

Material Contravention Statement

Proposed Strategic Housing Development at the
Balnagowan House Site, St. Mobhi Boithirin,
Glasnevin, Dublin 9.

on behalf of Balnagowan Partnership

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1. Introduction

This **Material Contravention Statement** has been prepared by McCutcheon Halley Planning Consultants on behalf of the Applicant, **Balnagowan Partnership**, to support an application to An Bord Pleanála for a Strategic Housing Development (SHD) at the Balnagowan House site, St. Mobhi Boithirin, Glasnevin, Dublin 9, see **Figure 1**.



Figure 1: Indicative Site Boundary

Where an application is deemed to materially contravene the relevant development plan, Section 8(1)(a)(iv)(II) of the Planning and Development (Housing) and Residential Tenancies Act 2016 requires a statement “*indicating why permission should, nonetheless, be granted, having regard to a consideration specified in section 37(2)(b) of the Act of 2000*”.

This Statement provides a justification for the material contravention of the Dublin City Development Plan 2016 – 2022 (the Development Plan) in relation to building height.

Figure 39¹ of the Development Plan, *Building in Dublin Context*, illustrates areas within the City for high-rise, medium-rise and low-rise development. The development site is located in an area identified as being suitable for low-rise development. Accordingly, a maximum height limit of 16m for low-rise development applies.

The proposed development comprises a total of 112 no. residential units in 4 no. blocks (Blocks 1-4) ranging in height from 2 to 6 storeys. It includes 3 no. new apartment buildings (Blocks 1 to 3) ranging from 5 to 6-storeys in height along the site’s northern boundary and in the rear (south) of the site, together with Block 4, a 2-storey existing building (Balnagowan House, a

¹ Building Height in Dublin Context, p. 318 (Development Plan)

Protected Structure) to which refurbishment, modifications and alterations are proposed to provide for 4 no. residential apartments.

The proposed 5-storey apartment building, Block 1, is 16.3m in height at the site's frontage on St. Mobhi Boithirin. Block 2 is 6-storeys in height and is 21.0m in height off the podium level. Block 3, also 6-storeys, has a maximum height of 23.10m off podium level at the rear (including the basement and under-croft apartments). Thus, the proposed new buildings, Blocks 1-3, exceed the 16m maximum height standard set out in the Development Plan.

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, confers power on An Bord Pleanála to grant permission for a development which is considered to materially contravene a Development Plan or Local Area 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.***

The purpose of this Material Contravention Statement is to address the possibility that the proposed development could be deemed by An Bord Pleanála to represent a material contravention of the Development Plan. It is submitted that proposed building heights within the development site will accord with national and regional sustainable planning principles, Ministerial

Guidelines under Section 28 and policy objectives, as outlined in the following justification.

2. Development Proposal

Balnagowan Partnership intend to apply to An Bord Pleanála for permission for a Strategic Housing Development comprising 112 no. residential units in 4 no. blocks (Blocks 1-4) ranging in height from 2 to 6 storeys with a cumulative gross floor area (GFA) 10,645sq.m at the 0.48 hectare 'Bealnagowan House' site, St. Mobhi Boithirin, Glasnevin, Dublin 9. Balnagowan House is a Protected Structure (RPS Ref. No. 8699).

The development will consist of:

- i. the demolition of 3 no. existing outbuildings including 1 no. single-storey flat roofed shed of 46.5sq.m GFA, 1 no. single-storey flat roofed shed of 100sq.m GFA and 1 no. glasshouse of 25sq.m GFA;
- ii. the construction of 108 no. residential units with a cumulative GFA of 6,844.5sq.m in 3 no. blocks as follows;
 - a. Block 1, with an upper height of 5 storeys (maximum 16.3m above ground level), comprising 9 no. apartments including 4 no. 1 bed and 5 no. 2 bed, all with private amenity space in the form of balconies;
 - b. Block 2, with an upper height of 6 storeys over basement/undercroft level (maximum 21.0m above ground level), comprising 33 no. apartments including 9 no. 1 bed and 24 no. 2 bed, all with private amenity space in the form of balconies;
 - c. Block 3, with an upper height of 6 storeys over basement/undercroft level (maximum 23.10m above ground level), comprising 66 no. apartments including 40 no. 1 bed and 26 no. 2 bed, all with private amenity space in the form of balconies, together with resident's gymnasium (100sq.m GFA);
- iii. change of use (office (last active use) to residential), refurbishment, modifications and alterations of Bealnagowan House (Block 4), a Protected Structure, to provide for 4 no. 2-bed residential apartments with a cumulative GFA of 284sq.m, all with private amenity space in the form of terraces/balconies over 2 no. floors;
- iv. provision of 100sq.m of public open space to the north of the site at St. Mobhi Boithirin between Block 2 and Block 4;

- v.** communal open space distributed across the site at ground level with a combined area of 1,537sq.m, including a children's play area to the west of the site;
- vi.** at basement level, the provision of 51 no. total car parking spaces (including 2 no. dedicated disabled parking spaces) and 5 no. motorcycle spaces;
- vii.** a total of 255 no. bicycle parking spaces, comprising 199 no. long-stay spaces at basement level and ground floor level, and 56 no. short-stay spaces at surface level;
- viii.** vehicular access to the basement car park will be via St. Mobhi Boithirin, situated between Blocks 1 and 2;
- ix.** a secondary vehicular access point will be provided at the existing site entrance at ground level to the north of the Balnagowan House to facilitate access to 1 no. disabled car parking bay and for vehicle drop off;
- x.** provision of 1 no. pedestrian/cyclist access point to the north of the site from St. Mobhi Boithirin between Block 2 and Balnagowan House, and 1 no. pedestrian access point at the existing site entrance at ground level to the north of the Bealnagowan House;
- xi.** all ancillary site development works, plant, waste storage, meter rooms, landscaping, boundary treatment and lighting.

3. Section 37(2) of the Planning and Development Act 2000 (as amended)

Section 37(2)(b) of the Planning and Development Act 2000 (as amended) states that the Board may grant permission where it considers that:

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

Response: **Section 4.1** of this Statement demonstrates that the proposed development is of 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

Response: This is not relevant to the proposed development.

