legislation states that the Board may only grant permission in accordance with paragraph (a) where it considers that;

(ii) ***the proposed development is of strategic or national importance-*** The subject site is considered of strategic importance due to being zoned as Z12 under the Dublin City Council Development Plan and are considered to have significant potential to contribute to the achievement of housing targets as set out in the Core Strategy for the City and the scheme contributes to the objectives of the National Planning Framework by providing much needed housing development in urban areas at increased densities.

and

(iv) ***permission for the proposed development should be granted having regard to regional planning guidelines for the area, guidelines under section 28 , policy directives under section 29 , the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government.-*** As set out in Section 5.2.2 the scheme is a prime example of the type of site anticipated in the Guidelines that can achieve increased building height and resulting increased density, as set out in the Section 28 Urban Development & Building Height Guidelines.

The Urban Development and Building Heights Guidelines for Planning Authorities (December 2018) state that the Specific Planning Policy Requirements (SPPR) contained within the Guidance document post-date the Development Plan and the Development Plan must be read in light of the changes to building height requirements introduced by the Guidelines. In particular, we note that An Bord Pleanála and Planning Authorities must have regard to these Guidelines and we note with particular reference Specific Planning Policy Requirements 3, which is considered further below. In this case, SPPR 1 of the Guidelines notes that blanket numerical limitations on building height shall not be provided for through statutory plans therefore the imposition of a restriction at the subject site would be contrary to SPPR 1.

It is considered that this sets the basis for An Bord Pleanála to consider the proposed development and the proposed heights in respect of the guidance set out in the Guidelines and in particular SPPR3, which includes for the carrying out of full EIAR (if required by the proposed scheme).

Equally the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' (December 2020) contains SPPRs in relation to dwelling mix requirements, SPPR 1 and SPPR 8 (i), which post-dates the Development Plan and the Development Plan must be read in light of SPPR8 in regards to conflicting policies and objectives of Development Plans.

As set out in the following sections of this Statement, the proposed site is considered in light of relevant National Policy and Section 28 Guidelines and is considered to comply with the requirements of both the Guidelines and Section 37 (2) of the Planning and Development Act 2000, and as such An Bord Pleanála should grant permission even if it is of the view that a material contravention has occurred.

5 JUSTIFICATION FOR MATERIAL CONTRAVENTION

The development as proposed is considered to materially contravene the Dublin City Development Plan 2016-2022 in the following instances:

1. Section 16.7- in respect of height
2. Section 16.10.1- in respect of unit mix and floor areas

In respect of the proposed height of the development which, a number of the proposed residential blocks, exceed the 24m height limitations as set out in Section 16.7 of the City Development Plan, Section 37(2)(b)(iii) of the Act of 2000 is relevant. As this Statement demonstrates the proposed development at Holy Cross College is consistent with the relevant national planning policies, regional spatial and economic strategy and Section 28 guidelines, including the National Planning Framework (2018) and the Urban Development & Building Height Guidelines (December, 2018).

In respect of Section 16.10.1 it is considered that that *'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities'* (December 2020) contains "Specific Planning Policy Requirement" (SPPR) in relation to dwelling mix requirements (SPPR 1) and (SPPR 8), which post-dates the Development Plan and must be considered in the context of any conflicting policies and objectives of Development Plans or Local Area Plans.

5.1 Proposed Material Contraventions

5.1.1 Height

As outlined above, the Development Plan Height Strategy, as set out in Section 16.7, identifies a building height cap of 24m for residential development in this location. This is based upon the sites proximity, within 500m of a rail hub, namely Drumcondra Station. However it is submitted that the rationale for increased height at this location goes beyond the specific height limits set out in the Development Plan and should be considered in the context of the wider height policies of the Development Plan and the site context. The *Urban Development & Building Height Guidelines* establish the principle for the re-examination of height limits and should now be considered over the Development Plan height limits on a site specific contextual basis.

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The Height Guidelines state that the ‘Government considers that there is significant scope to accommodate anticipated population growth and development needs, whether for housing, employment or other purposes, by building up and consolidating the development of our existing urban areas’ and ‘A key objective of the NPF is therefore to see that greatly increased levels of residential development in our urban centres and significant increases in the building heights and overall density of development is not only facilitated but actively sought out and brought forward by our planning processes and particularly so at local authority and An Bord Pleanála levels’.

To implement these objectives the Guidelines include a number of Specific Planning Policy Requirements (SPPRs). SPPR1 is of particular relevance stating:

*SPPR1: In accordance with Government policy to support increased building height and density in locations with good public transport accessibility, particularly town/ city cores, planning authorities shall explicitly identify, through their statutory plans, areas where increased building height will be actively pursued for both redevelopment, regeneration and infill development to secure the objectives of the National Planning Framework and Regional Spatial and Economic Strategies and **shall not provide for blanket numerical limitations on building height.** [Our Emphasis].*

The below table outlines a breakdown of the proposed building heights within the Holy Cross College Development by block:

Block	Storeys	Proposed Building Height* (m)	Above CDP Height Limits (24m)
A1	4-8	26.10	✓
A2	7	22.89	✗
A3	8	26.07	✓
A4	6-13	43.67	✓
B1	5-6	22.68	✗
B2	6-8	25.73	✓
B3	5-6	19.68	✗
C1	6-8	25.63	✓
C2	5-7	22.68	✗
D1	18	62.52	✓
D2	4-8	25.65	✓
E1/E2	2-5	21.46	✗

* For clarity Building Heights indicated are the actual building heights which relates to the building height from ground level (which varies across the site) to the parapet height excluding roofplant and lift overruns.

