

# First Party Planning Appeal

## Mixed-Use Development

Nos. 60-66 Glasnevin Hill, Dublin 9, (excluding the existing real estate unit located at ground floor level of No. 64 Glasnevin Hill)

Ref. No. 041559-21

Dublin City Reg. Ref. 2635/21

Date: 08 JUL 2021

SRM Book and Cook Ltd.

Fee: € 1500

Cheque

July 2021

Time: 17:25

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Hughes Planning & Development Consultants

85 Merrion Square, Dublin 2

+353 (0)1 539 0710 – [info@hpdc.ie](mailto:info@hpdc.ie) – [www.hpdc.ie](http://www.hpdc.ie)

## 1.0 Introduction

Hughes Planning and Development Consultants, 85 Merrion Square, Dublin 2 have been appointed by SRM Book and Cook Ltd. to prepare this first party planning appeal against the decision of Dublin City Council to refuse planning permission under Reg. Ref. 2635/21 for development at Nos. 60-66 Glasnevin Hill, Dublin 9.

The description of the proposed development, as per the statutory notices, is as follows:

*(i) the demolition of the existing buildings on the site comprising part single-storey, part two-storey 'Washerwoman' restaurant at No. 60 (D09 DF30) and No. 62a (D09 CC01); 2-bed apartment at No. 62b (D09 X9TR) (located at first floor level above unit Nos. 64 and 66); single-storey childcare unit at No. 62 (D09 PX05); and single-storey pizzeria unit at No. 66 (D09 R882); (ii) the construction of a 6-storey mixed-use development consisting of the following: (a) ground floor level restaurant to replace the existing Washerwoman restaurant, with access from Glasnevin Hill. A second access from the rear is also proposed serving as an emergency exit and access to refuge. The restaurant will be comprised of a seating area; kitchen; dry goods room; cold room; staff changing room; toilets; bin store and store/office. The ground floor level will also accommodate an apartment lobby; lift shaft; bike store; and refuge storage which will serve the residential units at upper floors. Access will be provided from 2 no. additional entrances to Glasnevin Hill. (b) 18 no. apartments, comprising 8 no. one-bed apartments; 9 no. two-bed apartments and 1 no. 4-bed apartments. Access to the apartments will be from Glasnevin Hill. Each apartment will be provided with an area of private open space in the form of a private balcony. The residential units will be served by 26 no. bicycle spaces and bin storage at Ground Floor. (iii) The development will also include landscaping; boundary treatments; the provision of SuDS measures including a blue roof system and all ancillary works necessary to facilitate the development.*

The Applicant seeks to make better and more efficient use of a currently underutilized site. The proposed development seeks to deliver a high-quality mixed-use development which comprises 18 no. apartments and a restaurant unit at ground floor. The proposed design seeks to enhance the character and appearance of the streetscape and protect the existing amenities and character of the surrounding area. The scheme has been informed by both the existing context of the area and on the context of recently approved developments within the vicinity. The proposal comprises the redevelopment on zoned, serviced land and supports the consolidation of Dublin City. The development is supported by objectives in the Project Ireland 2040 – National Planning Framework which targets a significant proportion of future urban development on infill/brownfield development sites within the built footprint of existing urban areas. This is particularly true for National Policy Objective 35 which aims to '*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*'.

This report sets out the Applicant's grounds of appeal in full and provides an appraisal of the proposal against the relevant policy framework and other material planning considerations. It is submitted that the proposed development accords with the proper planning and sustainable development of the area. We request that the Board consider the contents of this appeal and grant planning permission accordingly. This appeal is accompanied by the statutory fee of €1,500 and a copy of Dublin City Council's decision to refuse permission dated 11<sup>th</sup> June 2021 (Appendix A).

## 1.1 Decision of Dublin City Council

Dublin City Council refused permission for the proposed development on 11<sup>th</sup> June 2021. Planning permission was refused for 4 no. reasons, as follows:

1. *Having regard to the established built form and character of the surrounding area, the location of the proposed development would not provide appropriate residential amenity to future residents due to the poor quality north-facing private open space to the majority of the apartments, the number of bedrooms facing blank walls at short distances, and the lack of any communal open space. The proposed development would therefore, be contrary to the Design Standards for New Apartments (2020) Ministerial guidelines issued to planning authorities under section 28.*
2. *The proposed development, with no visitor parking or set-down parking and insufficient cycle parking, demonstrates an overreliance on the public realm lands to support the transport needs of the development, and would be likely to lead to overspill parking with impacts on surrounding residential amenity, and to lead to haphazard parking which would result in potential vehicular and pedestrian conflict to the front of the site.*
3. *By reason of its excessive height, bulk, massing, footprint and incongruous design, the proposed development would fail to successfully integrate into or enhance the character of the streetscape, and would seriously injure the visual amenity and setting of Glasnevin Village and the setting of protected structures, (49 Beechmount RPS Ref 3230 and the Convent of the Sisters of the Holy Faith (RPS Ref 3231). Furthermore, the applicant has not set out how the development proposal complies with the criteria set out in the Urban Development and Building Height Guidelines (December 2018) and the proposed development with a height of 21 metres would materially contravene the Dublin City Development Plan 2016-22*
4. *The building at no 60-66 Glasnevin Hill is one of the last surviving remnants of the early buildings of Glasnevin Village, and makes a positive contribution to the streetscape and the understanding of the architectural, historical, and cultural development of the village. Its demolition would be contrary to Policy CHC1 of the Dublin City Development Plan 2016-22, To seek the preservation of the built heritage of the city that makes a positive contribution to the character, appearance and quality of local streetscapes and the sustainable development of the city and contrary to Section 16.10.17, which states that the planning authority will actively seek the retention and re-use of buildings/ structures of historic, architectural, cultural, artistic and/or local interest or buildings which make a positive contribution to the character and identity of streetscapes and the sustainable development of the city.*

## 1.2 Alternative Design Option for Consideration by An Bord Pleanála

We request that the Board considers the proposed development as submitted to Dublin City Council, however, should the Board have concerns regarding the initial proposal, the Applicant offers an amended scheme for consideration. The alternative design option is considered to provide very minimal amendments which improve the overall quality of the scheme. In summary, the apartments at first and second floor levels have been revised and now provide for 4 no. duplex units. The residential units have also been revised at upper floor levels to improve the internal circulation and amenity of the units. Additionally, the ground floor level of the scheme has been revised to provide for an increased number of cycle parking spaces to serve the residents of and visitors to the scheme. This has been facilitated via the reconfiguration of the floor plan.

Please refer to the drawings prepared by ODOS Architects for further detail on the alternative design option (Appendix B), extracts of which are provided below and overleaf.

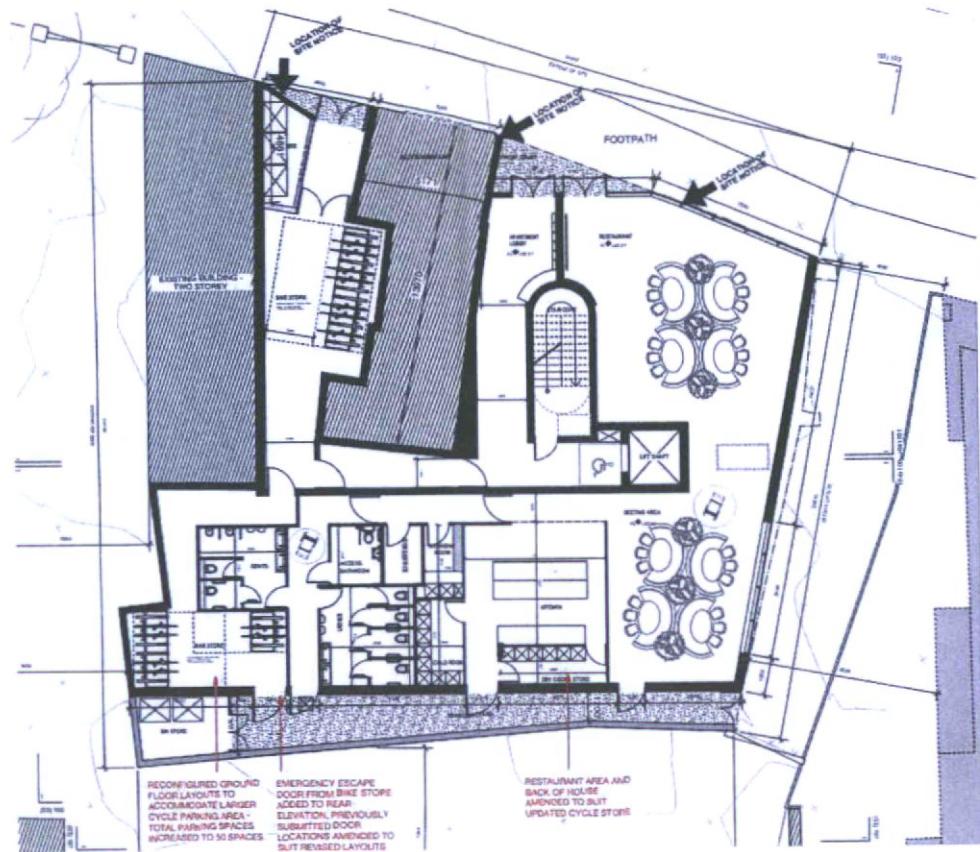


Figure 1.0 Alternative design prepared by ODOS Architects which shows the ground floor plan of the scheme.