(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

Response: Please refer to **Section 4.2** of this Statement which demonstrates how the proposed height and quantum of development is in accordance with recent national and regional planning policy together with Section 28 Ministerial Guidelines. These include:

- Project Ireland: National Planning Framework 2040 (2018)
- Eastern & Midlands Regional Spatial & Economic Strategy 2019-2031 (2019)
- Urban Development & Building Height Guidelines for Planning Authorities (2018)
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines, as amended (2020)
- Housing for All – a New Housing Plan for Ireland (2021)

(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.

Response: Please refer to **Section 4.3** of this Statement which demonstrates how the proposed development should be granted having regard to the pattern of development in the area, and permissions granted, since the making of the Development Plan.

4. Justification of Material Contravention

4.1 The proposed development is of strategic or national importance

The proposed development is of national importance. The application site is occupied by an existing building, Bealnagowan House, constructed in 1931. It is the former residence of the Linzell family and is listed on the Dublin City Record of Protected Structures (RPS No. 8699). The house is also included in the National Inventory of Architectural Heritage (NIAH) survey of the area (Reg. No. 50130046). The NIAH ascribe the building a rating of '*National*' significance, based on Architectural, Technical and Artistic special interest.

The structure is recognised for its '*National*' architectural and historic significance in particular, being the first example of domestic International Style architecture in Ireland. Built in concrete, the two-storey house's butterfly shape featured a central section with two wings at 90-degree angles, a flat roof and large horizontal steel-frame windows set into white rendered walls. An open terrace on the second floor was accessible from two bedrooms. Although plain on the outside, without the typical outward displays of status or wealth, internally the house included innovative and modern high-tech specifications. There was central heating and concealed lighting, an internal telephone system to communicate with staff, and bedrooms with hand basins and built-in wardrobes. Many interior details, such as the oak panelling and chrome light-switches, were chosen for their modernist credentials. The structure therefore has historic interest as a pioneering piece of architecture in the Irish context.

The Central Fisheries Board, a semi-state body, bought the house in 1971 from the last family to live there. The Board occupied the building as their main headquarters until 2005, at which time they moved to purpose-built laboratories and offices in Swords, Co. Dublin. The house and its grounds have stood empty since then and during this period, the condition of the building has deteriorated significantly.

Desktop research indicates that the structure was occupied by squatters for a period of time and has also been the target of vandalism. In August 2017, a fire in outbuildings caused serious damage. The fire damaged outbuildings have since been removed, however, a series of Dangerous Buildings (DB) Notices were issued by Dublin City Council during 2016, followed by a DB1 Notice in August 2017. Hoarding at the site's frontage to St. Mobhi Boithirin and boarding of the building's windows and doors, was subsequently erected to make safe and eliminate danger at the property.

As documented in the accompanying **Architectural Heritage Impact Assessment Report** prepared by Slattery Conservation Architects, the building underwent alteration works and lost many original features when it was converted from a house to office use. Further loss of fabric and features was incurred during the 2017 fire and the intervening years of dereliction and neglect.

The proposed development has therefore been designed in order to retain Balnagowan House and bring it back into active residential use. However, significant investment is required to undertake the refurbishment works necessary to conserve and restore the original fabric of the building.

By providing for new residential development on the vacant part of the site, the current proposal will make viable the restoration and refurbishment works to this Protected Structure of '*National*' architectural and historic significance. The proposed works to Balnagowan House, together with the new buildings on site, have been carefully considered to ensure the integrity of this historic building is maintained and will have a positive impact on the significance of the Protected Structure.



Figure 2: Image from DCC Architect's Blog September 2017 Showing Residence Boarded Up.

4.2 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.

Since the adoption of the Development Plan, there have been significant changes in national and regional planning policy. The following sections demonstrate the proposed development's compliance with national and regional planning policy, together with section 28 Ministerial Guidelines.

4.2.1 Housing for All – a New Housing Plan for Ireland (2021)

'Housing for All - a New Housing Plan for Ireland' is the government's housing plan to 2030. It is a multi-annual, multi-billion-euro plan which will improve Ireland's housing system and deliver more homes for all types for people with different housing needs.

The government's overall objective is that every citizen in the State should have access to good quality homes and it is estimated that Ireland will need an average of 33,000 new homes to be provided each year from 2021 to 2030.

The proposed development would contribute a total of 112 No. residential units to this target if the application is approved.

4.2.2 Project Ireland 2040: National Planning Framework (2018)

The National Planning Framework (NPF) (2018) aims to deliver on the Government's commitment made in Rebuilding Ireland (2016) to increase the supply of much needed housing that will benefit the growing resident population and enhance the economic competitiveness of Dublin City as a destination to attract Foreign Direct Investment. The NPF (2018) projects that a minimum of 550,000 new homes will be needed over the period to 2040, at least 50% of which are targeted for provision in Ireland's five cities.

The proposed development is in accordance with **National Policy Objective (NPO) 3a** of the NPF (2018). NPO3a states:

'NPO 3a - deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements.'

The NPF (2018) specifically identifies the importance of infill and brownfield development in urban areas as particularly challenging and necessitating a more flexible approach to realising these high-level planning objectives. To ensure that urban infill and brownfield sites can accommodate a significant proportion of future development, **NPO 11** states:

***NPO 11** – 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’.*

The NPF (2018) explicitly endorses a more “dynamic approach” to land use to consolidate development in existing urban areas to meet the housing needs of the national growing population. This position is reflected in **NPO 13**, as follows:

***NPO 13** - 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.’*

Additionally, the NPF (2018) places a strong policy emphasis on increasing building heights in appropriate locations to facilitate higher density development and a sustained increase in housing output. It recognises the role of apartment type developments in countering historical patterns of sprawl in Ireland’s urban settlements and accommodating the long-term trend towards smaller household size. To achieve higher density housing of the scale required, **NPO 35** seeks to:

***NPO 35** - Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights”.*

The proposed site is located in the inner suburb of Glasnevin in Dublin city, and it is strategically located within c3.3km from Dublin City Centre. Activating this site with the delivery of 112 no. apartments will contribute to making better use of an underutilised infill site. The reinstatement of Balnagowan House, a Protected Structure, also fulfils the aim of NPO 35 by providing for the re-use of this vacant and derelict building. Thus, the proposed residential development represents an opportunity to provide for increased densities and increased height which in return will deliver much needed housing, realise effective density and consolidation in a highly connected urban location consistent with the set of NPOs (3a, 11, 13 and 35) outlined in this report.