As outlined in the table above the majority of the buildings are below or only slightly above, within 1-2 metres, the City Development Plan height limits of 24m while the two proposed taller elements are increased more significantly above height limits at c.43.6m and c.62.5m. The majority of the scheme is balanced around the 24m mark with two taller elements providing focal points to this extensive scheme.

However it is acknowledged that any development above 24m may be considered to be a material contravention and therefore the proposed development includes for blocks A1, A3, A4, B2, C1, D1 and D2 exceed the height limit of 24m as set out in Section 16.7 of the Dublin City Development Plan 2016-2022.

The proposed development, in exceeding the height limit as set out in the Dublin City Council Development Plan, and responding to the Urban Development & Building Height Guidelines achieves a significant quantum of residential development on a strategically located site in Dublin, proximate to the city centre. The increased density on this large site enables greater consolidation of the Dublin City area through the provision of residential development in established communities within easy walking, cycling and public transport of both the city centre and its major employment zones.

It is considered that as such numerical heights, such as those set out in the Development Plan, should not apply and the site should be considered on a site specific basis. This is considered in detail in Section 5.2.2 which considers the proposed development, and its increased heights, against the objectives of the Guidelines and in particular against SPPR3.

5.1.2 Floor Areas & Unit Mix

Unit Mix

Section 16.10.1 of the Dublin City Council Development Plan 2016 – 2022 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:

- Studios 33 %
- 1 beds 37%
- 2 beds 26%
- 3 beds 3%

We note however that ‘Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities’ (December 2020) contains a

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“Specific Planning Policy Requirement” in relation to dwelling mix requirements, SPPR 1 and SPPR 8 (i), which takes precedence over any conflicting policies and objectives of Development Plans.

SPPR 1 of the Apartment Guidelines (2020), states as follows:

‘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)’;

and

SPPR 8 (i), in respect of proposals that qualify as specific Build to Rent development in accordance with SPPR 7, states:

‘No restrictions on dwelling mix and all other requirements of these Guidelines shall apply, unless specified otherwise’.

As such, given the proposed development is identified as a Built To Rent development no restrictions on dwelling mix apply and the scheme is compliant with, SPPR 8(i) as post-dates the Development Plan and the Development Plan must be read in light of SPPR 8 in regards to conflicting policies and objectives of Development Plans.

As set out in the Housing Need's Assessment and Unit Mix Analysis by KPMG Future Analytics as part of this application, the proposed development is located in an established build up areas with limited development opportunities. The existing areas, given its’ built up nature, is predominated by houses with significant demand for studio/1 bed units. The proposed mix complements the existing housing stock in the area while also providing for a significant number of new residential units in an area well serviced by existing public transport and amenities within close proximity to the city centre.

Floor Areas

The Development Plan sets out minimum floorspace standards for apartments. In the case of studio apartments, the Development Plan specifies a minimum floor area of 40sq m.

The *‘Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities’* (December 2020), in SPPR 3, sets the minimum floor area for studio apartments at 37sq m. All studio units in the

scheme are 37sq.m or greater in compliance with SPPR3. All other units are compliant with both SPPR 3 and the Development Plan which have the same minimum floor area standards for 1,2 and 3 bed apartments.

It is considered that the Dublin City Development Plan standards with regards to unit mix and floorspace is at variance with the Guidelines and it is considered that as the SPPRs contained within the '*Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities*' (December 2020) post-dates the Development Plan and must be considered in the context of any conflicting policies and objectives of Development Plans or Local Area Plans which , gives An Bord Pleanala the ability to consider the Material Contravention. A detailed Housing Quality Assessment has been prepared by the scheme Architects, demonstrating compliance with the required residential design standards for Build-To-Rent apartments. The proposed development, provides for apartment floor areas, which are fully compliant with both the Dublin City Council Development Plan 2016 and the '*Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities*' (December 2020) with the exception of studio units which, have are provided for in compliance with the '*Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities*' (December 2020) which supersede the Development Plan. As such it is considered that the scheme provides for a high quality residential units and apartment areas in compliance with National Guidelines.

5.2 Context for Material Contraventions

The following sections set out the context for the justification of the scheme in terms of meeting the requirements of Section 37 (2) (b) (i) and (iii) by considering the proposed scheme in the context of both National and Local Planning Policy and Guidelines.

