



An
Bord
Pleanála

**S. 6(7) of Planning and
Development (Housing) and
Residential Tenancies Act 2016**

**Inspector's Report on
Recommended Opinion
ABP-310668-21**

Strategic Housing Development	112 no. apartments and associated site works.
Location	Balnagowan House, St. Mobhi Boithirín, Glasnevin, Dublin 9.
Planning Authority	Dublin City Council
Prospective Applicant	Balnagowan Partnership
Date of Consultation Meeting	16th September 2021
Date of Site Inspection	15 th September 2021
Inspector	Conor McGrath

Contents

1.0	Introduction	3
2.0	Site Location and Description.....	3
3.0	Proposed Strategic Housing Development.....	4
4.0	Relevant Planning History	5
5.0	Section 247 Consultation(s) with Planning Authority	6
6.0	Planning Policy	6
7.0	Submissions Received	11
8.0	Forming the Opinion	11
9.0	Conclusion and Recommendation	23
10.0	Recommended Opinion.....	24

1.0 Introduction

Having regard to the consultation that has taken place in relation to the proposed development and also having regard to the submissions from the planning authority, the purpose of this report is to form a recommended opinion as to whether the documentation submitted with the consultation request under section 5(5) of the Planning and Development (Housing) and Residential Tenancies Act 2016 - (i) constitutes a reasonable basis for an application under section 4, or (ii) requires further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

2.0 Site Location and Description

- 2.1. This site is situated in Glasnevin, Dublin 9, approx. 3km north of the city centre. This roughly triangular site comprises 0.48 hectare, located on the southern side of St. Mobhi Boithirin, 54m west of its junction with Mobhi Road. To the west of the site are the grounds of Bon Secours hospital. To the east, the site is bounded by the long rear gardens of two-storey houses on Mobhi Road and an infill scheme of two-storey houses fronting Saint Mobhi Boithirin. Other development on this road comprises a mixture of three-storey apartment development and two-storey houses in *The Haven*, to the north and northwest.
- 2.2. The northeastern corner of the site is occupied by 'Balnagowan House', a two-storey protected structure from the 1930's.. There is also a detached garage located along the northern site frontage. Application documentation notes the following:

The north-east corner of the site is occupied by a vacant structure, known as Balnagowan House (formerly 'Wendon') which was originally constructed as a family residence in 1931 and more recently occupied by the Central Fisheries Board for office and laboratory purposes. It is a two-storey L-shaped art-deco building with an area of 346sq.m which is presently in a state of disrepair.

Ground levels fall north to south by approx. 4m across the site. The western site boundary, with the hospital lands includes a line of mature evergreen trees. The eastern site boundary comprises a high block wall. The application identifies a

surface water wayleave running north-south across the north-western corner of the site, which carries the Claremont Stream which discharges into the Tolka River to the south.

3.0 Proposed Strategic Housing Development

The proposed development comprises the construction of 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 10,694.5sq.m. Blocks no. 1 – 3 comprise new-build development accommodating 108 no. units, while Block 4 comprises the refurbishment of the existing protected structure to provide 4 no. units, as follows:

- Block 1: 5 storeys (max 16.3m), providing 9 no. apartments.
- Block 2: 6-storeys over basement / undercroft level (max. 21.0m), providing 33 no. apartments.
- Block 3: 6-storeys over basement / lower-ground floor level (max 23.18m), providing 66 no. apartments, together with resident's gym (100sq.m GFA).
- Block 4: Retention, refurbishment and repurposing of Balnagowan House, a Protected Structure, (GFA of 284 sq.m), to provide 4 no. apartments.

The development also comprises the following elements:

- Public open space (123-sq.m) fronting St. Mobhi Boithirín, west of Balnagowan House.
- 1,387sq.m of communal open space at ground level, including a children's play area to the south of the site.
- Vehicular access to basement car parking via St. Mobhi Boithirin, between Blocks 1 and 2, and provision of 50 no. car parking spaces, including 2 no. dedicated disabled parking spaces and 5 no. motorcycle spaces.
- 252 no. bicycle parking spaces, 240 no. spaces at basement level, accessed via a dedicated cycle path adjacent to Block 3, and 12 no. surface spaces.
- A secondary vehicular access using the existing site entrance to Balnagowan House to facilitate access to 1 no. disabled parking bay and vehicle drop off.
- Pedestrian / cycle access from St. Mobhi Boithirin via the existing site entrance to Balnagowan House and via the public open space.

- All ancillary site development works, plant, waste storage, meter rooms, landscaping, boundary treatment and lighting.