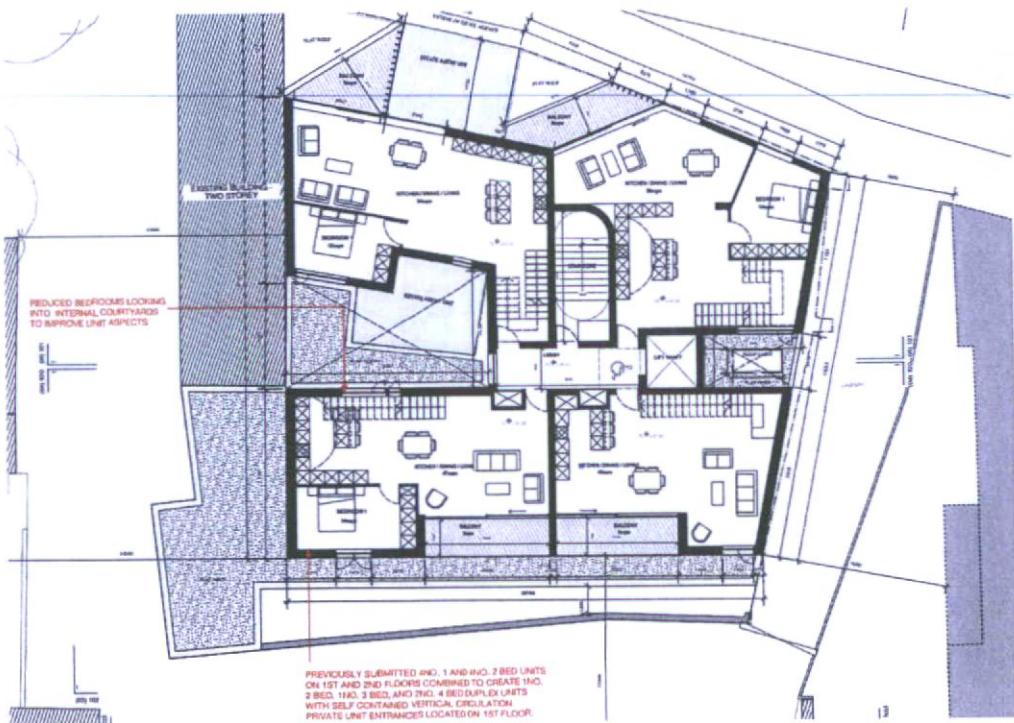


Figure 2.0 Alternative design prepared by ODOS Architects which shows the first floor plan of the scheme. Each of the units at this level are lower floor levels of the proposed duplex units.

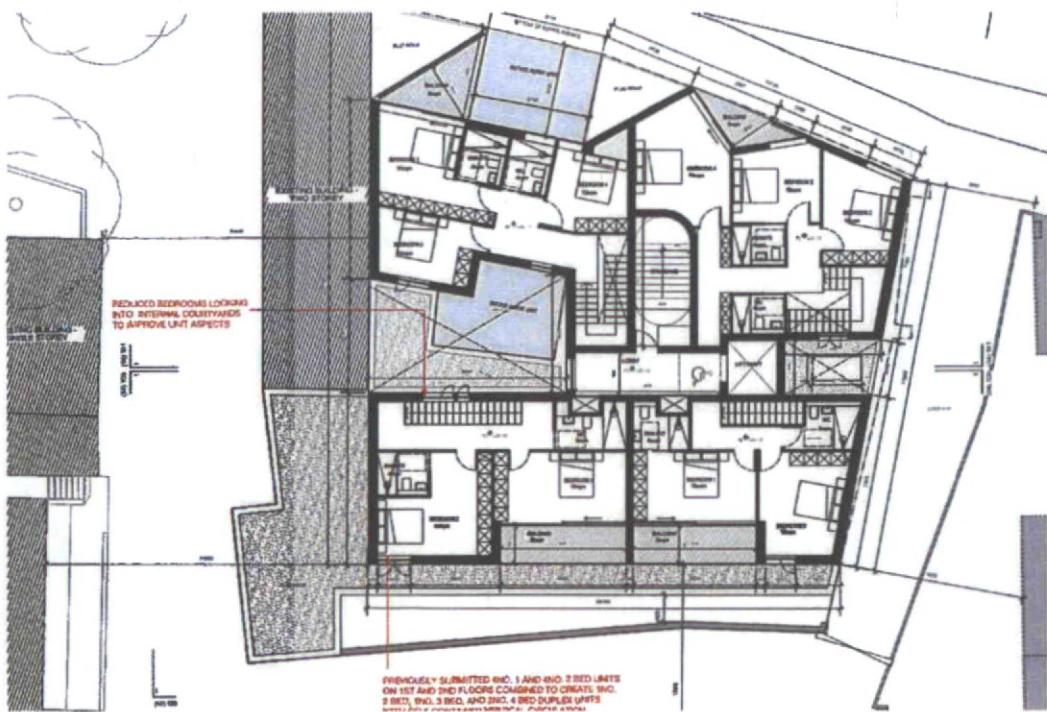


Figure 3.0 Alternative design prepared by ODOS Architects which shows the second floor plan of the scheme. Each of the units at this level are upper floor levels of the proposed duplex units.

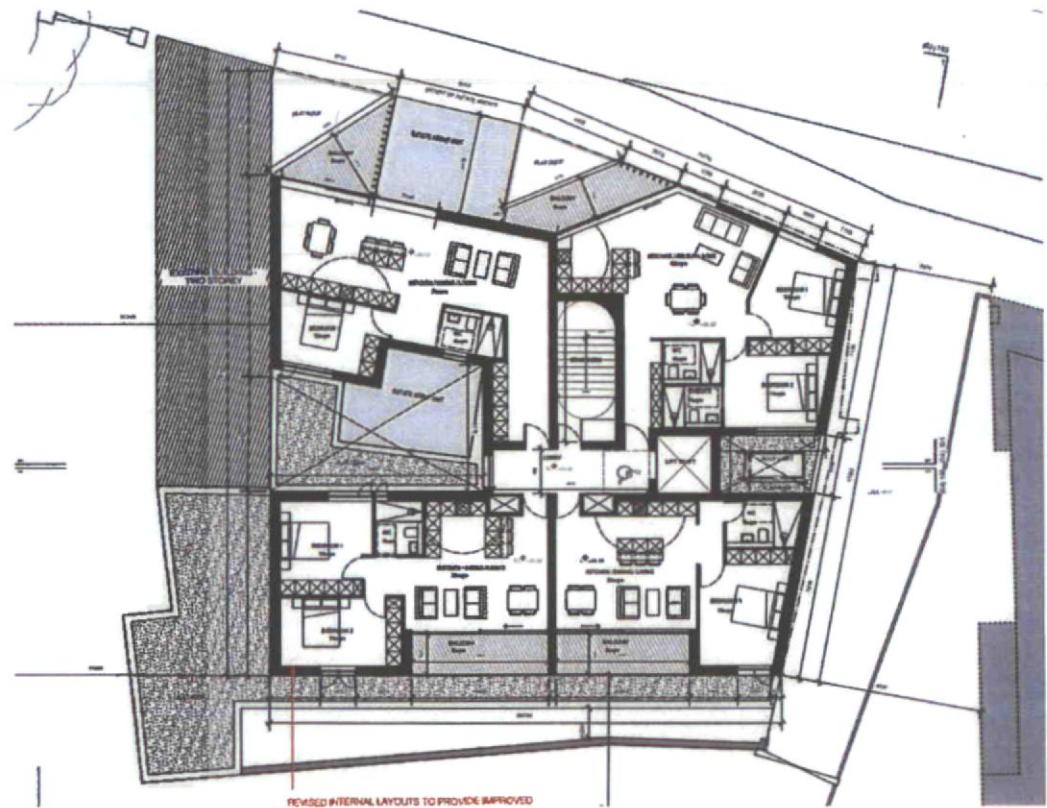


Figure 4.0 Alternative design prepared by ODOS Architects which shows the third floor plan of the scheme.

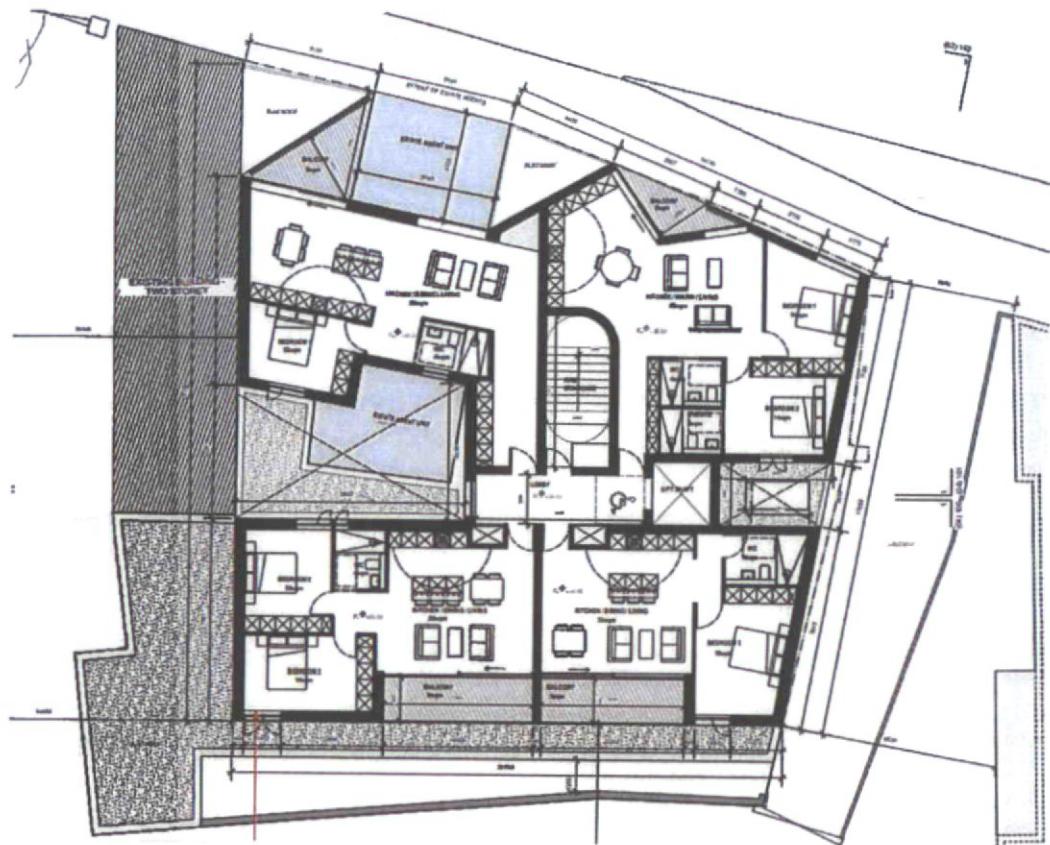


Figure 5.0 Alternative design prepared by ODOS Architects which shows the fourth floor plan of the scheme.