5.2.1 National Planning Framework

The plan identifies that by 2040 it is expected that an additional one million people will live in Ireland, an additional two-thirds of a million people will work here. These are huge increases: more people will be travelling to work, school and universities, more buildings will be needed to accommodate them, clean water will be needed for homes, farms and industry, more and better care facilities will be required for the elderly.

One of the key objectives of the NPF relates to compact growth. The plan seeks to carefully manage the sustainable growth of compact cities, towns and villages and to add value and create more attractive places in which people can live and work. The NPF identifies that activating '*strategic areas and achieving effective density and consolidation, rather than more sprawl of urban development*' as a top priority.

With regards to Dublin the NPF identifies that the city needs to ‘accommodate a greater proportion of the growth it generates within its metropolitan boundaries and to offer improved housing choice’.

National Policy Objective 4 in this regards states:

Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.

National Policy Objective 11 in this regards states:

In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth.

National Policy Objective 13 in this regards states:

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

The NPF requires homes to be located in places that can support sustainable development this includes places that are accessible to a range of local services, can encourage the use of public transport, walking and cycling, and help tackle climate change. The proposed development is also responding to the existing strong demand in the area and in a location that is highly accessible to both existing local facilities and public transport routes within the built up area proximate to Dublin City Centre.

As set out in the Housing Needs Assessment and Unit Mix Analysis by KPMG Future Analytics as part of this application, the proposed development is located in an established build up areas with limited development opportunities. There has been minimal to negative population growth in this area over the past 20 years compared to more suburban parts of the county and the direct core of Dublin City with population growing by 24% over 20 years or 1% per annum and accounted for +15,296 new persons over the period.

New population and housing in the area has been very minor since 2000, with just 20.6% of all units built post-2000. Future population growth potential is

strongly linked to future consented planning pipeline. Both housing and population density within the existing 2km catchment of the Clonliffe Road site are significantly lower than the core city centre area, and the targeted densities for the wider city. The catchment has an average population density of 65 persons per hectare and a housing density of 28 units per hectare.

Projected population growth over the next 10 years will create significant additional demand for housing (private and social) in the wider Dublin City market area. As Drumcondra is located next to the city centre, in close proximity to high quality public transport, the demand for units at this location is likely to be very strong. While the average cost to buy and rent is higher in Dublin City than it is in the wider Dublin Region or Nationally, it is likely to experience greater demand for housing on account of other demand factors, such as accessibility, proximity to employment opportunity, and an average household size that will likely follow the Dublin wide trend shifting toward smaller unit sizes.

Further the 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'.

It is considered that compliance with the Section 28 *Sustainable Urban Housing Guidelines* is in line with that NPF in ensuring that *'well-designed development proposals that can achieve urban infill and brownfield development objectives in settlements of all sizes'*.

5.2.2 Urban Development & Building Height Guidelines

The Urban Development & Building Height Guidelines identify that as reflected in *'the National Planning Framework that there is significant scope to accommodate anticipated population growth and development needs, whether for housing, employment or other purposes, by building up and consolidating the development of our existing urban areas'* and that *'securing compact and sustainable urban growth means focusing on reusing previously developed 'brownfield' land, building up infill sites (which may not have been built on before) and either reusing or redeveloping existing sites and buildings, in well serviced urban locations, particularly those served by good public transport and supporting services, including employment opportunities' [our emphasis].*

They further state that ‘such areas, particularly those in excess of 2 ha (approx. 5 acres) in area, should be accompanied by appropriate master-planning exercises and local planning frameworks to deal with movement, public realm, design and other issues that are best addressed at a neighbourhood level rather than at an individual site scale [our emphasis].

The proposed scheme is adjacent the canal ring in Dublin City, walking and cycling distance to the City Centre and significant employment, well serviced by public transport and existing services, provides 1,614 residential units on former institutional lands between two well established residential units and provides for significant public open space for the existing and future communities.

The Guidelines reference NPO 13 (from the NPF) which states that *‘in urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected’.*

It recognises that in meeting the challenge set out above, new approaches to urban planning and development are required and that securing an effective mix of uses within urban centres is critical. To bring about this increased density and increased residential development in urban centres, the Guidelines state that *‘significant increases in the building heights and overall density of development is not only facilitated but actively sought out and brought forward by our planning processes and particularly so at local authority and An Bord Pleanála levels’.*

The consideration of increased density for residential development can be seen within other Dublin City Council areas whereby an extensive land bank has become available for redevelopment, e.g. St. Teresa’s Gardens, where increased heights at specific locations within the site area are promoted in a Framework Plan agreed by the Council and the landowners. Increased residential density and height was approved at this location as it is recognised as a key residential location within the city. The Holy Cross College site, subject of this application, shares the rationale for increased residential density and height due to its excellent accessibility and proximity to the City’s major employment areas and to the specific location and opportunities presented by the scale and tree coverage on the site.

As such the proposed scheme, as set out in this Strategic Housing Development Application to An Bord Pleanála, has set out to achieve a moderate level of greater height and density above current Development Plan permitted levels across the majority of the site and two taller elements providing for opportunities for the site to define itself. The sites suitability for this approach is further set out below, as considered against the Guidelines and in its design approach as set out

in the Masterplan and the Site Strategy prepared by HJL that accompanies this application.