3.1. Key development parameters include:

Site Area		0.4795 ha	
Dwelling units		112 no. apts 53 no. / 47% 1-bed 51 no. / 46% 2-bed 8 no. / 7% 2-bed, 3-person	
Density		233 / ha	
Dual Aspect Units		58%	
Plot Ratio	1.8:1	Site Coverage	42%
Public Open Space		123-sq.m. mini park (2.5%)	
External Communal Amenity Space		29% / 1387-sq.m.	
Internal Communal Amenity Space		Gym 100-sq.m.	
Car Parking (0.45 / unit)		50 spaces at basement level 1 accessible space at grade	
Bicycle Parking		240 no. basement / 12 no. surface	

4.0 **Relevant Planning History**

PA ref. 2092/00: Permission granted for retention of existing structure for temporary office use.

Adjoining lands:

DCC Reg. Ref. 3839/04 ABP Ref. PL29N.209489: Permission Granted for 3 no. two-storey, terraced houses fronting onto St. Mobhi Boithrin, to the east of the site.

5.0 Section 247 Consultation(s) with Planning Authority

Documentation on the file refers to S.247 consultation meetings on 25th January and 16th April 2021. Key matters discussed included:

- Protection of the scale and symmetry of the Protected Structure. Its refurbishment and reinstatement to residential use was welcomed.
- Justification for proposed building heights.
- Greater consideration should be given to the curtilage and attendant grounds of Balnagowan House and the relationship with the new buildings.
- Consideration of building height in the context of the development plan and relevant guidelines.
- Requirement for increased separation between buildings.
- Provision of dual aspect units.
- Need for additional assessments, including a tree survey, Childcare Audit, Social Infrastructure, Sunlight/Daylight Study and a desktop archaeological study.
- Distance to eastern boundary and potential overlooking by Block 3.
- While a contribution in lieu of public open space is acceptable, inclusion of public open space on site would be welcome and may help to denote the significance of the Protected Structure.
- Details of the original historic landscaping minimisation of tree removal.
- The future development potential of the Bons Secours Hospital lands.

6.0 Planning Policy

6.1.1. Project Ireland 2040 - National Planning Framework

National Strategic Outcome 1 is identified as Compact Growth, recognising the need to deliver a greater proportion of residential development within existing built-up areas. Activating these strategic areas and achieving effective density and consolidation, rather than sprawl of urban development, is a top priority.

Objective 3A seeks the delivery of at least 40% of all new housing in existing built-up areas of cities, towns and villages on infill and/or brownfield sites.

Objective 11 favours development within existing cities, towns and villages, subject to appropriate planning standards and achieving targeted growth

Objective 13 provides that, in urban areas, planning and related standards will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth.

Objectives of Chapter 6, 'People Homes and Communities', including Objective 27, seeks to ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments and integrating physical activity facilities.

Objective 33 seeks to prioritise the new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

Objective 35 seeks to increase densities 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.

6.1.2. Rebuilding Ireland – Action Plan for Housing and Homelessness 2016

The plan identifies five pillars for action. Pillar 3: Build More Homes, seeks to increase the output of private housing to meet demand at affordable prices. The key action is to double housing output over the Plan period.

6.1.3. Housing for All - A New Housing Plan for Ireland (Sept 2021)

The stated aim is to provide access to a home to purchase or rent at an affordable price, built to a high standard and in the right place, offering a high quality of life. The plan identifies the need for construction of an average of 33,000 homes per annum nationally until 2030 to meet the targets outlined in the National Planning Framework. Four overarching objectives are identified:

- Supporting Homeownership and Increasing Affordability.
- Eradicating Homelessness, Increasing Social Housing Delivery and Supporting Social Inclusion.
- Increasing New Housing Supply; and

- Addressing Vacancy and Efficient Use of Existing Stock.

The Pathway to Increasing New Housing Supply includes a focus on the adequate supply of serviced zoned lands to meet housing need, at required densities.

6.1.4. **Regional Spatial and Economic Strategy for the Eastern and Midland Region (2019)**

The Strategy supports the implementation of Project Ireland 2040 and the National Planning Framework (NPF).

RPO 3.2: Promote compact urban growth, targets at least 50% of all new homes to be built, to be within or contiguous to the existing built up area of Dublin city and suburbs and a target of at least 30% for other urban areas.

The site lies within the Dublin Metropolitan Area (DMA). The aim of the Dublin Metropolitan Area Strategic Plan is to deliver strategic development areas to ensure a steady supply of serviced development lands to support sustainable growth.

Section 5.3 identifies guiding principles for development of the MASP area including:

Compact sustainable growth and accelerated housing delivery – To promote sustainable consolidated growth of the Metropolitan Area, including brownfield and infill development, to achieve a target to 50% of all new homes within or contiguous to the built-up area of Dublin City and suburbs, and at least 30% in other settlements. To support a steady supply of sites and to accelerate housing supply in order to achieve higher densities in urban built up areas, supported by improved services and public transport.