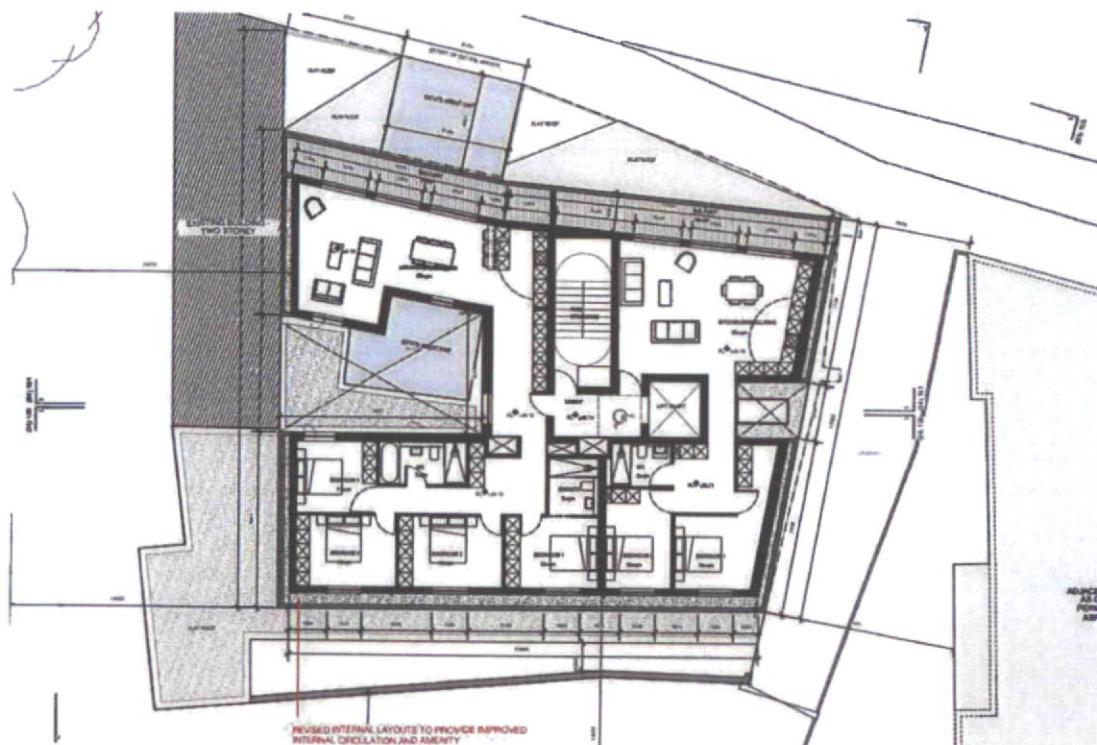


Figure 6.0 Alternative design prepared by ODOS Architects which shows the fifth floor plan of the scheme.

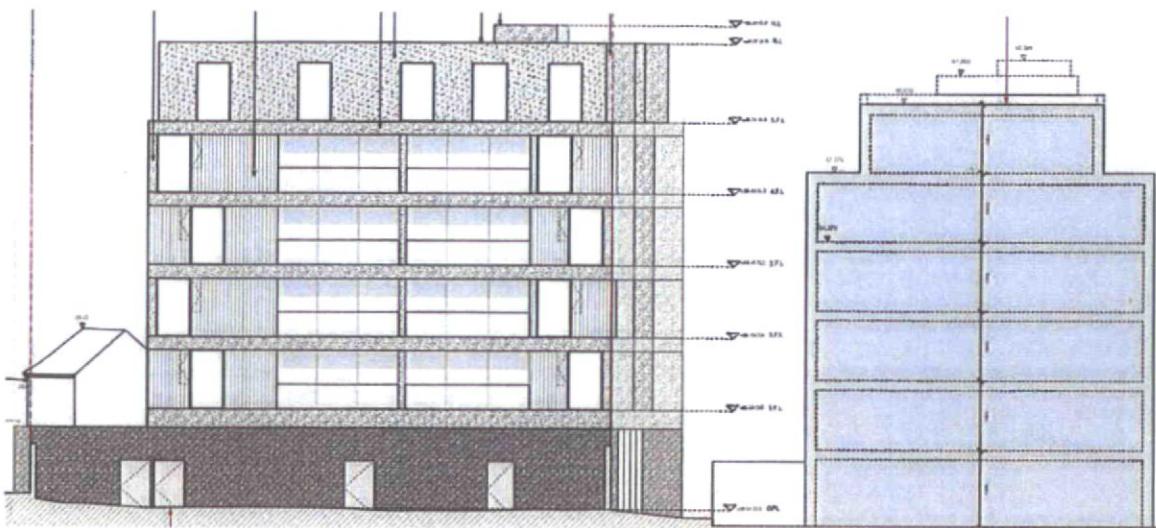


Figure 6.0 Rear elevation of the alternative design prepared by ODOS Architects which has been revised to provide an emergence escape door.

It is submitted that the alternative design proposal which increases the quality and aspect of the residential apartments in response to the Planning Authority's concerns regarding residential quality afforded to occupants.

We request that An Bord Pleanála consider the application as lodged with Dublin City Council on their merits and, in the event that An Bord Pleanála agree with the Council's assessment of the proposal, we request that the alternative design proposal put forward is assessed. It is submitted that the site is a suitable site for higher density development and the scheme proposed within this subject appeal is an appropriate, high quality proposal for development at the site.

### 1.3 Summary of Grounds of Appeal

The Applicant's grounds of appeal will be set out in full detail in the body of this appeal, however, can be summarized by the following points:

- The proposed development complies with the policies and objectives of the Dublin City Development Plan 2016-2022 which determine the use and development of the Site;
- The proposed development is consistent with Project 2040: National Planning Framework where the target is for at least 40% of all new housing to be delivered within the existing buildup areas of cities, towns and villages on infill and/or brownfield sites (Objective 35);
- The proposed development is consistent with National and local policies which promote higher density developments close to strong public transport corridors;
- This development is compliant with the objectives of the Urban Development and Building Heights – Guidelines for Planning Authorities (December 2018) which states that 'there is significant scope to accommodate anticipated population growth and development needs, whether for housing, employment or other purposes, by building up and consolidating the development of our existing urban areas'. The rationale for consolidation and densification to meet our accommodation needs applies in relation to locations that development plans and local area plans would regard as city and town centre areas as well as areas in and around existing urban areas and suburban areas, such as the application site;
- The proposal is also consistent with the Rebuilding Ireland, Action Plan for Housing and Homelessness, 2016 which seeks to double residential construction output to 25,000 homes per year by 2020;
- The scheme provides for a high-quality scheme in compliance with the Design Standards for New Apartments. The apartments are provided with an acceptable amount of sunlight. The project Architects have prepared revised elevations which increase aspect afforded to residential units in response to the concerns of the Planning Authority;

- The proposal, although lacking car-parking, with a central location close to high-quality public transport access should be considered acceptable given a greater provision of bicycle parking;
- Recently approved planning permissions in the area show that the proposed scale and mass of the development proposal are consistent with development in the area and are suitable at the site; a justification for zero-car parking has been prepared by NRB Consulting Engineers;
- The buildings currently at 60-66 Glasnevin Hill are of a density that is no longer suitable at this location as a higher density would make better use of the land. The proposal aims to achieve an appropriate density through careful design of height, bulk, massing and footprint to ensure the scheme maximises the land while protecting visual amenities;
- There is a precedent for increased heights within the area, notably the adjoining site on which a 6/7 storey structure has been approved; and
- The existing structure has been significantly altered significantly from its original form to an extent which reduces its significant. A justification for the demolition of the building has been prepared by O'Neill Conservation Architects.

It is submitted that the proposed development is consistent with the Dublin City Development Plan 2016-2022 and is in accordance with the proper planning and sustainable development of the area and as such we request that An Bord Pleanála overturn the decision of Dublin City Council and grant permission for the proposed development.

## 2.0 Site Description

The site comprises c. 0.0555 hectares (555sq.m) and is located on the southern side of Glasnevin Hill, and opposite the junction of St. David's Terrace. The front of the site currently comprises a two-storey structure which is occupied by several commercial units concluding 'The Washerwoman' restaurant; a pizzeria. The existing real estate unit at ground floor level does not form part of the application. To the rear, the site contains a creche.

The area surrounding the site features a mix of residential, commercial, industrial and institutional buildings in a variety of architectural styles and varying in height from 4 to 6 storeys. These buildings are occupied by residential and commercial land uses.

The site is adjoined to the west and south by the curtilage of the Convent of the Holy Faithful. To the east by the former Glasnevin Motor Group site, which has been approved planning permission for a mixed-use scheme.

The area contains a strong public transport network with the Site being located approximately 20 metres away from the closest bus stop which is located outside the Glasnevin Meteorological Office (Met Eireann) where Dublin Bus route no. 83 and no. 83a connect the site to Broadstone, Smithfield and Dublin City beyond.

Due to the high standard of public transportation, in conjunction with the wide range of local services and public open spaces, it is considered that the site is ideal for residential development.



Figure 7.0 Image showing the location of the subject site (approximately outlined in red).



Figure 8.0 Image showing the wider locational context of the subject site (outlined in red).



Figure 9.0 Street view photograph of the site along Glasnevin Hill.



Figure 10.0 Street view photograph of the site along Glasnevin Hill.

### 3.0 Planning History

#### 3.1 Subject Site

A review of Dublin City Council planning register has found the following planning applications on the Site.

**Reg. Ref. 1973/95** Permission granted by Dublin City Council on 17<sup>th</sup> January 1996 for the change of use of ground floor at no. 60 and no. 62 from offices to coffee shop, new kitchen, store, staff room and toilets to rear; also, relocation of existing gates to archway at Nos. 60 & 62 Glasnevin Hill.

**Reg. Ref. 2351/97** Permission granted by Dublin City Council on 24<sup>th</sup> August 2000 for the development of a porch to the front of the building at No. 60-62 Glasnevin Hill, Dublin 9.

The preparation of this first-party appeal is in regard to the refusal of the most recent planning application at the subject site, Reg. Ref. 2635/21. We request that the Board overturn the decision of the Council to refuse planning permission for the development at this site as the reasons for refusal are not consistent with other applications that have received permission located in the vicinity of the subject site. The Applicant's response to the reasons for refusal are provided in full under Section 5.0 of this report.