As discussed, the NPF and relevant national policy objectives provide an appropriate justification for the height of the proposed new buildings (Blocks 1-3) ranging from 5 to 6-storeys at this strategic location, despite being a material contravention of the Development Plan in terms of height.

4.2.3 Eastern & Midland Regional Spatial & Economic Strategy 2019-2031 (2019)

Aligned with the objective of the NPF (2018) to achieve more compact growth in our cities and towns, the Eastern and Midland Regional Spatial and Economic Strategy (RSES) recognises the importance of urban infill and regeneration sites in contributing to sustainable patterns of growth and revitalisation of existing settlements.

The RSES (2019) contains guiding principles for local authorities specifically to deal with the complexities of urban regeneration and infill sites, with the aim of achieving compact growth. To this end, **Regional Policy Objective (RPO) 3.2** and **3.3** state:

***RPO 3.2** - Local authorities shall, in their core strategies, shall set out measures to achieve compact urban development targets of at least 50% of all new homes within or contiguous to the built-up area of Dublin city and suburbs and a target of at least 30% for other urban areas'.*

***RPO 3.3** - Local authorities shall, in their core strategies, identify regeneration areas within existing urban settlements and set out specific objectives relating to the delivery of development on urban infill and brownfield regeneration sites in line with the Guiding Principles set out in the RSES and to provide for increased densities as set out in the 'Sustainable Residential Development in Urban Areas', 'Sustainable Urban Housing; Design Standards for new Apartment's Guidelines' and the 'Urban Development and Building Heights Guidelines for Planning Authorities'."*

The proposed development has been designed to achieve the strategic compact growth targets, in accordance with **RPO 3.2**, through the development of an underutilised infill site within the existing built area of Dublin City and suburbs, with a focus on the refurbishment and reinstatement of the existing Protected Structure, Balnagowan House, to residential use. The sensitive repurposing of Balnagowan House to provide 4 no. residential units is consistent with **RPO 9.3**, as follows:

***RPO 9.3** - Support the sensitive reuse of protected structures."*

Further to this, the proposed development has been designed to achieve the strategic objectives of increased density on infill sites, in line with the relevant section 28 guidelines indicated in **RPO 3.3**, as detailed in this Statement.

4.2.4 Urban Development & Building Height Guidelines for Planning Authorities 2018

The Urban Development and Building Heights Guidelines for Planning Authorities (Height Guidelines) (2018) highlight the positive contribution that taller buildings can make to our cities and towns.

The Height Guidelines (2018) direct Planning Authorities and An Bord Pleanála to have regard to the Height Guidelines' Specific Planning Policy Requirements (SPPRs), within the meaning of Section 28 (1c) of the Planning and Development Act 2000 (as amended), in carrying out their functions. Accordingly, **Section 1.14** states:

'(...) 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.'

The Height Guidelines (2018) specifically promote increased building heights in appropriate urban locations. To this end, Paragraph 2.5 states that ***"increased building height is a key factor in assisting modern place making and improving the overall quality of our urban environments"***.

The Height Guidelines (2018) give expression to NPO 13 in the NPF (2018) . **SPPR 1** of the Height Guidelines (2018) seeks to encourage increased building height and density in locations with good public transport accessibility to secure the objectives of the NPF and so prohibit the inclusion of blanket numerical limitations on building height in local statutory planning policies:

"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."

Section 3.1 of the Height Guidelines (2018) states:

"It is Government policy that building heights must be generally increased in appropriate urban locations. There is therefore a presumption in favour of buildings of increased height in our town/city cores and in other urban locations with good public transport accessibility."

The strategic nature of the subject site as a central and accessible location c.3.3km from Dublin City Centre has underpinned both the design and height strategy for the proposed development. The development site is well served by public transport with frequent service and good transport links to other modes of public transport.

Further to the above, the site is well placed to absorb a high-density development which is appropriately scaled and designed in the context of its urban residential surroundings, at a highly accessible location surrounded by recreational amenities, community services and connected to major employment hubs. The design approach has also evolved to respond to the

established residential setting and the presence of the Protected Structure, Balnagowan House, through sensitive refurbishment and reuse of this vacant and derelict building.

Paragraph 2.8 of the Height Guidelines state:

"Historic environments can be sensitive to large scale and tall buildings. In that context, Planning Authorities must determine if increased height buildings are an appropriate typology or not in particular settings. An Initial assessment of the existing character and setting of a place will assist in a robust framework for decision-making that will facilitate increases in building height and involve an integrated understanding of place. With regards to large-scale and tall buildings in historic urban areas, an examination of the existing character of a place can assist planning authorities, and others to:

- *establish the sensitivities of a place and its capacity for development or change and;*
- *define opportunities for new development and inform its design."*

In accordance with the above, an **Urban Design Statement** prepared jointly by Slattery Conservation Architects and MH Planning is submitted with this application. The Statement examines the existing historic character and setting of the application site and its capacity to absorb the proposed development, demonstrating that the significantly altered historic streetscape will not be adversely impacted by the new 5 and 6-storey blocks. The Statement indicates the proposed height will have a moderate, positive effect, reversing the degraded nature of this site and establishing a more defined streetscape that clearly delineates the public and private realm.

Planning authorities are obliged to consider the principles outlined in **Table 1** when assessing applications for buildings taller than prevailing building heights in urban areas.

Table 1: Consistency with Development Management Principles – Height Guidelines (2018)

<p><i>Does the proposal positively assist in securing National Planning Framework objectives of focusing development in key urban centres and in particular, fulfilling targets related to brownfield, infill development and in particular, effectively supporting the National Strategic Objective to deliver compact growth in our urban centres?</i></p>	<p>The proposed residential development is located on an underutilised infill site situated on the southern side of St. Mobhi Boithirin, to the west of its junction with St. Mobhi Road (Glasnevin) and is in close proximity to Dublin City Centre.</p> <p>The proximity of the site to Dublin City Centre, c.3.3km distance from O’Connell Bridge, will help positively to address the issue of further sprawl and to achieve the consolidation of Dublin City’s built-up envelope, in accordance with the relevant national policies objectives of</p>
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	the NPF (2018) to achieve compact growth the built-up footprint of existing settlements.
<p><i>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?</i></p>	<p>This application is accompanied by a Planning Statement & Statement of Consistency with the Dublin City Development Plan 2016-2022 which provides an analysis of the proposed scheme's consistency with the Dublin City Development Plan 2016-2022.</p> <p>However, it is important to note that the Development Plan was adopted prior to publication of the NPF (2018) and Height Guidelines (2018). A variation (No. 7) was adopted in March 2020. The purpose of the Variation is to incorporate NPF (2018) and the RSES into the Development Plan, in accordance with Section 11 (1)(b)(iii) of the Planning and Development Act, 2000, as amended. Notably, the Variation Report identifies that the specific issue of building height will be implemented through the development management process and an updated building height policy will form part of the Development Plan review.</p> <p>As such, the extant Development Plan does not take account of the requirements of Chapter 2 of the Height Guidelines (2018). Specifically, it is inconsistent with Specific Planning Policy Requirement 1; <i>"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."</i></p>