6.2. **S.28 Ministerial Guidelines**

6.2.1. Having considered the nature of the proposal, the receiving environment, the documentation on file, including the report of the Chief Executive, and observers' submissions, I am of the opinion, that the directly relevant section 28 Ministerial Guidelines are:

- Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities.

- Urban Development and Building heights, Guidelines for Planning Authorities.
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated 'Urban Design Manual').
- Circular Letter: NRUP 02/2021 in respect of Residential Densities in Towns and Villages, as set out in Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009)
- Architectural Heritage Protection Guidelines for Planning Authorities
- Design Manual for Urban Roads and Streets (DMURS).
- National Cycle Manual.
- The Planning System and Flood Risk Management Guidelines for Planning Authorities (including the associated 'Technical Appendices').
- Childcare Facilities – Guidelines for Planning Authorities.
- Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment.

6.3. Local Planning Policy

Dublin City Development Plan 2016 - 2022

The site is zoned Z1 – To protect, provide and improve residential amenities.

The vision for residential development in the city is one where a wide range of accommodation is available within sustainable communities where residents are within easy reach of services, open space and facilities such as shops, education, leisure, community facilities and amenities, on foot and by public transport and where adequate public transport provides good access to employment, the city centre and the key district centres.

Chapter 5 sets out policies for quality housing.

QH5 promotes residential development through active land management and a coordinated planned approach to developing appropriately zoned lands including regeneration areas, vacant and under-utilised sites.

QH6 encourages attractive mixed-use sustainable neighbourhoods which contain a variety of housing types and tenures.

QH8 promotes the sustainable development of vacant or under-utilised infill sites and higher density proposals which respect the surrounding area.

QH17 supports the provision of purpose-built, managed high-quality private rented accommodation with a long-term horizon.

Policy CHC1 seeks the preservation of the built heritage of the city that makes a positive contribution to the character, appearance and quality of local streetscapes.

Policy CHC2 seeks to protect the special interest of protected structures. Changes of use of protected structures, which will have no detrimental impact on the special interest and are compatible with their future long-term conservation, will be promoted.

Section 11.1.5.3 Protected Structures outlines the policy application of the Development Plan policy.

Policy CHC3: To identify and protect exceptional buildings of the late twentieth century; to categorise, prioritise and, where appropriate, add to the RPS.

The site is located within a zone of Archaeological Interest

CHC9 seeks to protect and preserve National Monuments, including

1. ensuring only minimal impact on archaeological layers, by way of the re-use of buildings, light buildings, foundation design or the omission of basements in the Zones of Archaeological Interest.
2. That where preservation in situ is not feasible, sites of archaeological interest shall be subject to 'preservation by record' according to best practice.
3. That sites within Zones of Archaeological Interest will be subject to consultation and archaeological assessment prior to a planning application being lodged.
4. That the National Monuments Service be consulted in assessing proposals for development which relate to Monuments and Zones of Archaeological Interest.

Chapter 16 deals with Development Standards: Design, Layout, Mix of Uses and Sustainable Design. The indicative plot ratio for Z10 lands is 0.5 - 2.0, while the

indicative site coverage is 45 - 60%. Section 16.7.2 identifies a general building height limit of 16m (commercial and residential) in this area of the city.

Section 16.10 deals with Standards for Residential Accommodation. Proposed developments shall be guided by the principles of Site Layout Planning for Daylight and Sunlight, A Guide to Good Practice (Building Research Establishment Report).

7.0 Submissions Received

Irish Water: A Confirmation of Feasibility has been issued. Upsizing of the existing 3" watermain to 150mm is required (approximately 90m) to be funded by the developer. Connection(s) to the public network are subject to a Connection Agreement with Irish Water. All development is to be carried out in compliance with Irish Waters Standards Codes and Practices.

8.0 Forming the Opinion

Pursuant to section 6(7) of the Act of 2016, regard is had in the forming of the opinion to the documentation submitted by the prospective applicant; the planning authority submission and the discussions which took place during the tripartite consultation meeting.

8.1. Documentation Submitted

The prospective applicant has submitted information pursuant to section 5(5)(a) of the Planning & Development (Housing) and Residential Tenancies Act 2016 and Article 285 of the Planning and Development (Strategic Housing Development) Regulations 2017. The information submitted is listed in Appendix 1 to this report.

Section 5(5)(b) of the Act of 2016 requires the submission of a statement that, in the prospective applicant's opinion, the proposal is consistent with both the relevant objectives of the development plan or local area plan concerned, and relevant

guidelines issued by the Minister under section 28 of the Act of 2000. Section 5(6) requires that where the proposed 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 statement provided for the purposes of subsection (5)(b)(i) shall indicate why, in the prospective applicant's opinion, permission should nonetheless be granted, having regard to a consideration specified in section 37(2)(b) of the Act of 2000.