#### 3.2 Sites Along Glasnevin Hill

It is considered useful to examine the planning history associated with sites directly abutting the subject site and in the surrounding Glasnevin area. A review of the Dublin City Council planning register found the following planning applications relating to sites within the immediate vicinity of the subject site. The following figure demonstrates the location of the developments.



Figure 11.0 Aerial image demonstrating subject site (red outline) and approved 5-6 storey development approved under ABP. Ref. 308905 (blue outline).

*Glasnevin Autos, 54 Glasnevin Hill, Dublin 9*

**ABP. Ref. 308905**

Permission granted by An Bord Pleanála on 13th April 2021 for a Strategic Housing Development comprising the demolition of existing vacant motor vehicle showroom and no. 38 Glasnevin Hill, construction of 101 no. apartments and associated site works.



**Figure 12.0** Photomontage of development approved under ABP. Ref. 308905, viewed from Glasnevin Hill. The figure also demonstrates the subject site which adjoins the development site (red outline).

The proposal approved by An Bord Pleanála under ABP Ref. 308905 is similar to the proposed development at 60-66 Glasnevin Hill particularly with regard to height. The development is made up of 2 no. blocks with heights of 24.3m and 20.8m (to top of roof structures). Although the Development Plan has identified the area as being able to facilitate heights of up to 16 metres, the Board notes that the proposed heights of the development are acceptable at this site due to the topography and vistas present along Glasnevin Hill. The following commentary from the Inspector's Report is of note:

*'Whilst the greater Glasnevin area may be dominated by two-storey houses, this section of Glasnevin Hill is certainly characterised by higher buildings. These buildings are located on a higher point of Glasnevin Hill and the proposed development will not dominate.'*

*'The Planning Authority were generally satisfied that the proposed heights were acceptable in this location and note that 'The proposed development comes into view incrementally as one travels northwards'. The overall design is considered to be acceptable.'*

The development proposed at Nos. 60-66 Glasnevin Hill intends to construct a 6 no. storey building with a height of 21 metres. It is submitted that the commentary included in the Inspector's Report for the development approved under ABP. Ref. 308905 with regard to height is also relevant to the subject proposal as it is on an adjoining site. The proposed height of 21 metres, as proposed, is considered acceptable as such a development of similar height has been approved neighbouring the subject site.

#### Principle of Development

*'The proposal of 101 apartment units provides for a density of 225 units per hectare. In addition, the development includes retail/ commercial units in the form of medical suites. The development therefore provides for a high intensity of use on this site. The site is located in an established urban area, where public transport is available and where community/ social/ recreational infrastructure is within walking distance. Whilst the principle of development is accepted to be in accordance with the Z3 zoning objective, and is in accordance with local/ national policy, the impact on the adjoining area is considered further in this report.'*

Similarly, the proposed mixed-use scheme at the subject site would also be considered to be acceptable in principle. It is noted that the Inspector's Report prepared during the assessment of An Bord Pleanála did not raise any issues regarding the proposed uses. It may be considered that the principle of the proposed uses is satisfactory to the Board.

#### Development Height

*'From the site visit it was apparent that there is a mix of building heights in the area, and this established typology of mixed heights further facilitates the heights proposed in this application. The proposed development will provide for a mix of apartment types in an area that there is a requirement for such housing types.'*

Although at a scale and height larger than that of a number of surrounding buildings, the development proposal including 7 no. storeys was considered to be acceptable due to its location, design and the need for housing in the area. The proposed scheme, subject to this appeal, has been informed by the approved height of the adjoining 7 storey development.

#### Design and Layout

*'Although residential development is the primary form of use, there is an adequate mix of commercial development proposed that ensures that the site is not dominated by a single use. The provision of commercial uses at ground floor will ensure that there is a vibrancy at the street level.'*

The mixed-use element of the development proposed ensures better use of land and a continuation of active frontage at street level.

#### Visual Impact

*'The mix of materials breaks up the bulk, as already described, as does the use of the ground floor for retail/ commercial uses. The ground floor will be designed with colonnades and this results in the perception that the footpath is significantly wider when viewed from ground level.'*

By varying fenestration, using mixed materials, and stepping back floor levels, the bulk and scale of the blocks appear to be reduced. The development reduces a feeling of imposition, creating a more welcoming streetscape and ensures visual amenity is protected.

#### Car Parking

*'Bus service provision is therefore good and a development of 101 apartments is unlikely on its own to significantly impact on the available capacity of the existing network. The development makes generous provision for bicycle parking on site. A significant number of bicycles can be accommodated on site and provision is made also for the parking of cargo bikes. The development is therefore promoting itself as a sustainable urban scheme and the need for car parking is therefore reduced.'*

It is submitted that a reduced car parking provision is acceptable for the development due to the proximity to Dublin Bus Route Nos. 83/A. By minimising car parking and providing higher levels of bicycle parking, the development promotes more sustainable transport use such as walking, cycling or public transport.

#### **Reg. Ref. 3870/18**

Permission granted by Dublin City Council on the 23<sup>rd</sup> May 2019 for a development comprising of the demolition of the vacant motor vehicle showroom and the development of a residential, retail and retail / medical scheme arranged in 2 No. blocks. Block 1 will be arranged over predominantly 5 storeys at its northern end and 6 storeys at its southern end. Block 2 will be arranged over 5 storeys to Glasnevin Hill. The development will consist of 74 No. residential units (comprising 18 No. 1-bed units; 47 No. 2-bed units; 9 No. 3 bed units, with associated residential amenities including communal facilities,

gym, concierge, function rooms and meeting rooms, 2 No. retail units and 3 No. retail / medical units.

The development was subject to a Third-Party Appeal to An Bord Pleanála who, subsequently, upheld the decision of Dublin City Council and granted permission for the development subject to revised conditions.



Figure 13.0 CGI of development approved under Reg. Ref. 3870/18, viewed from Glasnevin Hill.

The maximum height of the approved development was 19.44 metres which is in excess of the 16 metres restriction on the height of buildings in the 'outer city'. In relation to the height of the approved development, the Dublin City Planner's Report states that:

*'It is considered that this site can accommodate a higher building and possibly up to the 16m height having regard to its Z3 – neighbourhood centre zoning, its position within a curve in the street, the set back at upper level, the high quality materials use and its accessible location'*

#### Zoning & Density

*'The entire site has a zoning objective 'Z3 – Neighbourhood Centres' within the Dublin City Development Plan 2016-2022, with a stated objective 'to provide for and improve neighbourhood facilities'. The Plan states that these are areas that provide local facilities such as small convenience shops, hairdressers, hardware etc. within a residential neighbourhood, and could range from a traditional parade of shops to a neighbourhood centre. Neighbourhood centres may include an element of housing, particularly at higher densities, above ground-floor level.'*

The Inspector's Report notes that the proposed development can achieve the goals set out in the Development Plan for areas of this zoning objective through its mixed-use element.

#### Layout, Scale, Design & Amenities

*'The grounds of appeal assert that the height of the proposed buildings would be contrary to planning policy, would be out of character with the surrounding low rise and historic village setting and would be excessive where visible from locations such as the National Botanic Gardens. There is almost a 7m drop in ground level from the northern corner to the southern boundary of the site. The surrounding area is dominated by buildings of two-storeys or lower, although there are buildings in the four to six storey range within the immediate vicinity, including the*

*Meteorological Office, Our Lady of Dolours church and within the St. Mary's post-primary school and the DCU Innovation campuses'*

Although Glasnevin is predominately made up of two-storey dwellings, there are a number of buildings in close proximity to the subject site that act as a precedent for this development. By virtue of this, the proposed height and scale of the development was deemed as being acceptable.

*According to the Guidelines, reusing brownfield land and building-up urban infill sites is required to meet the needs of a growing population and 'increased building height is a significant component in making optimal use of the capacity of sites in urban areas'. Section 3.1 of the Guidelines outlines that it is Government policy that building heights must be generally increased in appropriate urban locations. There is therefore a presumption in favour of increased heights in urban locations with good public transport accessibility.*

Impact on Residential Amenities

*'While I would accept that a degree of overlooking would arise from proposed Blocks 1 and 2 into the rear gardens of Nos.46, 48 and 50 and the potential for substantial screening via planting would be limited, I consider that in an inner-urban context such as this, the relationship between the proposed apartments and the rear gardens would be quite typical and would not be excessive.'*

The proposed development was deemed as not resulting in excessive overshadowing for neighbouring dwellings. Due to the location and orientation of the blocks, overshadowing will not prove to be an issue for dwellings already established in the area.

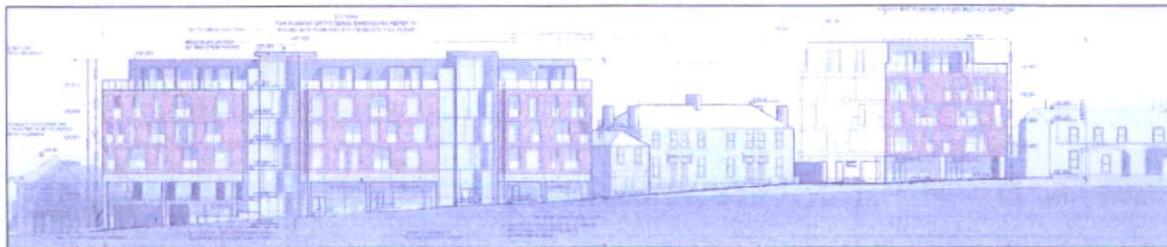


Figure 14.0 Contiguous elevation of development approved under Reg. Ref. 3870/18.

### 3.2.1 Building Height Analysis Glasnevin Hill

An assessment of the area and the properties adjoining and adjacent to the subject site show that there are a variety of building heights currently in Glasnevin, providing precedents for increased building heights. Although a larger number of two-storey residential dwelling populate the area, there are precedents for higher buildings to be permitted in the area, as shown in Figure XX.0 below.