<p><i>Where the relevant development plan or local area plan pre-dates these guidelines, can it be demonstrated that implementation of the pre-existing policies and objectives of the relevant plan or planning scheme does not align with and support the objectives and policies of the National Planning Framework?</i></p>	<p>The Development Plan pre-dates these Guidelines and the objectives and policies contained within the NPF (2018).</p> <p>The key national targets for structuring overall national growth, promoting regional parity, building accessible centres of scale and securing compact and sustainable growth were not available at the time of adopting the Development Plan.</p> <p>It is a matter for the Planning Authority to critically evaluate the existing written statement and development objectives for consistency of approach and to undertake the necessary variations or amendments, if necessary, to ensure that it is aligned with national and regional policies.</p>
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Section 3.2 of the Height Guidelines (2018) includes development management criteria that are required to be addressed in applications for taller buildings. **Table 2** outlines the consistency of the proposed development with the development management criteria set out in the Height Guidelines (2018).

Section 3.2 of the Height Guidelines (2018) states that where “*An Bord Pleanála considers that such criteria are appropriately incorporated into development proposals*”, Strategic Planning Policy Requirement (SPPR) 3 shall apply in accordance with Section 28 (1C) of the Planning and Development Act 2000 (as amended), as follows:

“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 above; 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.”*

Table 2: Consistency with the Development Management Criteria – Height Guidelines (2018)

At the scale of relevant city/town	
<p><i>The site is well served by public transport with high capacity, frequent service and good links to other modes of public transport.</i></p>	<p>The development site is well served by public transport with frequent Dublin Bus services which are within walking distance and with good links to other modes of public transport.</p> <p>The nearest bus stop is c.75 metres distance at St. Mobhi Road, served by Dublin Bus routes no. 4, 9 and 155 connecting to Dublin City Centre and suburbs (Ballymun, Charlestown, etc.). Bus routes no. 11 at Homefarm Road and no. 13 at Griffith Avenue are also within a short walking distance of the site.</p>
<p><i>Development proposals incorporating increased building height, including proposals within architecturally sensitive areas, should successfully integrate into/ enhance the character and public realm of the area, having regard to topography, its cultural context, setting of key landmarks, protection of key views. Such development proposals shall undertake a landscape and visual assessment, by a suitably qualified practitioner such as a chartered landscape architect.</i></p>	<p>The development proposal is accompanied by an Architectural Design Statement (KMD Architecture), Landscape Proposal report (Gannon & Associates), Townscape & Visual Impact Assessment (Gannon & Associates), an Urban Design Statement (prepared jointly by Slattery Conservation Architects & MH Planning) and an Architectural Heritage Impact Assessment report (Slattery Conservation Architects) that are submitted with this application.</p> <p>In addition to the proposed 3 no. new apartment blocks, the proposed development provides for refurbishment, modifications and alterations to Balnagowan House, an existing Protected Structure at the north-east corner of the site. The accompanying Architectural Design Statement (KMD Architecture) sets out the manner in which the design approach has been informed by the presence of the Protected Structure.</p>

	<p>Proposed Blocks 1-3 have been designed and positioned to preserve views to and from Balnagowan House. The apartment buildings are separated from Balnagowan House c. 14 metres on St Mobhi Boithirin and c.16 metres to the south. This configuration ensures that the setting of the Protected Structure is preserved and provides for views to and from the building.</p> <p>A Townscape & Visual Impact Assessment (TVIA) (Gannon & Associates) together with a suite of photomontages are included in this application. The TVIA concludes that <i>“the townscape and visual impact of the proposed development will generally have a positive beneficial effect on the townscape, respecting and enhancing the existing townscape characteristics and values.”</i></p> <p>An assessment of additional potentially sensitive historic viewpoints has been undertaken by Slattery Conservation Architects, addressed in the Architectural Heritage Impact Assessment submitted with this application. The purpose of the assessment was to examine the visual impact of the proposed development on the historic setting of the site, with particular reference to St. Mobhi Boithirin (the location of the Balnagowan House) and St. Mobhi Church to the west. The assessment indicates that the proposed new blocks will not detract from views of Balnagowan House or St. Mobhi Church.</p>
<p><i>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</i></p>	<p>The development site is a triangular parcel of land measuring c.0.48ha. It is situated in north Dublin, on the southern side of St. Mobhi Boithirin, to the west of its junction with Mobhi Road, Glasnevin, Dublin 9, and is located c.3.3km from the city centre.</p> <p>The development site is significantly underutilised and so presents a considerable opportunity to achieve a high-density residential development in this accessible urban location. The scheme will also ensure</p>

<p><i>to the scale of adjoining developments and create visual interest in the streetscape.</i></p>	<p>the viability of refurbishing and reinstating Balnagowan House to residential use, which has been left vacant since 2005 and fallen into a state of disrepair.</p> <p>The design response will ensure that the Protected Structure becomes a central feature of the development, while the new buildings at St. Mobhi Boithirin create an attractive addition to this fragmented streetscape.</p> <p>The accompanying Architectural Design Statement (KMD Architecture) submitted under separate cover provides a detailed description of the architectural design approach (mass, height, form, scale, etc.); particularly, in relation to the proposed refurbishment and alterations to Balnagowan House and its integration into the scheme.</p> <p>The accompanying Landscape Proposal report and landscape plans (Gannon & Associates) provide details of the landscaping proposal which was developed in cognisance of the historic setting. The comprehensive landscape strategy will mitigate the visual impact of the new buildings. There is dense planting of semi-mature trees 8-10m in height proposed along the eastern boundary and this will be supplemented by further tree planting within the site. In addition, a historic mini park shall be created at St. Mobhi Boithirin, incorporating historical material, plaque and photographs. This space is buffered and screened with landscaping and trees which will soften the transition to Block 2 along the streetscape.</p>
<p>At the scale of district/ neighbourhood/ street</p>	
<p><i>The proposal responds to its overall natural and built environment and makes a positive contribution to the urban neighbourhood and streetscape</i></p>	<p>The proposed residential development will allow for the creation of a high-quality residential development which integrates with the existing established residential neighbourhood in the vicinity of St. Mobhi Boithirin and St. Mobhi Road.</p>

The design approach redefines the street edge and re-establishes the streetscape whilst engaging with Balnagowan House and creating vitality at street level.