SPPR3 of the Building Height Guidelines sets out that:

'It is a specific planning policy requirement that where;

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

This is considered with regards to the specific site below.

The Guidelines identify that *'locations with the potential for comprehensive urban development or redevelopment (e.g. brownfield former industrial districts, dockland locations, etc) should be identified where, for example, a cluster of higher buildings can be accommodated as a new neighbourhood or urban district or precinct. Such areas, particularly those in excess of 2 ha (approx. 5 acres) in area...'*

The subject site, at a size of c.8 ha (part of a wider Masterplan of c.12 ha), is an existing institutional lands adjacent the canal ring, which given its scale, can accommodate elements of increased height. The approach to the site has been to provide a height strategy which responds to the existing and emerging context, and using height as a way of both meeting existing scale considerations, and with two taller elements to identify the centre of the site and as the site meets the Drumcondra part of the site adjacent the Tolka River.

The site is less than 2km from O'Connell Street and the North Docks and within 3km is Grafton St, Grand Canal Dock and the Dublin 2 Office District. The proximity of the site to existing high frequency public transport puts the site within easy commute of the majority of Dublin areas.

The upward modifiers are positioned along the main entry routes within the site. These landmark buildings create focal points along the routes to the different neighbourhoods. The massing of the adjacent blocks has been considered relative to the two taller buildings.

Additionally the Guidelines identify that areas that should be considered include:

- *Proximity to high quality public transport connectivity, particularly key public transport interchanges or nodes;*

HOLY CROSS COLLEGE SHD

Material Contravention Statement

- *The potential contribution of locations to the development of new homes, economic growth and regeneration in line with the compact urban growth principles as set out in the National Planning Framework and Project Ireland- 2040;*
- *The resilience of locations from a public access and egress perspective in the event of major weather or emergency or other incidents;*
- *The ecological and environmental sensitivities of the receiving environment; and*
- *The visual, functional, environmental and cumulative impacts of increased building height.*

The transport and mobility strategy for the site seeks to capitalise on the site’s accessible location and maximise opportunities for sustainable travel.

The development is situated just 1.5km north of the city centre and is just a 10 minute cycle from O’Connell Street.

The site is 100-200m walk to the existing Drumcondra Rail Station and in addition to this is located near the existing main Drumcondra bus route into the city that includes multiple bus routes into and from the city including a 24hour bus route. The forthcoming Bus Connect programme will both increase bus frequency to the site and will deliver a network of high quality cycle lanes/tracks directly from the site to the city centre along Drumcondra Road and Dorset Street.

The Royal Canal Greenway is less than a 5 minute cycle from the site, when completed it will provide a direct, safe and attractive route to the Docklands for residents.

Central to the access strategy is to create a connected, permeable, walkable and cyclable network within the grounds to facilitate the sustainable and safe movement of people. The site is within walking and cycling distance of the North and South Docklands employment hubs, the IFSC and the City Centre.

Section 3.2 of the Urban Building Height Guidelines provide guidance for Planning Authorities/An Bord Pleanála in considering development proposals for buildings taller than prevailing building heights in pursuit of the Guidelines. These are considered, in relation to the proposed development, as follows:

Development Management Principles and Criteria	Holy Cross College Proposed Scheme
Principles	
Does the proposal positively assist in securing National Planning Framework objectives of focusing development in key urban centres and in particular, fulfilling targets related to brownfield, infill	Yes, as set out in Section 5.2.1, the scheme provides for a high quality, and significant quantum of residential development on a site zoned for future residential use and proximate to high frequency public transport within an

<p>development and in particular, effectively supporting the National Strategic Objective to deliver compact growth in our urban centres?</p>	<p>existing established urban area which supports compact growth of key urban centres.</p> <p>The scheme delivers 1614 residential units in addition to crèche/retail/cafe uses and extensive public opens space available to both the existing and future community.</p>
<p>Is the proposal in line with the requirements of the development plan in force and which plan has taken clear account of the requirements set out in Chapter 2 of these guidelines?</p>	<p>Yes- the proposed development is fully in line with Development Plan objectives for the delivery of residential development within lands incorporated in to the Core Strategy, with the exception of Development Plan standards in relation to height and residential standards in respect of unit mix and floor areas, which are clearly set out in this Report. .</p>
<p>Where the relevant development plan, local area plan or planning scheme pre-dates these guidelines, can it be demonstrated that implementation of the pre-existing policies and objectives of the relevant plan or planning scheme does not align with and support the objectives and policies of the National Planning Framework</p>	<p>Yes, the Development Plan was adopted prior to the publication of the Urban Development & Building Height Guidelines and as such sets numerical height caps which the Guidelines recommend against the inclusion of and permits the consideration of proposed schemes against criteria set out in SPPR3.. However the subject site is zoned for residential development and supported by policies in the CDP for intensification and growth but is restricted currently in relation to height.</p>
<p>Criteria</p>	
<p>City/Town Scale</p>	
<p>The site is well served by public transport with high capacity, frequent service and good links to other modes of public transport</p>	<p>Yes, as set out in Section 2 of this report, the site at Holy Cross College Lands are in a highly accessible location, at just 400m walking distance adjacent an existing Commuter Train station, and high frequency bus corridor. In addition the site is within walking and cycling proximity of the city centre which provides for access to other modes of public transport such as Luas, Irish Rail network, the wider Dublin Bus network as well as private transport operators.</p>
<p>Development proposals incorporating increased building height, including proposals within architecturally sensitive areas, should successfully</p>	<p>The location, height and orientation of apartment blocks has been carefully considered to enhance and protect the built heritage, historic setting, and</p>