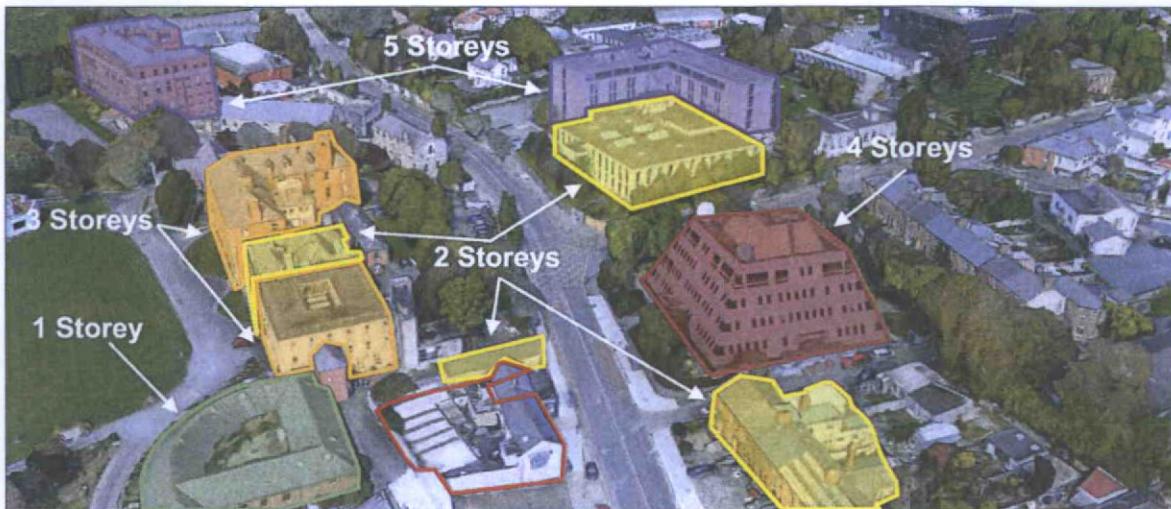


Figure 15.0 Building heights in immediate proximity of subject site (red outline) looking north-west.



Figure 16.0 Building heights in immediate proximity of subject site (red outline) looking south-east.

#### 4.0 Development, as Submitted to Dublin City Council

The proposed development consists of two main elements; the demolition of the existing structures within the site boundary and the construction of a contemporary six storey mixed-use development.

The ground floor of the proposed development will be used by the existing 'Washerwoman' restaurant currently found at the subject site. The restaurant will be predominantly accessed from Glasnevin Hill in addition to a rear access which will be used as an emergency exit and access to refuge. The ground floor level will also contain staff changing room; toilets; a store/office; apartment lobby which will have 2 no. additional entrances to provide access to the upper floor residential units; bike store comprising bicycle parking units for both residents and visitors.

The upper floors will comprise a total of 18 no. apartments, providing much needed accommodation in an area with many employment opportunities. The unit mix comprises 8 no. one-bed units; 9 no. two-bed units and 1 no. four-bed units. Each will contain a high-quality area of private open space. The proposal will incorporate the provision of more sustainable modes of transport. Each apartment will be provided with sufficient bicycle parking and additional visitor bicycle parking in excess of the required standards as per the Design Guidelines for New Apartments.

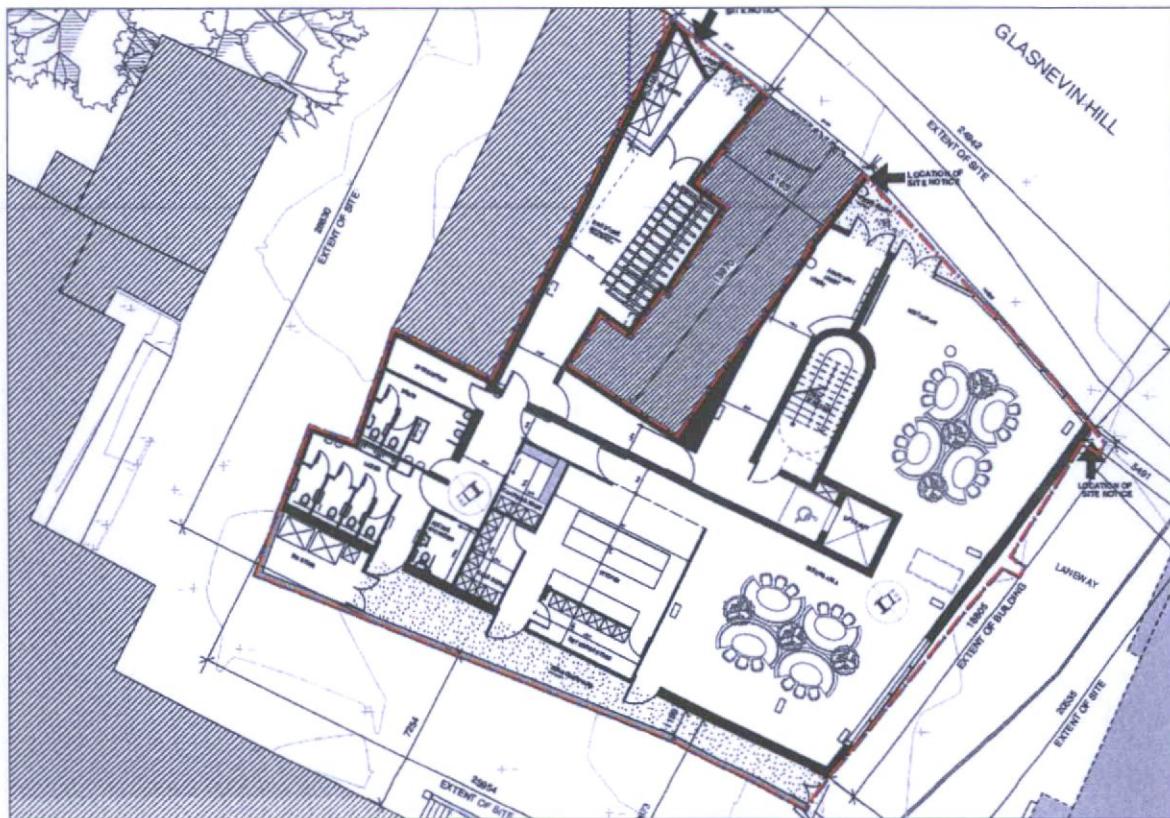


Figure 17.0 Proposed site plan of the development.

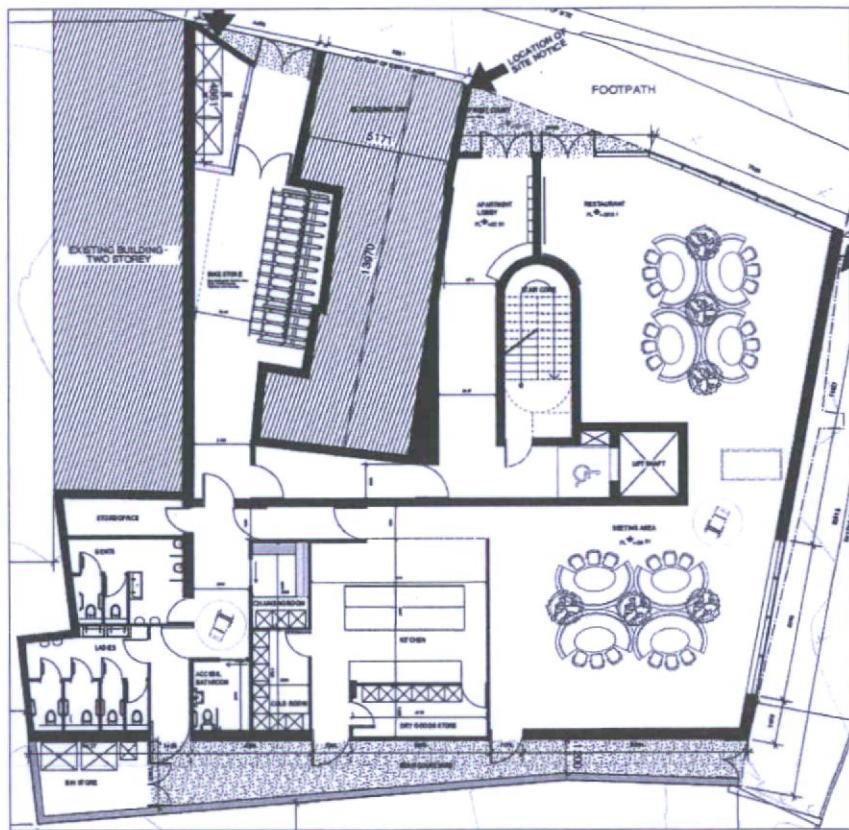


Figure 18.0 Proposed ground floor plan of the development.

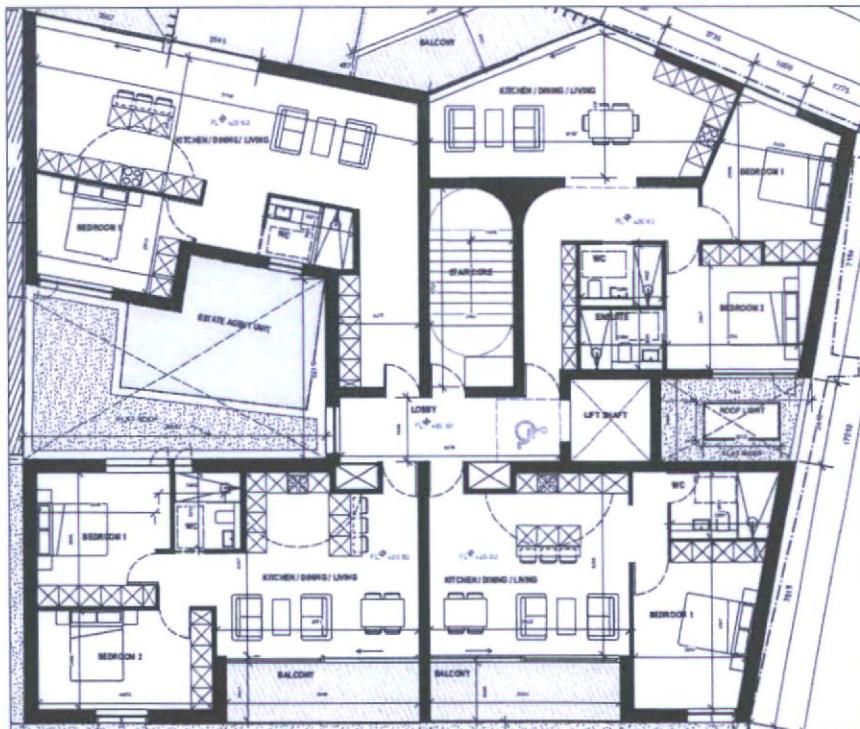


Figure 19.0 Proposed first floor plan of the development.