While the proposed development is responsive in terms of scale and form to its immediate environment, it has also been designed to create a distinctly contemporary character defined by the form, scale and detailing of the three proposed apartment buildings and public and communal open spaces.

Particular care has been taken in respect of existing Protected Structure (Balnagowan House). The proposed development provides for alterations and refurbishment of the vacant building at the north-east corner of the site, reinstating its original residential use. Conservation works to the external fabric including repair and reinstatement of cement-based render on all elevations, repairs to the flat reinforced concrete roof and repairs and reinstatement of multi-pane steel windows will have a positive impact on the historic fabric, enhancing its special architectural and historic character.

The proposed new landscape design will profoundly improve the amenity of the site, and enable a greater appreciation of the architectural character and historic significance of Balnagowan House. This will have a positive impact on the Protected Structure. In the case of Balnagowan, there is little or no evidence of the quality or form of the original topography, planting, and minimal evidence of the location and appearance of structures within the garden. Thus, the proposed landscape design does not attempt to reconstruct or replicate historic features of the landscape. However, the existing rear terraces to Balnagowan House are retained, the forecourt features including walls, gates, fountain and planters are refurbished, and the new landscape design does respect the historic landscape

	<p>design through the use of a circular motif in the paving to both the front and rear setting, honouring the original centrepiece to the front setting and the BBQ pit shelter to the rear of the loggia.</p>
<p><i>The proposal is not monolithic and avoids long, uninterrupted walls of building in the form of slab blocks with materials / building fabric well considered.</i></p>	<p>The proposed buildings range in height from two to six storeys, with the highest element set back from the street frontage. The proposed building heights have been utilised to create a dynamic built environment with rich character, variety and form.</p> <p>Overall, the facades of the proposed three new apartment blocks (1-3) are articulated and modulated to reflect the language of Balnagowan House and the existing urban grain.</p> <p>The building façades at the street frontage to St. Mobhi Boithirin allow the proposed buildings to assimilate into its environment in a sensitive manner by breaking up its visual mass. The upper part of the proposed buildings are set back from the street front to appear as a lighter element.</p> <p>The height strategy reflects restraint in the vicinity of existing residential communities while achieving higher densities in a manner which ensures that there is no negative impact on internal or external environments.</p> <p>The proposed development seeks to reflect the Art Deco modernist language and architectural materiality of Balnagowan House, together with more contemporary materials presented in the surrounding residential properties. A traditional palette of durable and high-quality materials is proposed including brick and stone, referencing the light-coloured render finish of the Protected Structure.</p>
<p><i>The proposal enhances the urban design context for public spaces and key thoroughfares and inland waterway/ marine</i></p>	<p>The site is currently vacant and underutilised. The benefits of developing this site are wide-ranging and the type and form of development is consistent with emerging trends to ensure consolidation of the urban</p>

<p><i>frontage, thereby enabling additional height in development form to be favourably considered in terms of enhancing a sense of scale and enclosure while being in line with the requirements of “The Planning System and Flood Risk Management - Guidelines for Planning Authorities” (2009).</i></p>	<p>footprint and efficient use of land and is in the interest of the common good.</p> <p>In conjunction with the refurbishment of Balnagowan House, the proposed apartment buildings at the development site will deliver substantial improvements to the urban landscape at this locality.</p> <p>The proposed development provides for refurbishment, modifications and alterations to the Protected Structure as an integral part of the residential development.</p> <p>The proposed development will fill a large gap in the existing fractured streetscape, reducing the disconnection between the surrounding areas, animating and completing the streetscape and re-establishing Balnagowan House as the prominent feature. In so doing it will enhance the surrounding areas through changes to views, introducing a new and attractive built element to the view compositions, indicating a new place of significance in the townscape.</p> <p>A Site-Specific Flood Risk Assessment (CS Consulting) has been undertaken, and it is submitted under separated cover. Historically, the site has not experienced past flood events, as noted by the OPW’s historical flood maps.</p> <p>The subject site is in Flood Zone C and therefore the proposed development is appropriate and in accordance with Guidelines on this matter.</p>
<p><i>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</i></p>	<p>The proposed development will make a positive contribution to placemaking through a high-quality architectural response to the existing Protected Structure. Further, the new buildings at St. Mobhi Boithirin create an attractive addition to this fragmented streetscape.</p> <p>Please refer to the accompanying Architectural Design Statement (KMD Architecture) and Landscape Proposal</p>

	<p>(Gannon & Associates) under separate cover which provide further details on the overall design approach of the scheme and the integration with its surroundings.</p>
<p><i>The proposal positively contributes to the mix of uses and/ or building/ dwelling typologies available in the neighbourhood.</i></p>	<p>The proposal has the capacity to make a substantial contribution to the provision of new housing stock in an accessible urban location while contributing positively to the consolidation of Dublin suburbs.</p> <p>The proposed development comprises a total of 112 no. residential units, including 108 no. units across 3 no. blocks (Blocks 1-3), with 4 no. additional units to be provided within the former residence, known as Balnagowan House, a Protected Structure (Block 4). The proposed apartments will contribute to the provision of a greater mix of dwelling typologies in the locality.</p> <p>The proposed mix of units is in accordance with the development management criteria set out in SPPR 1 of the Height Guidelines (2018).</p> <p>The proposal is informed by a Social Infrastructure Audit (MH Planning). As demonstrated in the Social Infrastructure Audit (MH Planning) submitted under separate cover, there is a prevalence of public open space in the locality, and the Applicant intends to make a contribution to offset the shortfall in public open space within the site. Notwithstanding the foregoing, the proposed development includes a significant quantum of communal open space, together with residential amenity spaces and support facilities.</p> <p>Please refer to the accompanying Architectural Design Statement (KMD Architecture) and Landscape Proposal (Gannon & Associates) under separate cover which provide further details on the arrangement of the mix of units and amenity areas across the scheme.</p>
<p>At the scale of the site/building</p>	