Statements required under S.5(5) and 5(6) above have been submitted in this regard and I have considered all of the documentation submitted by the prospective applicant, relating to this case.

8.1.1. **Statement of Consistency**

The statement considers the following national, regional and local policy documents:

- Project Ireland 2040, National Planning Framework (2018)
- Eastern and Midlands Regional Spatial and Economic Strategy (2019)
- Dublin City Development Plan 2016-2022 (please refer to Planning Statement)
- Rebuilding Ireland: Action Plan for Housing and Homelessness (2016)
- Sustainable Urban Housing: Design Standards for New Apartments - Guidelines for
- Planning Authorities (2018)
- Urban Development and Building Heights - Guidelines for Planning Authorities (2018)
- Design Manual for Urban Roads and Streets (2013)
- Architectural Heritage Protection Guidelines for Planning Authorities (2011)
- Sustainable Residential Development in Urban Areas - Cities, Towns & Villages (2009)
- Urban Design Manual – A Best Practice Guide (2009)
- Childcare Facilities Guidelines for Planning Authorities (2001)

The statement notes the following points:

- The development is in compliance with the relevant policy objectives of the NPF.

- This location meets the definition of a Central and/or Accessible Urban Locations as defined in the Apartment Design Guidelines.
- The design standards set out in the Apartment Design Guidelines are met, including those set out in Appendix 1. 58% dual aspect provision is achieved.
- Communal open spaces and public realm areas are overlooked to ensure that they function as safe and secure areas for the enjoyment of residents.
- Public and private spaces are clearly defined and will have a clear purpose.
- Bicycle parking provision exceeds Development Plan requirements and is more than adequate to cater for the anticipated modal split.
- Reduced car parking provision is appropriate for this accessible location.
- The development is consistent with SPPR 1 and SPPR 3 of the Building Height guidelines and is assessed against the criteria identified in Section 3.2 thereof.
- Delivery of residential units and Part V obligations will contribute toward the targets of Pillar 2 and Pilar 3 of Rebuilding Ireland.
- The development is consistent of the DMURS design principles in terms of integrated networks, movement, place and speed, permeability and legibility, management, streetscape, and pedestrian and cycle environment.
- The design has regard to the design principles of the guidelines on Sustainable Residential Development in Urban Areas, and the criteria of the Urban Design Manual.
- The submitted Childcare Demand Report demonstrates that provision of a crèche facility is not warranted and that there is sufficient capacity to accommodate the childcare needs of the development in existing facilities in the area.
- The proposed refurbishment and repurposing of the protected structure is consistent with the provisions of the Architectural Heritage Protection Guidelines, with minimal intervention, retaining existing features as much as possible and returning the building to active use.
- A preliminary Architectural Heritage Assessment Report is submitted.
- The development of this underutilised, infill and accessible site contributes to the achievement of the Regional Policy Objectives set out in the RSES.

In terms of consistency with Local Planning Policy, the submitted Planning Statement notes the following points:

- The development is consistent with the zoning objectives of the site.
- The development complies with Policies CHC 1, 2 and 6 in respect of the treatment of the protected structure on the site.
- An Archaeological Assessment is submitted given the location of the site within a Zone of Archaeological Potential.

8.1.2. **Material Contravention Statement**

The Material Contravention Statement provides a justification for the material contravention of the Dublin City Development Plan 2016 – 2022 (the Development Plan) in relation to building height. The statement makes the following points:

- The proposed new buildings, Blocks 1-3, exceed the 16m maximum height standard set out in the Development Plan.
- Proposed building heights will accord with national and regional sustainable planning principles, Ministerial Guidelines under Section 28 and policy objectives.
- The criteria under section 37(2)(b)(i), (iii) and (iv) of the Act, whereby the Board may grant permission, are satisfied.

37(2)(b)(i)

- Proposed new residential development on the vacant part of the site, will make viable the restoration and refurbishment work to this Protected Structure of '*National*' architectural and historic significance.
- The development seeks to maintain the integrity of this historic building and will have a positive impact on the significance of the Protected Structure.

37(2)(b)(iii)

- The proposed development is consistent with the actions proposed under Rebuilding Ireland's 'Pillar 3 – Build More Homes: Increase the output of private housing to meet demand at affordable prices', with respect to the timely delivery of new urban housing on an underutilised site zoned for residential use.