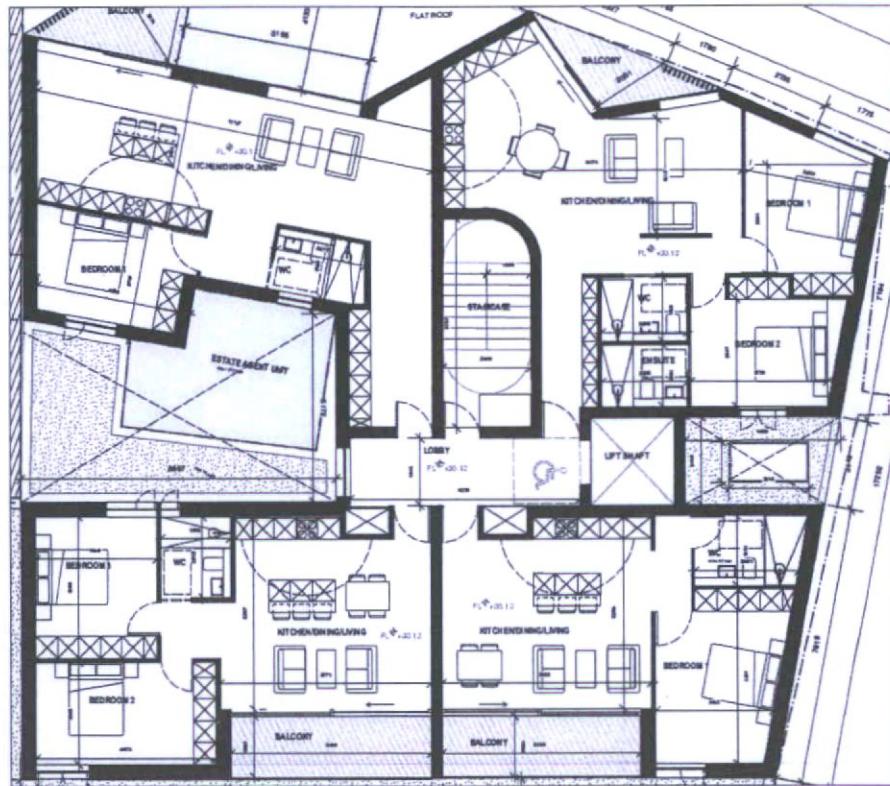


Figure 20.0 Proposed second floor plan of the development.

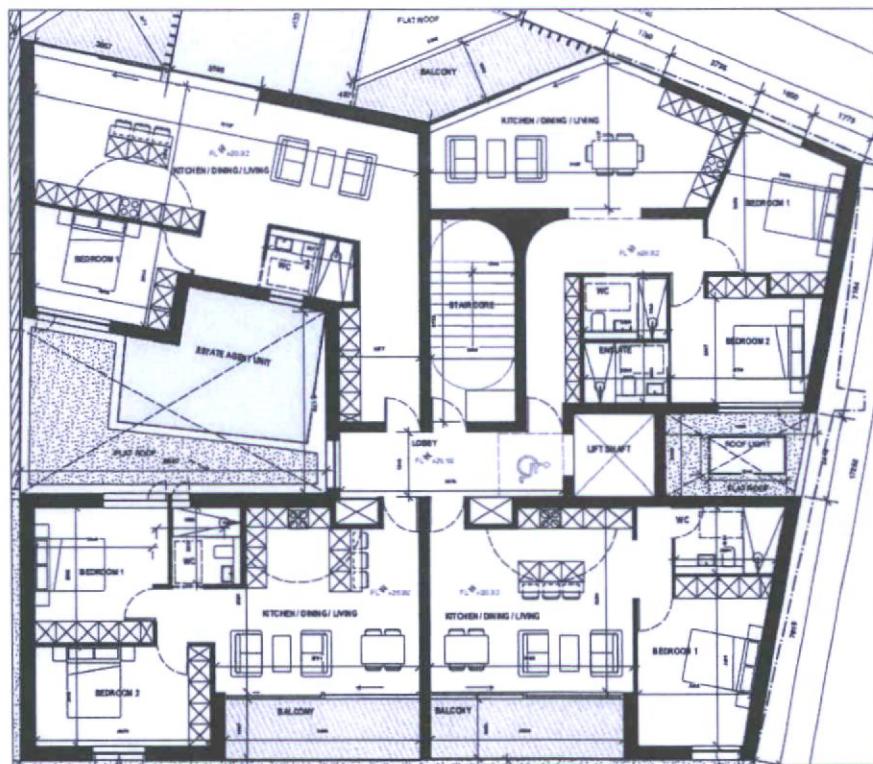


Figure 21.0 Proposed third floor plan of the development.

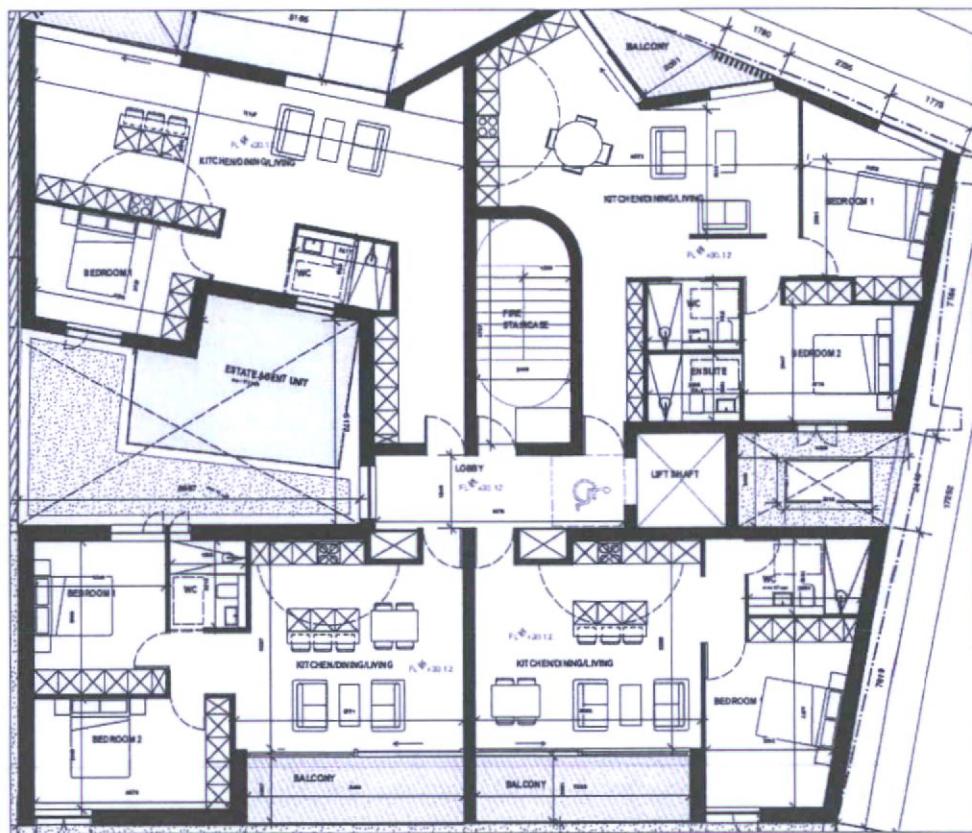


Figure 22.0 Proposed fourth floor plan of the development.

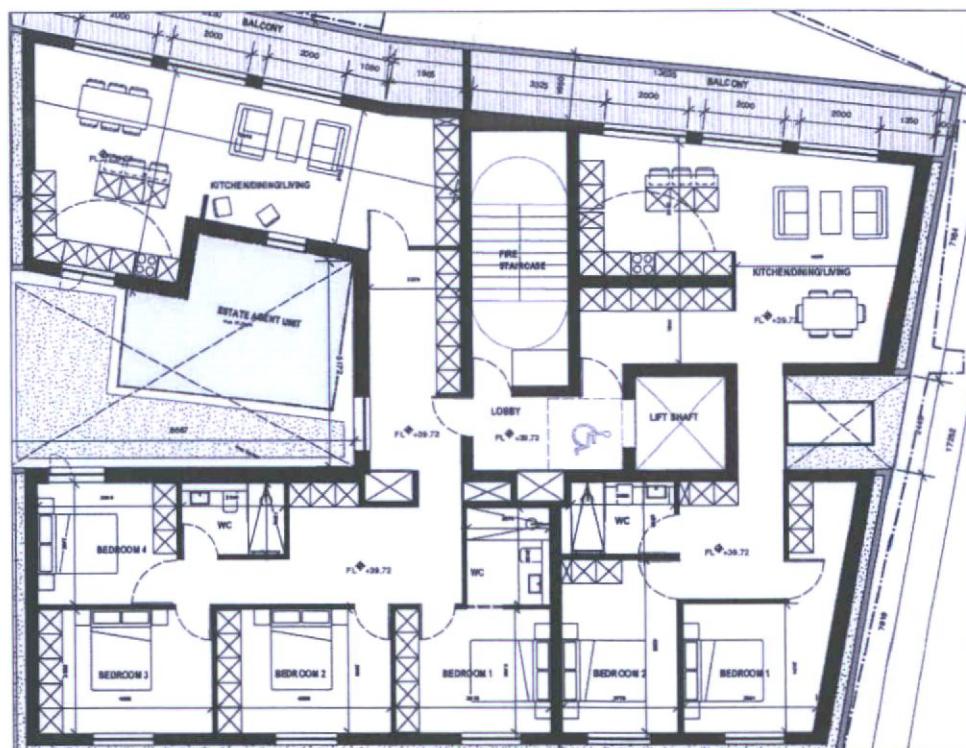


Figure 23.0 Proposed fifth floor plan of the development.