<p>integrate into/ enhance the character and public realm of the area, having regard to topography, its cultural context, setting of key landmarks, protection of key views. Such development proposals shall undertake a landscape and visual assessment, by a suitably qualified practitioner such as a chartered landscape architect.</p>	<p>strong landscape character of the lands. This Strategic Housing Development application has included for a dedicated Landscape & Visual Impact Assessment (contained within Chapter 13 of the accompanying EIAR).</p> <p>The proposed development has been designed to sit comfortably within its surrounds, minimising impact on both adjacent development and the existing Protected Structures and setting of the site. The LVIA identifies that on balance the effects on visual amenity would be neutral or positive and the proposed development can be appropriately integrated in the townscape without significant negative effects, especially after a short-term period to allow for establishment of the high-quality development and new residential community in its setting.</p>
<p>On larger urban redevelopment sites, proposed developments should make a positive contribution to place-making, incorporating new streets and public spaces, using massing and height to achieve the required densities but with sufficient variety in scale and form to respond to the scale of adjoining developments and create visual interest in the streetscape.</p>	<p>As outlined, in both the Materplan and Site Strategy Report prepared by Henry J Lyons, the the approach to height both responds to the existing context and provides for a new context in appropriate areas of the site whereby a focal point or marker building can integrate and define key parts of the site but can also be located to minimise and visual impact on both the existing external and internal context. The proposed development contributes to new public open space through the provision of 25% of the site development area as new public open space.</p> <p>The development introduces a variety of heights through the site which respond to surrounding land uses adjacent the site but also to proposed open spaces and historic buildings within the site.</p> <p>The site strategy is informed by the orientation of existing buildings, roads, trees and open spaces. The proposal maintains the patterns of the existing site while responding to the scale of the existing buildings to create spaces and streetscapes of interest.</p>

District/ Neighbourhood/ Street Scale	
<p>The proposal responds to its overall natural and built environment and makes a positive contribution to the urban neighbourhood and streetscape</p>	<p>The proposed development incorporates provision for a significant area of public open space, positively contributing to the natural and built environment of the wider area. The scheme as proposed includes for c. 2ha or 25% of the development site area as public open space fully accessible to both future residential and the existing community thereby providing for a significant public amenity to the area. These open spaces are provided along a necklace of open spaces using the existing mature character of the site and integrating with the historic setting and buildings.</p> <p>It also provides for a crèche, retail and café units within the development, which will serve the wider area.</p> <p>The wider Masterplan area includes a looped walk, pedestrian connections and additional public open space.</p>
<p>The proposal is not monolithic and avoids long, uninterrupted walls of building in the form of slab blocks with materials / building fabric well considered.</p>	<p>The proposed development incorporates a variety of building forms, heights, and façade treatments, creating diversity yet presenting a unified approach to built form at this location. As set out in the LVIA (Chapter 13 of the EIAR) the approach to height in the scheme is through the ‘provision of new buildings stepping from a three to seven-storey perimeter with a general six-storey shoulder height addressing the central parkland with an 18-storey tall building (Block D) terminating the eastern end of the parkland opposite the Seminary Building’ which is considered to ensure a variety in urban form.</p> <p>This is set out in the Site Strategy Report, supported by the 4 no. Architectural Design Statements.</p>
<p>The proposal enhances the urban design context for public spaces and key thoroughfares and inland waterway/ marine frontage, thereby enabling additional height in development form to be favourably considered in terms of enhancing a sense of scale and enclosure while</p>	<p>The proposed development incorporates heights of 2 to 18 storeys at appropriate locations on the site, where impact on adjacent lands is minimized, and where open space provision is enhanced.</p>