<p><i>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.</i></p>	<p>The proposed form, massing and height of the proposed apartment buildings will ensure appropriate access to natural daylight, while protecting and enhancing Balnagowan House (Protected Structure). The proposed buildings are modulated and separated to allow daylight penetration into communal open spaces.</p> <p>The accompanying Daylight, Sunlight & Shadow Assessment (Metec Consulting Engineers), Architectural Design Statement (KMD Architecture) and Landscape Proposal (Gannon & Associates) demonstrate how the proposed development has been carefully designed to respond to its existing environment by optimising access to natural daylight, and minimising overshadowing and loss of light. These matters have also driven the design of the scheme to ensure that the proposed units, public and communal open spaces within the site will provide a high level of amenity for future residents.</p>
<ul style="list-style-type: none"> • <i>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’.</i> • <i>Where a proposal may not be able to fully meet all the requirements of the daylight provisions above, this must be clearly identified and a</i> 	<p>Please refer to the Daylight, Sunlight & Shadow Assessment (Metec Consulting Engineers) submitted with this application under separate cover. Key conclusions from the assessment are:</p> <p>The daylight and sunlight assessment results demonstrate that the proposed development will not result in any significant loss of daylight or sunlight received by the existing neighbouring properties. VSC and daylight assessment has shown that good levels of daylight would be safeguarded.</p> <p>Of the 112 proposed units, all apartments were analysed as part of this comprehensive study, which included 283 individual rooms. 100% of rooms tested achieved the BRE Guide recommendations.</p> <p>The increased separation between the proposed apartment blocks and Balnagowan House offer good daylight and sunlight</p>

<p><i>rationale for any alternative, compensatory design solutions must be set out, in respect of which the planning authority or An Bord Pleanála should apply their discretion, having regard to local factors including specific site constraints and the balancing of that assessment against the desirability of achieving wider planning objectives. Such objectives might include securing comprehensive urban regeneration and or an effective urban design and streetscape solution.</i></p>	<p>penetration and maintains the south-western views to and from the protected structure.</p> <p>The shadow analysis shows that overall, there is minimal overshadowing from the proposed residential blocks due to the considered architecture, and that the proposed development would not result in any significant loss of light received by neighbouring properties. Existing and proposed solar shading images have been prepared and are to the Daylight, Sunlight & Shadow Assessment (Metec Consulting Engineers).</p> <p>The daylight/shadow assessment concludes that future occupants will enjoy good levels of daylight within the proposed development.</p> <p>Overall, the results demonstrate that the proposed development performs well when compared against the BRE recommendations in the BRE "Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice".</p>
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Specific Assessments (To support proposals at some or all of these scales, specific assessments may be required, and these may include:)

In accordance with the Height Guidelines (2018), specific assessments accompanying this application, as follows:

- Planning Statement & Statement of Consistency with DCDP 2016-2022 (MH Planning)
- Statement of Consistency with National, Regional & S.28 Guidelines (MH Planning)
- EIA Screening Report (MH Planning)
- Statement on EIA Screening Process (MH Planning)
- Social Infrastructure Audit (MH Planning)
- Childcare Demand Report (MH Planning)
- Response to ABP Opinion (MH Planning with input from Design Team)
- Urban Design Statement (Slattery Conservation Architects & MH Planning)
- Architectural Design Statement (KMD Architecture)
- Schedule of Accommodation (KMD Architecture)
- Housing Quality Assessment (KMD Architecture)
- Building Lifecycle Report (KMD Architecture)

- Part V Proposal (KMD Architecture)
- Landscape Proposal (Gannon & Associates)
- Landscape Specifications, Management & Maintenance Plan (Gannon & Associates)
- Townscape & Visual Impact Assessment (Gannon & Associates)
- Part L Planning Compliance (Energy & Sustainability Report) (Axiseng)
- Engineering Services Report (CS Consulting Engineers)
- Site Specific Flood Risk Assessment (CS Consulting Engineers)
- Quality Audit (CS Consulting Engineers)
- Traffic and Transport Assessment (CS Consulting Engineers)
- Residential Travel Plan (CS Consulting Engineers)
- DMURS Statement (CS Consulting Engineers)
- Construction Management Plan (CS Consulting Engineers)
- Operational Waste Management Plan (AWN)
- Construction & Demolition Resource & Waste Management Plan (inc. Demolition Asbestos Report) (AWN)
- Stage I Appropriate Assessment Screening Report (Moore Group)
- Natura Impact Statement (Moore Group)
- Ecological Impact Assessment (Moore Group)
- Architectural Heritage Impact Assessment (Slattery Conservation Architects)
- Archaeological Assessment (John Purcell Archaeology)
- Daylight, Sunlight & Shadow Assessment (Metec Engineering Consultants)
- Arboricultural Report (inc. Tree Survey, Arboricultural Impact Assessment & Arboricultural Method Assessment) (Charles McCorkell Arboricultural Consultancy)
- Verified Photomontages (Modelworks)

Having regard to the foregoing, it is our professional opinion that the proposed development meets all of the relevant development management criteria set out under the Height Guidelines.

4.2.5 Sustainable Urban Housing: Design Standards for New Apartment Guidelines 2020 (as amended)

The Design Standards for New Apartments Guidelines (the Apartments Guidelines) (2020) were updated in 2018, and amended in 2020, to take account of recent evidence of projected future housing demand and the prevailing housing market, within the policy context of the NPF (2018) and Rebuilding Ireland (2016). It focuses on locational criteria and planning for apartment developments generally.

Paragraph 2.2 of the Apartment Guidelines (2020) states:

"In general terms, apartments are most appropriately located within urban areas. As with housing generally, the scale and extent of apartment development should

increase in relation to proximity to core urban centres and other relevant factors. Existing public transport nodes or locations where high frequency public transport can be provided, that are close to locations of employment and a range of urban amenities including parks/waterfronts, shopping and other services, are also particularly suited to apartments.”