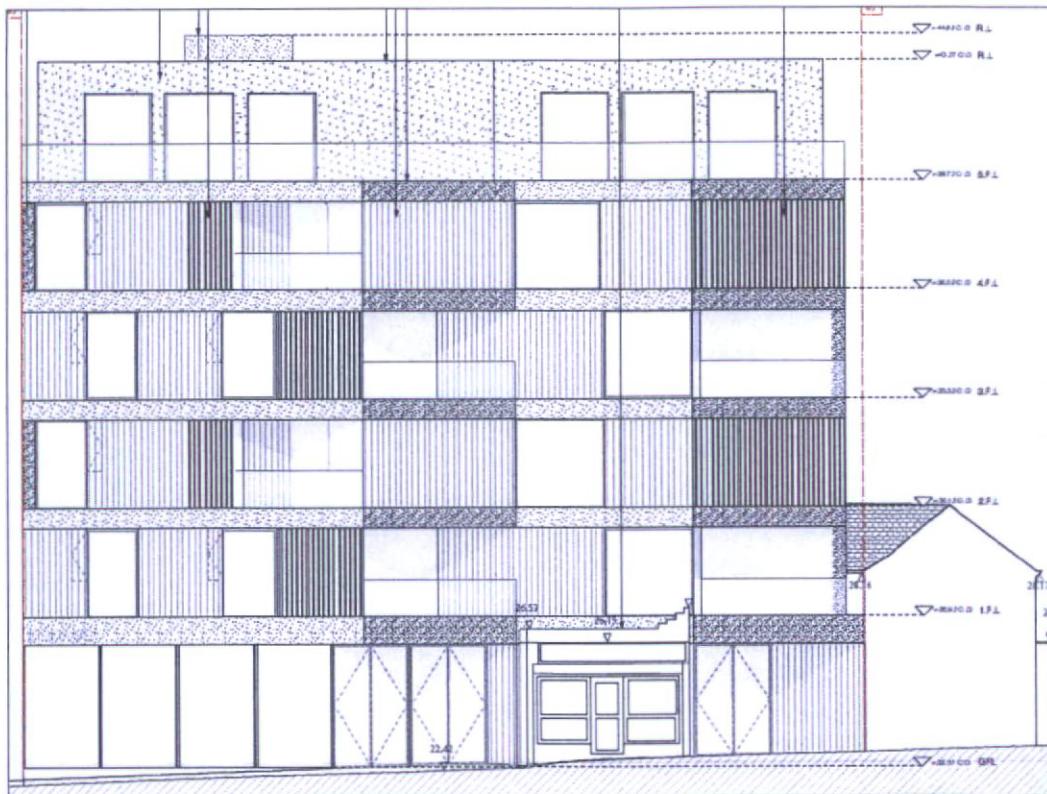


Figure 24.0 Proposed front elevation of the development.

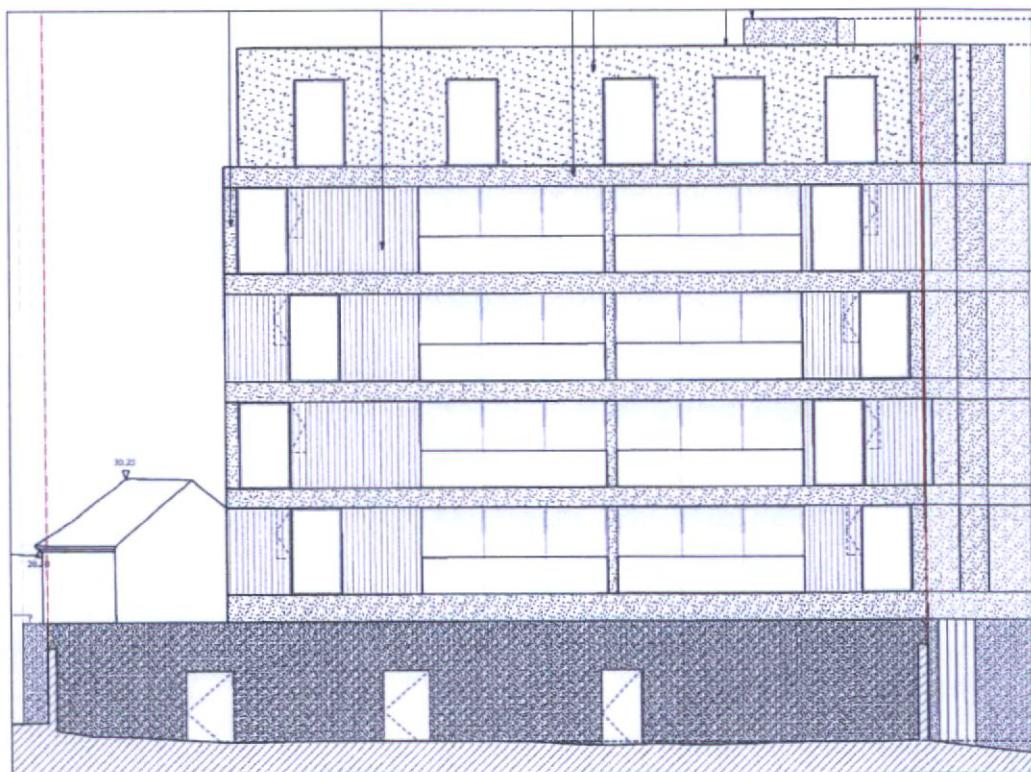


Figure 25.0 Proposed rear elevation of the development.

## 5.0 Grounds of Appeal

This section of the report will outline the Applicant's grounds of appeal and, for the benefit of the Board, will comprise a response to the reasons for refusal. The applicant's grounds of appeal will be set out in full detail in this section, however, can be summarised by the following points as mentioned in Section 1.2 of this report:

- The proposed development complies with the policies and objectives of the Dublin City Development Plan 2016-2022 which determine the use and development of the Site;
- The proposed development is consistent with Project 2040: National Planning Framework where the target is for at least 40% of all new housing to be delivered within the existing builtup areas of cities, towns and villages on infill and/or brownfield sites (Objective 35);
- The proposed development is consistent with National and local policies which promote higher density developments close to strong public transport corridors;
- This development is compliant with the objectives of the Urban Development and Building Heights – Guidelines for Planning Authorities (December 2018) which states that 'there is significant scope to accommodate anticipated population growth and development needs, whether for housing, employment or other purposes, by building up and consolidating the development of our existing urban areas'. The rationale for consolidation and densification to meet our accommodation needs applies in relation to locations that development plans and local area plans would regard as city and town centre areas as well as areas in and around existing urban areas and suburban areas, such as the application site;
- The proposal is also consistent with the Rebuilding Ireland, Action Plan for Housing and Homelessness, 2016 which seeks to double residential construction output to 25,000 homes per year by 2020;
- The scheme provides for a high-quality scheme in compliance with the Design Standards for New Apartments. The apartments are provided with an acceptable amount of sunlight. The project Architects have prepared revised elevations which increase aspect afforded to residential units in response to the concerns of the Planning Authority;
- The proposal, although lacking car-parking, with a central location close to high-quality public transport access should be considered acceptable given a greater provision of bicycle parking;
- Recently approved planning permissions in the area show that the proposed scale and mass of the development proposal are consistent with development in the area and are suitable at the site; a justification for zero-car parking has been prepared by NRB Consulting Engineers;
- The buildings currently at 60-66 Glasnevin Hill are of a density that is no longer suitable at this location as a higher density would make better use of the land. The proposal aims to achieve an appropriate density through careful design of height, bulk, massing and footprint to ensure the scheme maximises the land while protecting visual amenities;
- There is a precedent for increased heights within the area, notably the adjoining site on which a 6/7 storey structure has been approved; and
- The existing structure has been significantly altered significantly from its original form to an extent which reduces its significant. A justification for the demolition of the building has been prepared by O'Neill Conservation Architects.

## 5.1 Compliance with Dublin City Development Plan 2016-2022

Dublin City Development Plan 2016-2022 is the relevant statutory plan, providing policy and guidance for development on the subject site.

### 5.1.1 Zoning

The subject site is zoned 'Z3', Neighbourhood Centre, in the Dublin City Development Plan 2016-2022, the objective of which is to 'provide for and improve neighbourhood facilities'.



Figure 26.0 Extract from Sheet B of the Dublin City Development Plan 2016-2022, with subject site marked with a yellow star. The land is zoned as being within Objective 'Z3'.

Land use zoning objective 'Z3' relates specifically to local facilities such as small convenience shops, hairdressers, hardware etc. within a residential neighbourhood. Zoning for Objective 'Z3' areas aims to '*provide for and improve neighbourhood facilities*'. These areas can form a focal point for a neighbourhood and provide a limited range of services within approximately 5 minutes walking distance of the local population. Neighbourhood centres provide an essential and sustainable amenity for residential areas and it is important that they should be maintained and strengthened where necessary. The Dublin City Development Plan 2016-2022 states that this zoning objective is:

*'extremely important to local communities for providing day-to-day needs, and are considered appropriate localities for a range of community services including medical centres.'*

The zoning matrix within the Dublin City Development Plan 2016-2022 provides guidance on the range of uses permissible on Z3 zoned lands. A permissible use is one which is generally acceptable in principle in the relevant zone, but which is subject to normal planning considerations, including policies and objectives outlined in the plan. The following uses are 'permissible' within the 'Z3' zone:

*'ATM, Bed and Breakfast, Betting office, Buildings for the health, safety and welfare of the public, Car park, Childcare facility, Community facility, Cultural/recreational building and uses, Education, Enterprise Centre, Garden Centre, Guest House, Home-based economic activity, Industry (light), Live Work Units, Medical and related consultants, Office (max 300sq.m), Open space, Part off-licence, Public service installation, Residential, Restaurant, Shop (neighbourhood), Training centre.'*

The uses which are deemed 'Open for Consideration' in Z3 zoned lands are:

*'Advertisement and advertising structures, civic and amenity/recycling centre, embassy residential, garage (motor repair/service), household fuel depot, internet café, media-associated uses, office (max 600 sq. m), off-licence, petrol station, place of public worship, public house, take-away, veterinary surgery.'*

It is therefore considered that the proposed development, which comprises a mixed-used development consisting of a restaurant and apartments, is in accordance with the provisions of the Dublin City Development Plan 2016-2022, the zoning objective for the subject site and the proper planning and sustainable development of the area.

### 5.1.2 Residential Standards

The Development Plan states that the Council must have regard to the principles and standards outlined within Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities, March 2020. The purpose of these particular Guidelines is to provide mandatory Section 28 guidance on the design parameters for apartment developments by promoting high standards in the design and construction and in the provision of residential amenity and services in new apartment schemes.