<p>being in line with the requirements of “The Planning System and Flood Risk Management – Guidelines for Planning Authorities” (2009).</p>	<p>A Site Specific Flood Risk Assessment is submitted as part of this application for development, which demonstrates the development is in accordance with the Guidelines.</p>
<p>The proposal makes a positive contribution to the improvement of legibility through the site or wider urban area within which the development is situated and integrates in a cohesive manner.</p>	<p>A variety of routes have been incorporated to traverse the site from North West to South East to connect the spaces and provide maximum permeability and choice in a safe and pleasant environment. This permeability from Drumcondra to Clonliffe Rd/Ballybough is currently not accessible through the site.</p> <p>The transport and mobility strategy for the site seeks to capitalise on the site’s accessible location and maximise opportunities for sustainable travel.</p> <p>While the proposed scheme is not reliant on it, the Masterplan for the wider lands contains a looped walk and possible future potential connections to Grace Park Road to the North. The proposed development has been designed to integrate into future proposals.</p>
<p>The proposal positively contributes to the mix of uses and/ or building/ dwelling typologies available in the neighbourhood.</p>	<p>The proposed development includes for a mix of apartment types and sizes which provide for occupancy at all stages of life.</p> <p>The wider Drumcondra area is comprised predominately of 2 storey terraced, detached and semi-detached housing. The proposed development will complement this existing provision enabling an increase choice in the neighbourhood.</p>
<p>Site/Building Scale</p>	
<p>The form, massing and height of proposed developments should be carefully modulated so as to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light.</p>	<p>As outlined previously the buildings range in height from 2 to 18 storeys in order to both meet existing context and to ensure minimal impact on daylight or sunlight quality of adjoining properties. The majority of the site is provided at 6-8 stories with heights stepping down adjacent to existing residential properties and sensitive receptors.</p> <p>The Daylight & Sunlight Report, prepared by Arup as well as the LVIA (Chapter 13 of the EIAR) considers the</p>

	<p>issues of daylight, sunlight, overshadowing and views and concludes that the existing adjacent developments will not be significantly impacted by the proposal and that the proposed development will provide for a high quality of amenity for future residents.</p>
<p>Appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision outlined in guides like the Building Research Establishment's 'Site Layout Planning for Daylight and Sunlight (2nd Edition or BS 8206-2:2008 – 'Lighting for Buildings- Part 2: Code of Practice for Daylighting'.</p>	<p>A Daylight and Sunlight Report, prepared by Arup, is included in this application and is also considered in the EIAR Microclimate Chapter. The assessment with regard to daylight and sunlight was carried out having regard to the required BRE Guidance, which is set out in the reports.</p>
<p>Specific Assessments</p>	
<p>Specific impact assessment of the micro-climatic effects such as downdraft. Such assessments shall include measures to avoid/ mitigate such micro-climatic effects and, where appropriate, shall include an assessment of the cumulative micro-climatic effects where taller buildings are clustered.</p>	<p>A microclimate assessment, has prepared by IES and is considered in the EIAR Microclimate Chapter. It has been prepared as an iterative process throughout the design process identifying where any problem areas exist and what mitigation is required to address them.</p> <p>In general the report concludes that the environment created by the proposed development will be suitable for intended uses i.e. sitting, walking etc. and it will be high quality environment.</p>
<p>In development locations in proximity to sensitive bird and / or bat areas, proposed developments need to consider the potential interaction of the building location, building materials and artificial lighting to impact flight lines and / or collision.</p>	<p>According to the winter bird surveys contained in Appendix 8.1 of the EIAR, the numbers of over wintering birds using the Holy Cross College lands is negligible. The Proposed Project will include the construction of new buildings, including one 18-storey block. However, the Proposed Project site is some 1.8km from the nearest SPA and the risk of collision is imperceptible. Birds tend to fly higher than the tallest obstruction in their flightpath and also to fly at a greater height between foraging sites. No Brent geese were observed anywhere on the site during two years of comprehensive bird survey and the Project Site is not an important site for this or any other overwintering species.</p>

	<p>Having regard to Specific Planning Policy Requirement SPPR3 of the Urban Development and Building Height Guidelines for Planning Authorities (December 2018), which notes that specific assessments may be required and these may include relevant environmental assessments to be undertaken, no issues arise in relation to any ecological receptors, for example via the disruption of flight lines for birds, or disruption to commuting or foraging bats.</p> <p>Similarly the proposed development is not expected to have any significant, permanent impacts on the habitats and species associated with the River Tolka corridor.</p>
<p>An assessment that the proposal allows for the retention of important telecommunication channels, such as microwave links.</p>	<p>This is not considered relevant given the sites location as there are no identified communication channels or microwave links in the proximity of the proposed development and as such no assessment, as identified in SPPR3, was considered required</p>
<p>An assessment that the proposal maintains safe air navigation.</p>	<p>As the site is not located within any identified flight paths, it is considered that safe air navigation is maintained and as such no assessment, as identified in SPPR3 was considered required.</p>
<p>An urban design statement including, as appropriate, impact on the historic built environment</p>	<p>This EIAR chapter prepared by Slattery Architects and in the McCullough Mulvin Design Statement in regards to proposed build form and materials taking account of the protected structures and historic fabric.</p>
<p>Relevant environmental assessment requirements, including SEA, EIA, AA and Ecological Impact Assessment, as appropriate.</p>	<p>As the site is over 2ha and 500 units an EIAR accompanies this Strategic Housing Development planning application. It is considered that the scheme has been fully assessed in the EIAR and is not reliant on these Guidelines to justify any potential impacts.</p> <p>Additionally an AA Screening Report is included.</p>

As is outlined in this report and the other documentation accompanying this application, the subject site, is a prime example of the type of site anticipated in the Guidelines that can achieve increased building height and resulting increased density, without impacting negatively on the surrounding environment as considered against the criteria set out in SPPR3.