The development site benefits from a high level of accessibility and connectivity. It is within a **central and accessible location**, as defined in paragraph 2.4 of the Apartment Guidelines (2020). The Apartment Guidelines (2020) define such locations as suitable for higher density that may wholly compromise apartments, including:

- Sites within walking distance (i.e. up to 15 minutes or 1,000- 1,500m), of principal city centres, or significant employment locations, that may include hospitals and third-level institutions;
- Sites within reasonable walking distance (i.e., up to 10 minutes or 800- 1,000m) to/from high-capacity urban public transport stops (such as DART or Luas); and
- Sites within easy walking distance (i.e., up to 5 minutes or 400-500m) to/ from high frequency (i.e., min 10 minute peak hour frequency) urban bus services.

Having regard to the above criteria, we confirm the development site is within walking distance (i.e., up to 15 minutes or 1,000-1,500m) of significant employment locations. As shown in the **Traffic & Transport Assessment** (CS Consulting) submitted under separated cover, major employment locations such as Dublin University Campus at Ballymun Road and Bon Secours Hospital are within a 15-minute walking distance.

The development site is also situated within 10-min walk of convenient access to reliable and high-frequency bus services through Dublin City centre. Bus stops on St. Mobhi Road and Glasnevin Hill in the vicinity of the development site are served by 6 no. bus routes (4, 9, 11, 13, 155, 83/a) and their variations (i.e., 83a), which connect the development and future residents to Dublin City Centre, major employment centres and other suburbs across the city.

Thus, the site’s proximity to centres of employment and its accessibility to high frequency public transport services, make this a suitable location for higher density residential development. The capacity of this site to deliver a residential scheme will also help build critical mass and so maximise efficiencies and return on the significant public financial investment in public transport infrastructure.

Having regard to the foregoing, it is our professional opinion that the proposed development satisfies the locational criteria for higher density, and therefore it is consistent with the Apartments Guidelines (2020). In seeking to achieve higher densities, the height strategy for the development site has been carefully developed to integrate sensitively with the existing Protected Structure on site and the established residential character of the surrounding area.

The suite of supporting information and studies that accompany this submission demonstrate that the proposed design meets the relevant performance-based criteria, and the **Housing Quality Assessment** (KMD Architecture) establishes that standards relating to unit design are met and exceeded.

4.2.6 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.

This section sets out why 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.

This section should be read in conjunction with the **Architectural Design Statement** (KMD Architecture), the **Townscape & Visual Impact Assessment** (Gannon & Associates) and the suite of photomontage views submitted with this application under separate cover.

The development site is in Glasnevin, Dublin 9, an area of Dublin City that contains a wide array of land uses including residential, institutional, and recreational. Recent permissions granted in the locality align with national and regional policy objectives that seek consolidation and densification in accessible urban areas, see **Table 3**.

The development proposals outlined in Table 3 incorporate taller buildings following the introduction of the Heights Guidelines (2018) that followed the adoption of the Development Plan. The building heights proposed are greater relative to the traditional existing building stock in the area. In particular, we draw attention to the permitted development at Glasnevin Hill (ABP Ref. TA29N.308905) which includes the construction of two buildings ranging in height from 6 to 7 storeys.

As such, it is submitted that the proposed development satisfies section 37(2)(b)(iv) and accordingly, 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.

Table 3: Permissions granted in the area.

Location	Planning Application	Proposed Development
<p>The 'Addison Lodge' and 'Glasnevin Lodge', Botanic Road, Dublin 9</p>	<p>DCC Reg. Ref. 4554/17</p> <p>Decision to Grant: 26th July 2018</p> <p>ABP Ref. PL29N.302394</p> <p>Permission Granted: 3rd September 2020</p>	<p>The development will consist of the provision of a new residential development consisting of (a) erection of 12 no. apartment units comprising 1 no. one-bedroom and 11 no. two-bedroom units with private terrace / balcony areas in 2 no. four-storey apartment buildings fronting Botanic Road, (b) erection of 19 no. houses comprising 16 no. four-bedroom and three no. three-bedroom units with private rear gardens (17 no. houses will also contain a terrace area to the front elevations), (c) 47 no. car parking spaces, bicycle parking and refuse area at basement level (with access to and from Botanic Road), (d) central courtyard area, (e) paving and landscaping works to include tree planting and provision of green areas, (f) restoration and upgrade works to the site boundaries, (g) re-orientation of existing footpath along Botanic Road, (h) installation of street lighting, (i) surface water and foul drainage, (j) demolition of 'The Addison Lodge' a two storey public house and 'Glasnevin Lodge', a two-storey house with attic floor level and all existing out-buildings and (k) all other site works necessary to facilitate the development.</p>

Location	Planning Application	Proposed Development
Daneswell Place, Former Printworks. Smurfit Site, Botanic Road, Glasnevin, Dublin 9	DCC Reg. Ref. 3665/15 Decision to Grant Permission: 14 th January 2016 ABP Ref. PL29N.246124 Permission Granted: 8 th August 2016	The proposed development comprises a residential scheme comprising 131 no. residential units (43 houses and 88 apartments in 4 blocks), café and childcare facility at the development site, with access to Botanic Road. Condition no. 2 of PL29N.246124 required the following amendments: (a) Block D (duplex units nos. 120 to 131 inclusive) together with the road fronting this shall be omitted from the proposal. Units nos. 36 to 43 inclusive (including their rear garden boundaries) shall be moved 2 m to the west. (b) Houses nos. 31 to 35 inclusive shall be moved 2 m to the west, thereby providing longer rear gardens to these units. (c) The space thus released shall be incorporated into the public open space provision of the scheme.
	DCC Reg. Ref. 4267/17 Final Grant Date: 23 rd February 2018	The proposed development consists of amendments to permitted dwelling houses nos. 1 to 19 along the southern boundary of the site, with a change to permitted House Type T2 to provide for 4 no. 4-bed, 3-storey terrace units (c. 186 sq.m GFA, an increase of 23 sq.m each) and to House Type T3 to provide for 15 no. 5-bed, 3 storey terrace units (c.187.3 sq.m GFA, an increase of 24.3 sq.m each); revisions to the overall height, layout and elevations of the structures; reorganisation of allocated surface car parking within this portion of the site resulting in the provision of 1 no. additional space from that permitted. Permission also granted for modifications to the boundary treatments and all other associated site excavation and site development works above and below ground.
	DCC Reg. Ref. 2133/18 Final Grant Date: 30 th April 2018	Amendments to the development permitted under PL29N.246124 to consist of amendments to permitted houses nos. 20 to 35 along the southern and eastern boundary of the site, with a change to permitted House Type T1 to provide for 16 no. 5-bed, 3 storey terrace units (c. 235.1 sq m GFA, an increase of 23.2 sq m each); revisions to layouts and elevations; no change to allocated surface car parking within this portion of the site; modifications to the boundary treatments and all other associated site excavation and site development works above and below ground.