- The development represents an opportunity to provide increased densities and height which will deliver much needed housing, realise effective density and consolidation in a highly connected urban location consistent with the objectives 3a, 11, 13 and 35 of the NPF.
- The NPF and relevant national policy objectives provide an appropriate justification for the proposed building heights at this strategic location
- The development achieves strategic regional compact growth targets, in accordance with RPO 3.2, and strategic objectives for increased density on infill sites under RPO 3.3, through the development of an underutilised infill site within the existing built area.
- The refurbishment and reinstatement of the existing Protected Structure, to residential use is consistent with RPO 9.3.
- The Building Height Guidelines promote increased building heights in appropriate urban locations in support of NPO 13 of the NPF. The development satisfies the criteria set out in section 3.2 of the guidelines as follows:
 - The development is consistent with the objectives of the NPF to achieve compact growth in the built-up footprint of existing settlements.
 - The Development Plan was adopted prior to publication of the NPF (2018) and Height Guidelines and is inconsistent with SPPR1.

At the scale of relevant city/town:

- There is frequent Dublin Bus services within walking distance and good links to other modes of public transport.
- The Architectural Design Statement sets out how the design approach has been informed by the presence of the Protected Structure.
- Blocks have been designed and positioned to preserve the setting of the Protected Structure and views to and from the House. A Townscape & Visual Impact Assessment concludes that the scheme will deliver a high-quality residential development while respecting the scale and significance of the Protected Structure with minimal impact on streetscapes and townscapes.
- Proposed scale and massing are offset by the design approach and the quality of materials proposed.

- The Protected Structure becomes a central feature of the development, while the new buildings create an attractive addition to this fragmented streetscape.

At the scale of district/ neighbourhood/ street

- This high-quality residential development integrates with the established residential neighbourhood, redefines the street edge and re-establishes the streetscape whilst engaging with Balnagowan House.
- While responsive to its environment, it creates a contemporary character.
- The development will refurbish the vacant building with positive impacts on the historic fabric, enhancing its special architectural and historic character.
- Buildings vary in height, with higher elements set back from the street, creating a dynamic built environment with character, variety and form.
- Building facades are articulated and modulated to reflect the protected structure and existing urban grain and break up the visual mass.
- The height strategy reflects restraint in the vicinity of existing residential communities while achieving higher densities without negative impacts.
- The design reflects the Art Deco modernist language and architectural materiality of Balnagowan House, and the more contemporary materials of surrounding residential properties.
- A traditional palette of durable and high-quality materials including brick and stone, references the light-coloured render finish of the Protected Structure.
- Development of this vacant and underutilised site is consistent with current policy. It will deliver improvements to the urban landscape, including the refurbishment and repurposing of the Protected Structure and fill of a gap in streetscape, contributing positively to placemaking.
- A Site-Specific Flood Risk Assessment has been undertaken.
- The development can contribute to the housing stock in an accessible urban location, and a greater mix of dwelling typologies in the locality, in accordance SPPR 1 of the Height Guidelines.
- There is a prevalence of public open space in the locality and it is proposed to pay a financial contribution in lieu of public open space within the site.

- A significant quantum of communal open space, together with residential amenity spaces and support facilities is proposed.

At the scale of the site/building

- The form, mass and height will ensure access to daylight, while protecting Balnagowan House, and allows daylight to communal open spaces.
- A Daylight & Shadow Assessment, Architectural Design Statement and Landscape Design Rationale are submitted.
- Apartments will achieve adequate daylight as per BRE recommendations without significant loss of light to neighbouring properties.
- Separation from the protected structure ensures good daylight and sunlight penetration.
- Minimal overshadowing or loss of light to neighbouring properties arises.

A range of specific assessments are submitted in support of the proposal.

- Proximity to centres of employment and high frequency public transport, make this a suitable location for higher density development, consistent with the Apartments Guidelines (2020).
- The height strategy has been developed to integrate sensitively with the Protected Structure and the surrounding residential character.
- The design meets relevant performance-based criteria and the Housing Quality Audit establishes that standards relating to unit design are met and exceeded.

37(2)(b)(iv)

- Recent permissions granted in the locality align with national and regional policy objectives that seek consolidation and densification in accessible urban areas.
- The identified development proposals incorporate taller buildings following the introduction of the Heights Guidelines (2018). The buildings height are greater relative to the traditional existing building stock in the area and include the permitted development of 6 – 7-storeys at Glasnevin Hill (ABP Ref. TA29N.308905).
- Section 37(2)(b)(iv) is therefore satisfied.

Conclusion:

- The delivery of much needed housing is of national importance.
- The development constitutes an efficient and sustainable use of an underutilised and strategically located infill site, contributing to the stock of Build to Sell residential units in accordance with the objectives of Rebuilding Ireland.
- The proposal meets the requirements of Section 37(2)(b)(i) of the Planning and Development Act 2000, as amended.
- There is sufficient justification for An Bord Pleanála to grant permission for the proposed development, notwithstanding any material contravention of the Development Plan.