5.2.3 Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2020)

The Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities were published in 2018 and updated in December 2020 (in respect of Shared Accommodation only) and sought to build on the content of the 2015 apartment guidance, much of which remained valid, particularly with regard to design quality safeguards such as internal space standards for 1-, 2- and 3-bedroom apartments, internal storage and amenity space.

The key updates to the 2015 Guidelines sought to:

- Enable a mix of apartment types that better reflects contemporary household formation and housing demand patterns and trends, particularly in urban areas;
- Make better provision for building refurbishment and small-scale urban infill schemes;
- Address the emerging 'build to rent' and 'shared accommodation' sectors; and
- Remove requirements for car-parking in certain circumstances where there are better mobility solutions and to reduce costs.

As stated in Section 1.11 of the Introduction *'these Guidelines apply to all housing developments that include apartments that may be made available for sale, whether for owner occupation or for individual lease. They also apply to housing developments that include apartments that are built specifically for rental purposes'*.

Further Section 1.21 states *'accordingly, where SPPRs are stated in this document, they take precedence over any conflicting, policies and objectives of development plans, local area plans and strategic development zone planning schemes. Where such conflicts arise, such plans should be amended by the relevant planning authority to reflect the content of these guidelines and properly inform the public of the relevant SPPR requirements'*.

The Development Plan was adopted before the publication of the *Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities* (2020). Therefore, the principal justification for the Board in contravening the Development Plan standards relating to dwelling mix and minimum studio apartment floor area, if this is considered a material

contravention, would be to ensure that strategic level planning policy and the Specific Planning Policy Requirements of Ministerial Guidelines relevant to the proposed development at this site are implemented.

This is considered to meet the requirements of Section 37 (2)(b)(iii) in terms of justifying a material contravention in respect of these Development Plan standards.

5.2.4 Dublin City Development Plan 2016-2022

The Core Strategy of the Development Plan promotes the intensification and consolidation of Dublin City with Chapter 5 in respect of residential development including objectives to:

***QH6:** To encourage and foster the creation of attractive mixed-use sustainable neighbourhoods which contain a variety of housing types and tenures with supporting community facilities, public realm and residential amenities, and which are socially mixed in order to achieve a socially inclusive city.*

***QH7:** To promote residential development at sustainable urban densities throughout the city in accordance with the core strategy, having regard to the need for high standards of urban design and architecture and to successfully integrate with the character of the surrounding area*

The Development Plan further notes that, in Dublin City, it is envisaged that the majority of new housing in the city area will be apartments or another typology that facilitates living at sustainable urban densities.

As set out in the Housing Needs Assessment and Unit Mix Analysis by KPMG Future Analytics as part of this application, the proposed development is located in an established built up areas with limited development opportunities. The existing areas, given its' built up nature, is predominated by houses with significant demand for studio/1 bed units. The proposed mix complements the existing housing stock in the area while also providing for a significant number of new residential units in an area well serviced by existing public transport and amenities within close proximity to the city centre.

Overall the proposed development has had careful regard to the policies and objectives contained within the Development Plan. In particular the proposed development supports the achievement of Objective SC13:

***SC13:** To promote sustainable densities, particularly in public transport corridors, which will enhance the urban form and spatial structure of the city, which are appropriate to their context, and which are supported by a full range of community infrastructure such as schools, shops and recreational areas, having regard to the safeguarding criteria set out in Chapter 16 (development standards), including the criteria and standards for good neighbourhoods, quality*

urban design and excellence in architecture. These sustainable densities will include due consideration for the protection of surrounding residents, households and communities.

In terms of contribution to the established neighbourhood in addition to greater typology mix the scheme provides for significant public open space for both proposed and existing residents. The network of open space will also provide for greater permeability between Drumcondra and Clonliffe Road/Ballybough and into the Docklands and City Centre with interspersed new social uses including a crèche, café and retail unit to serve both the new and existing community without detracting from the existing offerings in the area.

The subject lands, with their Z12 zoning, are a key element in delivering the city's housing need and it is considered that given the scale of the site it is one of the key sites in the entire city. The re-use of former institutional lands to provide both c.1600 residential units and significant public open space in line with the Development Plan requirements is compliant with National Policy and suitable for increased density and height.

Notwithstanding the potential material contravention of the Development Plan in respect of height and residential standards, as set out in this section the proposed development is compliant and meets the objectives of the wider Development Plan policies in relation to sustainable residential development and the provision of increased densities and unit typologies in the city.

6 STATEMENT IN RELATION TO MATERIAL CONTRAVENTION OF THE DEVELOPMENT PLAN

As set out in the above sections there are two potential material contraventions in this proposed development before An Bord Pleanála, in respect of building height and residential standards, as both set out in the Dublin City Development Plan 2016-2022.