Location	Planning Application	Proposed Development
	<p>DCC Reg. Ref. 4306/18</p> <p>Final Grant Date: 12th February 2019</p>	<p>Subsequent modification of the permitted residential development (ABP Reg PL 29N.246124; Dublin City Council Reg Ref 3665/15(as modified by DCC Reg Refs 4267/17 and 2133/18)), change of permitted house type nos. 25-35 inclusive from 5 bed three storey terraced units to 5 bed three storey semi-detached units; resulting in a reduction from 11 no. to 10 no. units, each comprising c.235sq m (same area as permitted under Reg Ref 2133/18).</p>

<p>Lands comprising a property previously known as both No. 54 Glasnevin Hill and "Ardmore" with lands adjacent thereto (now vacant motor vehicle showroom and ancillary lands)</p>	<p>ABP Ref. TA29N.308905</p> <p>Permission Granted: 13th April 2021</p>	<p>Strategic Housing Development (SHD) Application for the demolition of the vacant two storey motor vehicle showroom and No. 38 Glasnevin Hill (a vacant two storey dwelling) (c. 1,260.7 sq.m total gross floor area) and the development of a residential (with associated ancillary resident facilities), retail, and medical scheme arranged in 2 No. blocks (Block 1 and Block 2) (over Lower Basement Level and Upper Basement Level) (c. 10,536 sq m gross floor area incl. Basement Level of c. 151sq m). Due to the fall in existing ground levels at Glasnevin Hill, Block 1 will be arranged over predominantly 7 storeys including a setback storey at its southern end and 6 storeys including a setback storey at its northern end. Block 2 will be arranged over 6 storeys including a setback storey. There are no works proposed to the existing office building at No. 52 Glasnevin Hill, save for alterations to its associated private amenity space as a result of the proposed development. The development will be served by 2 No. at grade vehicle entrances with the northern entrance facilitating fire tender access and the southern entrance providing vehicular access to the basement carpark. The development will consist of: 101 No. residential units (comprising 44 No. 1-bed units; 51 No. 2-bed units; and 6 No. 3 bed units (including terraces and balconies)), with associated residential amenities including communal lounge, concierge, and meetings rooms (435sq m total gross floor area); 1 No. retail units (c. 284sq m); 2 No. Medical / Retail units (c.55.5 sqm and c.42.5sq m); and 1 No. Medical unit (c.97sq m). The development will also include: alterations to existing perimeter boundary walls; private and communal open space areas and children's play area; basement parking to include 45 No. car parking spaces, 8 No. motorcycle parking spaces and 248 No. cycle parking spaces; vehicular and pedestrian access / egress and associated circulation routes; associated lighting; associated site servicing (foul and surface water drainage and water supply); the provision of SUDs measures, including attenuation tank and blue and green roofs; services provision and related pipework; electric vehicle charging points; waste management areas; plant room; works to the adjacent public streets, all of which are subject to agreement with Dublin City Council; all hard and soft landscaping; boundary treatments; changes in site levels; and all other associated site excavation and site development works above and below ground.</p>
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Location	Planning Application	Proposed Development
Dublin City University, DCU Glasnevin Campus, Collins Avenue Extension, Dublin 9	ABP Ref. TA29N.305405 Permission Granted: 18 th December 2019	Strategic Housing Development application for demolition of existing Larkfield building, construction of 213 no. on campus student accommodation units and associated site works. The proposed development provides for student accommodation development of 7 blocks with an overall gross floor area of 42,111sqm (excluding car parking and cycle storage areas) providing a total of 1,240 no. student bed spaces (in 213 no. cluster units) together with supporting student amenity spaces, a student residences management office, and a retail/café/education unit. The blocks range in height from 5 to 10-storeys.

5. Conclusion

The delivery of much needed housing as proposed is of national importance. The proposed development constitutes an efficient and sustainable use of an underutilised and strategically located infill site that will provide a significant contribution to the available stock of Build to Sell residential units in accordance with the objectives of Housing for All – a New Housing Plan for Ireland (2021). This proposal therefore meets the requirements of Section 37(2)(b)(i) of the Planning and Development Act 2000, as amended.

Having established the above, it is necessary for the proposed development to meet following criteria for the Board to grant permission where the proposed development materially contravenes the development plan;

- (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.*

This Statement establishes that the proposed development is consistent with (i), (iii) and (iv) above and accordingly should the Board determine that the proposed development materially contravenes the building height strategy of the Development Plan, the Board can grant permission.

This Statement together with the supporting information included with the application demonstrates that the proposed development is consistent with the development management principles set out in section 3.1 and 3.2 of the Height Guidelines (2018).

It is a Specific Planning Policy Requirement (SPPR) 3(a) of the Height Guidelines (2018) that where an applicant for planning permission sets out how a development proposal complies with the criteria in Section 3.1 and 3.2; and, where An Bord Pleanála considers that such criteria are appropriately incorporated into development proposals, they shall apply SPPR 3 under Section 28 (1C) of the Planning and Development Act 2000 (as amended).

It is our view that the justification provided in this statement for the proposed height of the development which materially contravenes the height restrictions imposed under the Development Plan, satisfies Section 8(1)(iv)(II) of the Planning and Development (Housing) and Residential Tenancies Act 2016, demonstrating “why permission should, nonetheless, be granted, having regard to a consideration specified in section 37(2)(b) of the Act of 2000”.

In particular, it is considered that there is sufficient justification for An Bord Pleanála to grant permission for the proposed development, notwithstanding any material contravention of the Development Plan, in accordance with and Section 9(6) of the Planning and Development (Housing) and Residential Tenancies Act 2016 (as amended) and by reference to sub-sections (i), (iii) and (iv) of Section 37(2)(b) of the 2000 Act (as amended) for the reasons set out above.