8.2. Planning Authority Submission

A submission from Dublin City Council was received by An Bord Pleanála on the 26/07/2021 in accordance with Section 6(4)(b) of the 2016 Act. The PA submission includes:

- A copy of the Planning Authority's opinion on the proposed development.
- A copy of the record of Section 247 meetings.
- Copies of internal technical reports.
- List of relevant applications in the area.

The report containing the opinion of the planning authority makes the following points:

- The planning authority welcomes residential redevelopment of the site.
- The applicant has not demonstrated that this an appropriate location for tall buildings, due to the proximity to the protected structure and impact on its attendant grounds.
- There are significant concerns regarding the impact on the historic streetscape and the architectural character and legibility of the Protected Structure.

- Review daylighting impacts on adjoining houses to the north. Further information on sunlight impacts is required given the level of overshadowing. A revised design is required.
- There would be overlooking and loss of privacy to rear gardens on Mobhi Road.
- The development would negatively impact on the future development potential of the adjoining hospital site.
- The blank southern façade to Block 1 negatively impacts on the residential amenity of north facing unit 1B.
- The form and materials do not respond to the setting of the protected structure. A site-specific design is required.
- Revisions to internal storage are identified.
- Minor shortfall in living areas in units in the protected structure are not a concern given the nature of the conversion.
- The floor plans assessed for daylighting do not correspond with other drawings and the assessment uses high levels of reflectance and maintenance values.
- No assessment of sunlight has been submitted.
- The residential mix and units per core meets with the guideline requirements.
- The development will impact on the setting of St. Mobhi Church and additional visual assessment is required.
- CGI's illustrating impacts on views from properties on Mobhi Rd. would be useful.
- Sunlight assessment for predominantly north-facing balconies would be useful.
- Screening should be provided between public and private amenity spaces.
- Given the nature of the site and the requirement to provide an appropriate setting for the protected structure, public open space provision would be appropriate.
- Communal open space exceeds requirements but concerns arise regarding the setting of the protected structure, the fragmented layout of the space and location of the play area.
- The Childcare Demand Report and Social Infrastructure Audit are noted.
- The protected structure is rated by the NIAH as being of National Significance, as Ireland's first International-style house. Its refurbishment is welcome.
- There are significant concerns about the impact of five and six storey blocks on its setting and at the level of demolition within the house.
- More of the original historic fabric should be retained.

- There are significant detrimental impacts on the historic streetscape and on the architectural character and legibility of the adjoining Protected Structure.
- Predevelopment strategic archaeological testing should be undertaken.
- Revisions are required to address impacts on surrounding residential sites, on the fabric and setting of the protected structure, the development potential of the hospital car park, the fragmented nature of communal open space and location of the children's play space.
- Address the issues raised in the report from the Transport Planning Division, including, inter alia, the quantum and location of cycle parking and the design of the proposed basement access.

Internal technical reports were received from the following departments.

- Transportation Planning Division.
- Parks and Landscape Services Division.
- Drainage Division.
- Housing.
- Conservation Officer.
- Air Quality Monitoring and Noise Control Unit.
- Waste Regulation and Enforcement Unit.
- City Archaeologist

I note, in particular, the comments of the Conservation Officer including:

- The buffer between Block 2 and the protected structure should be sufficient to plant trees to screen impacts on the setting of the structure.
- The design, form and articulation of the development is unsympathetic to the special architectural character of the Protected Structure and its setting.
- The design should relate more sympathetically to the striking horizontal articulation of the Protected Structure
- Materials should respond more directly to the material of the Protected Structure.
- Buildings are too high for the historic context and setting of the two-storey Protected Structure and the prevailing context and should be reduced in proximity to the structure.
- Retain more of the historic boundary to the public road.

- Landscaping should be in keeping with the setting of the protected structure.
- Trees along the western boundary should be retained.
- The visual assessment shows significant detrimental impacts on the historic streetscape and the architectural character and legibility of the Protected Structure.
- Retain more of the original historic fabric of the building.

8.3. The Consultation Meeting

A Section 5 Consultation meeting on 16th September 2021, commencing at 10am, via Microsoft Teams. I refer to the record of the meeting in respect thereof.

Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting and the main topics raised for discussion at the tripartite meeting were as follows:

1. Development Strategy
 - a. Building heights and scale.
 - b. Protection of the character and setting of the protected structure.
2. Relationship with adjoining lands.
3. Landscaping and open space
4. Residential Amenity, incl. daylighting
 - a. Adjoining residential amenity
 - b. Proposed residential amenity
5. AOB

Both the prospective applicant and the planning authority were given an opportunity to comment and respond to the issues raised by the representatives of ABP. Those comments and responses are recorded in the 'Record of Meeting ABP-310668-21' which is on file. I have fully considered the responses and comments of the prospective applicant and planning authority in preparing the Recommended Opinion hereunder.