In respect of height as outlined the majority of the buildings are below or only slightly above, within 1-2 metres, the Development Plan height limits of 24m while the two proposed taller elements are increased more significantly above height limits at c.43.6m and c.62.5m. The majority of the scheme is balanced around the 24m however it is acknowledged that any development above 24m may be considered to be a material contravention and therefore the proposed development includes for blocks A1, A3, A4, B2, C1, D1 and D2 exceed the height limit of 24m as set out in Section 16.7 of the Dublin City Development Plan 2016-2022.

In this regard, it is set out in this application that the subject site is capable of readily accommodating the additional height proposed here without giving rise

to any significant adverse planning impacts in terms of impact on residential amenity, daylight, sunlight, overlooking or visual impact.

In respect of residential development standards, in relation to unit mix and floor areas, as set out in this report the Development Plan standards were set out prior to the publication of the national standards for apartment development and as such, the SPPRs contained within the Section 28 Guidelines, take precedence over the Development Plan. The scheme as designed is fully compliant with the standards for Build To Rent apartment developments, as set out in the Section 28 *Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities*, in terms of all aspects ensuring residential quality.

Notwithstanding this, it is noted that the exceedance of the Development Plan parameters as set out constitutes a material contravention of the current Development Plan. As required in legislation, it is submitted that this can be, for this site, justified by An Bord Pleanála under Section 37(2) (b) (i) and (iii) of the Planning and Development Act 2000 (as amended) where the Board may determine under this section, to grant a permission even if the proposed development contravenes materially the Development Plan relating to the area of the planning authority to whose decision the appeal relates.

This section states that the Board may only grant permission in accordance with paragraph (a) where it considers that;

(iii) *the proposed development is of strategic or national importance*

The subject site is considered of strategic importance due to:

- Zoned as Z12 under the Dublin City Council Development Plan and are considered to have significant potential to contribute to the achievement of housing targets as set out in the Core Strategy for the City.
- Contributes to the objectives of the National Planning Framework by providing much needed housing development in urban areas at increased densities.

The proposed development provides for 1,614 new residential units, on former Institutional lands proximate to Dublin City Centre. This application, should it be permitted by An Bord Pleanála, will be one of the single largest planning applications delivered in Dublin, and as cannot be understated directly proximate to the City Centre, within walking and cycling distance and on high quality public transport routes.

The opportunity to provide for a single development through the reuse of former institutional land in Dublin within an established community such as Drumcondra is not an opportunity that arises often and given the current demand for housing and accommodation in the City this site must surely be considered to be Strategic in the City context.

As set out in Section 5.2, the scheme meets the objectives of National Policy to increase output of residential units through the intensification and densification of well-located and serviced sites. The significant shortfall in housing output to address current and projected demand is a national problem, with the lack of housing having social and economic ramifications for sustainable national growth. This is confirmed in the Government's Action Plan for Housing and Homelessness – Rebuilding Ireland (2016).

We would therefore submit that the proposed development is of strategic and national importance.

As such the subject site is considered a strategic site, in the Dublin City context, and that it is open to An Bord Pleanala to grant a material contravention on the basis of Section 37(2) (b) (i).

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

As set out in Section 5.2.2 the scheme is a prime example of the type of site anticipated in the Guidelines that can achieve increased building height and resulting increased density, as set out in the Section 28 Urban Development & Building Height Guidelines and as such Section 37(2) (b) (iii) is open to An Bord Pleanala to grant a material contravention on this basis having considered the scheme against SPP3

The proposed development is in line with the National Planning Framework and the Urban Development & Building Height Guidelines. The realisation of the objectives of this national guidance necessitates facilitating residential development to a height greater than 24m in appropriate locations. On the basis of the above provisions, we submit that the Board can grant permission for the subject development at the heights proposed.

Having regard to sections 37(2)(b)(i) and (iii) of the Planning and Development Act 2000 (as amended) and the following objectives with County, Regional and National guidance:

- *The objectives of Rebuilding Ireland – Action Plan for Housing and Homelessness issued in July 2016,*
- *The National Planning Framework,*
- *Guidelines for Sustainable Residential Developments in Urban Areas issued in 2009*
- *Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities issued in December 2020*

- *Guidelines for Planning Authorities on Urban Development and Building Height issued in December 2018, and*
- *The Regional Social and Economic Strategy for the Eastern and Midlands Region 2019-2031*

The proposed development is in line with the *National Planning Framework*, the *Sustainable Urban Housing: Design Standards for New Apartments*, *Guidelines for Planning Authorities* and the *Urban Development & Building Height Guidelines*. The realisation of the objectives of this national guidance necessitates facilitating residential development to a height greater than 24m in appropriate locations and residential development with standards compliant with *Sustainable Urban Housing: Design Standards for New Apartments* in respect of Build to Rent. On the basis of the above provisions, we submit that the Board can grant permission for the subject development as proposed.