In relation to the Development Strategy, An Bord Pleanála sought further elaboration and justification in respect of the following matters:

- The design rationale and response to the concerns expressed by the planning authority regarding building height and scale.
- Response to the concerns expressed by the planning authority in respect of the impact of the development on the character and setting of the protected structure.

With regard to the Relationship with Adjoining Lands, An Bord Pleanála sought further discussion and consideration in relation to the following matters:

- The relationship of the proposed development with the Bon Secours hospital lands to the west.
- Possible impacts on the future development potential of those lands and the impact of west facing windows and balconies in Blocks 2 and 3.
- Clarification on the extent of works proposed and impacts on trees outside the application site boundaries.

In relation to Landscaping and Open Space, An Bord Pleanála sought further discussion and consideration on the following matters:

- The provision of public open space within the site.
- The design and routing of cycle access to basement parking and potential conflicts with other proposed amenity functions along of this route.
- The importance of the historic landscape to the rear of the protected structure.

In relation to Residential Amenity, An Bord Pleanála sought further clarification and discussion on the following matters:

- The relationship of the proposed development with adjoining houses to the east on Mobhi Road and houses to the north on St. Mobhi Boithirin.

- The assessment of impacts on daylight and sunlight to adjoining houses to the north on St. Mobhi Boithirin.
- Daylighting to north facing apartments in Block 1 and 2.

In relation to Any Other Business, the Board noted the potential material contravention of the development plan in respect of building height and noted that any other potential issues should be similarly addressed in any subsequent application.

9.0 Conclusion and Recommendation

Based on the entirety of the information before me, it would appear that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

I have examined all of the information and submissions before me including the documentation submitted by the prospective applicant, the submissions of Irish Water and of the planning authority and the discussions which took place at the tripartite meeting. I have had regard to both national policy, including relevant s.28 Ministerial Guidelines, and local policy, via the statutory plan for the area.

Having regard to all of the above, I recommend that further consideration and / or possible amendment of the documents submitted are required at application stage in respect of the following elements:

1. The relationship of the proposed development with the character and setting of the protected structure on the site which is identified as being of national significance.

Having regard to the above, I recommend that the Board serve a notice on the prospective applicant, pursuant to Section 6(7)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016, stating that it is of the opinion that

the documentation submitted with the consultation request under section 5(5) of the Act **requires further consideration and amendment** in order to constitute a reasonable basis for an application under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

I would also recommend that the prospective applicant be notified, pursuant to article 285(5)(b) of the 2017 Regulations, that specified information (as outlined hereunder) be submitted with any application for permission that may follow. I believe the specified information will assist the Board at application stage in its decision-making process. I am also recommending that a number of prescribed bodies (as listed hereunder) be notified by the prospective applicant of the making of the application.

10.0 Recommended Opinion

The Board refers to your request pursuant to section 5 of the Planning and Development (Housing) and Residential Tenancies Act 2016. Section 6(7)(a) of the Act provides that the Board shall form an opinion as to whether the documents submitted with the consultation request (i) constitute a reasonable basis for an application under section 4 of the Act, or (ii) require further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, An Bord Pleanála is of the opinion that the documentation submitted **requires further consideration and amendment to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála.**

In the opinion of An Bord Pleanála, the following issues need to be addressed in the documents submitted to which section 5(5) of the Act of 2016 relates that could result in them constituting a reasonable basis for an application for strategic housing development:

1. Further consideration and/or justification of the documents as they relate to the relationship between the proposed development and the adjoining protected structure, Balnagowan House, which is identified as a building of national significance in the National Inventory of Architectural Heritage (NIAH), based on its special architectural, technical and artistic interest, and potential impacts on the character and setting of the structure.

The application should therefore be accompanied by a comprehensive Architectural Heritage Impact Assessment prepared in accordance with the provisions of the *Architectural Heritage Protection Guidelines for Planning Authorities*, (Department of Arts, Heritage and the Gaeltacht). This assessment should have regard, inter alia, to the following points:

- i. In assessing the impacts of the development, the assessment should have regard to and address the comments of the planning authority, particularly in respect of the design and articulation, and the height, bulk and massing of the proposed development.
- ii. The assessment should examine the importance and architectural significance of the original gardens and landscape to the character and setting of the Protected Structure and include a statement as to how the proposed development takes account of such features and provides a landscape treatment appropriate to this site.
- iii. The assessment should examine the existing roadside boundary and assess the impact of the extent of removal proposed, and the potential to retain further sections of this boundary.
- iv. The description of proposed works to the protected structure should be accompanied by a set of plans, photographs and other drawings as appropriate, which clearly identify the rooms described (e.g. G.01) and the nature of those works. Conservation Specification should be included as part the application documentation as referenced on page 23 of the "*Report on the Architectural / Historic Significance of Balnagowan (Formerly Wendon) St. Mobhi Boithrin, Glasnein Dublin 9 & Observations on the Impact of the proposed Works.*"

Pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that, in addition to the requirements as specified in articles 297 and 298 of the Planning and Development (Strategic Housing Development) Regulations 2017, the following specific information should be submitted with any application for permission:

- a) Further consideration and/or justification of the documents as they relate to the height and design strategy having regard to the relationship with the character and setting of the protected structure and surrounding residential development. In this regard, the prospective applicant should satisfy themselves that the design strategy as it relates to height provides the optimal architectural solution for this site.
- b) Further consideration of, and possible amendment to the documents and/or design proposals submitted, having regard to the relationship of the proposed development with the (Bons Secours) lands to the west of the site. It should be demonstrated that the proposed development would not prejudice any future development of those lands, having particular regard to the proximity of Blocks 2 and 3 to the western site boundary and proposed windows and balconies overlooking that boundary.
- c) A method statement describing the proposed construction and excavation works should confirm that such works will not negatively impact on adjoining lands or on trees and / or vegetation located thereon. The statement should be accompanied by appropriate section drawings describing the relationship of the development with adjoining lands.
- d) Further details of the proposed materials and finishes to the scheme. Particular regard should be had to the requirement to provide high quality and sustainable finishes and details, which have due regard to the context of the site and in particular the character and setting of the adjoining protected structure. The details to be provided should also include the treatment of roof terraces, courtyards, landscaped areas and the public realm.

- e) A report that addresses residential amenity, specifically how the development will limit potential impacts on adjoining properties in terms of overlooking and overbearing. Additional cross sections and contextual elevations should be provided to demonstrate the relationship between the proposed development and adjoining properties on St. Mobhi Boithrin to the north and Mobhi Road to the east.
- f) A comprehensive daylight and sunlight assessment examining the proposed dwelling units and amenity / open spaces, as well as potential impacts on daylight and sunlight to adjoining properties. In preparing such assessment regard should be had to the provisions of section 3.2 of the *Urban Development and Building Heights Guidelines for Planning Authorities* (2018) and to the approach outlined in guides like the BRE 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'.

All assumptions made in the analysis should be clearly justified, including assumptions in relation to surface reflectance used in calculating daylight values in existing and proposed dwelling units.

- g) Documentation should address the recommendation of Dublin City Council Archaeology Section that the subject site should be subjected to predevelopment strategic archaeological testing in order to assess the nature of possible archaeological deposits.
- h) The application should be accompanied by a quality audit in accordance with Annex 4 of the Design Manual for Urban Roads and Streets (DMURS).
- i) Documentation should address the issues raised in the report of the Dublin City Council Engineering Department – Drainage Division, dated 23/07/2021, and in the report of the Transportation Planning Division dated 20/07/2021 in relation to cycle parking provision and access to the proposed basement.
- j) Further consideration and / or elaboration of the documents as they relate to the proposed cycle route to access basement parking. The scheme should provide convenient access to secure bicycle parking for residents, while avoiding potential conflicts with other users arising from the design of the route its function as described in the Landscape Design Report.

Pursuant to article 285(5)(a) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is informed that the following authorities should be notified in the event of the making of an application arising from this notification in accordance with section 8(1)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016:

1. Dublin City Council Childcare Committee
2. Irish Water
3. Heritage Council
4. An Chomhairle Ealaíon
5. An Taisce
6. Minister for Housing, Local Government and Heritage (National Monuments, Architectural Heritage)

Conor McGrath
Senior Planning Inspector

20/09/2021

Appendix 1:

Documents accompanying the pre-application consultation request:

- Application Form
- Planning Statement
- Social Infrastructure Audit
- Statement of Consistency
- Environmental Report
- Material Contravention Statement
- Childcare Demand Report
- Architectural Drawings
- Architectural Design Statement
- Part V Allocation
- Building Lifecycle Report
- Housing Quality Assessment & Schedule of Accommodation
- Engineering Drawings
- Engineering Services Report
- Traffic & Transport Assessment.
- Residential Travel Plan
- Flood Risk Assessment
- DMURS Statement
- Landscape Drawings
- Landscape Proposal
- Townscape & Visual Impact Assessment
- Part L Planning Report
- External Lighting Drawing
- Arboricultural Drawings
- Arboricultural Report.
- Daylight & Shadow Assessment
- Appropriate Assessment Screening Report
- Heritage Impact Assessment Report
- Archaeological Assessment
- Verified Photomontages