The proposed development has been designed to exceed the minimum standards set out in the guidelines in terms of overall floor area, room sizes, room widths and storage spaces.

### 5.1.3 Residential Development

As set out in Chapter 5 of the Dublin City Development Plan 2016-2022, provision of good quality homes which provide for the needs of the city's population and which contribute to the making of good, connected neighbourhoods is a key priority of the Development Plan. It is noted in Appendix 2A of the Development Plan that Dublin City Council will require 50,604 additional housing units over the period from 2016 to 2022.

The following development plan policies are relevant to the proposal on the Site:

- SC24** *To promote and facilitate innovation in architectural design to produce contemporary buildings which contribute to the city's acknowledged culture of enterprise and innovation, and which mitigates and is resilient to, the impacts of climate change.*
- QH7** *To promote residential development at sustainable urban densities throughout the city in accordance with the core strategy, having regard to the need for high standards of urban design and architecture and to successfully integrate with the character of the surrounding area.*
- QH8** *To promote the sustainable development of vacant or under-utilised infill sites and to favourably consider higher density proposals which respect the design of the surrounding development and the character of the area.*
- QH11** *To ensure new developments and refurbishments are designed to promote safety and security and avoid anti-social behaviour in accordance with the Safety and Security Design Guidelines contained in Appendix 14 of the Development Plan.*
- QH13** *To promote more sustainable development through energy end-use efficiency, increasing the use of renewable energy, and improved energy performance of all new development throughout the city by requiring planning applications to be supported by information indicating how the proposal has been designed in accordance with the development standards set out in the Development Plan.*
- QH16** *To promote efficient and effective property management in order to secure the satisfactory upkeep and maintenance of communal areas and facilities in the context of the Multi-Unit Developments Act 2011, the Property Services (Regulation) Act 2011 and the establishment of the Property Services Regulatory Authority.*
- QH22** *To ensure that new housing development close to existing houses has regard to the character and scale of the existing houses unless there are strong design reasons for doing otherwise.*

**QH23** *To discourage the demolition of habitable housing unless streetscape, environmental and amenity considerations are satisfied, and a net increase in the number of dwelling units is provided in order to promote sustainable development by making efficient use of scarce urban land.*

It is proposed to provide a six-storey residential development with commercial uses at ground floor level. The proposal will provide for 18 no. bedrooms an otherwise underutilised site and is, therefore, consistent with the housing objectives set out in the development plan.

#### 5.1.4 Density

The Development Plan states that in determining appropriate densities, regard should be given to Sustainable Residential Development in Urban Areas (2009) and the Urban Design Manual to allow higher densities at appropriate locations. The application site is considered to be a location with significant potential for the creation of sustainable patterns of development and is considered to be an infill site. Chapter 4 of the Dublin City Development Plan 2016-2022 relates to the shape and structure of the city. The vision for the urban form and structure of the city is to achieve a high quality, sustainable urban and natural environment, which is attractive to residents, workers and visitors. The key approaches to achieving this vision underpinning the development plan are for the creation of a more compact city, where residents can live close to their places of work or study, and can easily traverse the city, thereby reducing urban sprawl and unsustainable travel patterns.

The following relevant objective with regard to density as contained in the Development Plan is listed below:

**Policy QH8** *To promote the sustainable development of vacant or under-utilised infill sites and to favourably consider higher density proposals which respect the design of the surrounding development and the character of the area.*

Given the site's location within the footprint of an urban village within Dublin City, it is considered that the site is currently underutilised and therefore the proposed density is considered acceptable.

#### 5.1.5 Building Height

We refer to Section 16.7.2 of the Dublin City Development Plan 2016-2022 which outlines the building height strategy for the city. The application site is located with the 'Outer City' area, heights of up to 16 metres for residential / commercial are considered permissible. The proposed development essentially seeks the development of a six-storey development on what is considered to be a visually important key site on a prominent thoroughfare leading to and from Dublin City Centre.

It is considered that the project architect has designed the proposed mixed-use development to harmonise appropriately with the established built form of the immediate surrounding area. The proposal has also been informed by the recently approved application to the east of the site. It is also noted that the Urban Development and Building Height Guidelines for Planning Authorities (2018) takes precedence over the height restrictions of the Development Plan and provides for increased heights.

## 5.2 Accordance with National and Regional Policy and Guidelines

In addition to the developments compliance with the local planning framework, as set out above, the following section will review the development's compliance with national and regional policy pertaining to development at the Site.

### 5.2.1 Project Ireland 2040 – National Planning Framework

Project Ireland 2040- National Planning Framework seeks a more balanced and concentrated growth, particularly within the five major cities in Ireland. A key element of national growth is the more efficient use of underutilized sites within existing built-up areas as per the following commentary from Project Ireland 2040 document:

*'A major new policy emphasis on renewing and developing existing settlements will be required, rather than continual expansion and sprawl of cities and towns out into the countryside, at the expense of town centres and smaller villages. The target is for at least 40% of all new housing to be delivered within the existing built-up areas of cities, towns and villages on infill and/or brownfield sites. The rest of our homes will continue to be delivered at the edge of settlements and in rural areas'*

Furthermore, we consider that the following national policy objectives are also relevant:

<b>National Policy Obj. 3a</b>	<i>Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements.</i>
<b>National Policy Obj. 3b</b>	<i>Deliver at least half (50%) of all new homes that are targeted in the five cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints.</i>
<b>National Policy Obj. 35</b>	<i>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.</i>

The proposed development is consistent with the above as it involves the re-development of underutilised land which is in close proximity to existing facilities and public transport services. The proposed development will facilitate the projected growth in population and in persons in employment in the Eastern and Midland Region as envisaged by the National Planning Framework, by providing suitable accommodation in a central accessible location.

The proposed scheme, which will provide 18 no. additional residential apartments to Dublin City's housing stock, is considered to accord wholly with the provisions of the National Planning Framework.

### 5.2.2 Project Ireland 2040 National Development Plan 2018-2027

The National Development Plan 2018—2027 sets out the investment priorities that will underpin the successful implementation of the National Planning Framework, including the development of the necessary housing stock, set out therein. The National Development Plan demonstrates the Government's commitment to meeting Ireland's infrastructure and investment needs over the next ten years, through a total investment estimated at €116 billion over the period. This includes investment in high quality integrated public and sustainable transport systems as per the following commentary from the Development Plan:

*'This urban, compact growth will be supported through investment in high quality integrated public and sustainable transport systems and supporting amenities.'*

The Site benefits from access to a number of public transport bus routes including a quality bus corridor operated by Dublin Bus providing direct access to the city centre. The Site is close to services and facilities within Dublin city and the wider area as well as primary and secondary educational institutes

within the vicinity and third level institutes. It is considered that this area can support the high-density redevelopment.

### 5.2.3 Action Plan for Housing and Homelessness, July 2016

The 'Action Plan for Housing and Homelessness' was published in July 2016 as part of the Government's Rebuilding Ireland initiative. This is a whole-of-Government plan which seeks to double residential construction output to 25,000 homes per year by 2020; deliver 47,000 units of social housing by 2021; make the best use of existing housing stock; and lay the foundations for a stronger, more stable private rented sector.

It is submitted that the proposed development responds to a recognised need, at national level, for residential accommodation and is consistent with policy in this regard.

### 5.2.4 Regional Spatial and Economic Strategy for the Eastern and Midlands Region 2019-2031

The Regional Spatial and Economic Strategy (RSES) for the Eastern and Midland region was published and adopted in June 2019. A Regional Spatial & Economic Strategy (RSES) is a strategic plan which identifies regional assets, opportunities and pressures and provides appropriate policy responses in the form of Regional Policy Objectives. At this strategic level it provides a framework for investment to better manage spatial planning and economic development throughout the Region. The principal statutory purpose of the RSES is to support the implementation of Project Ireland 2040 and the economic policies and objectives of the Government by providing a long-term strategic planning and economic framework for the development of the Regions. The RSES outlines the following objectives for Dublin City and Metropolitan Area:

- *To sustainably manage Dublin's growth as critical to Ireland's competitiveness, achieving growth to 1.4 million people in Dublin City and Suburbs and 1.65 million people in the Dublin Metropolitan Area by 2031.*
- *To realise ambitious compact growth targets of 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 metropolitan settlements, with a focus on healthy placemaking and improved quality of life.*

The RSES promotes the consolidation and intensification of lands within the built-up area of Dublin City. The following regional policy objective is noted:

**ROP 4.3** *Support the consolidation and re-intensification of infill/brownfield sites to provide high density and people intensive uses within the existing built-up area of Dublin City and suburbs and ensure that the development of future development areas is co-ordinated with the delivery of key water infrastructure and public transport projects.*

Dublin plays a key role in attracting internationally mobile talent and investment and combines vibrant urban living, a rich heritage and character and access to nature including Dublin Bay, the coastline and Dublin-Wicklow mountains. The Metropolitan Area Strategic Plan (MASP) in Chapter 5 sets out a strategy to achieve growth of 1.4 million people in Dublin City and suburbs and 1.65 million people in the Dublin Metropolitan Area by 2031 through the delivery of large-scale strategic development areas.

The intensification of the Site to provide for an increase in residential accommodation is considered to be in accordance with the Regional Spatial and Economic Strategy. The site is located within Dublin City Centre and is highly accessible by public transport.

### 5.2.5 Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities (2009)

The Sustainable Residential Development in Urban Areas – Guidelines for Planning Guidelines (2009) updated and revised earlier guidance of 1999. These statutory guidelines, which were brought forward to improve the quality of homes and neighbourhoods, set out best practice design criteria and provide a robust framework in which proposals for residential development should be considered. They establish a series of high level aims for successful and sustainable development in urban areas.

The proposed development has been designed to address the provisions of these guidelines.

In relation to public transport and residential density, Section 5.8 of the Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities (2009) state:

*'Walking distances from public transport nodes (e.g., stations/halts/bus stops) should be used in defining such corridors. It is recommended that increased densities should be promoted within 500 metres walking distance of a bus stop, or within 1km of a light rail stop or rail station.'*

*'The capacity of public transport (e.g., the number of train services during peak house) should also be taken into consideration in considering appropriate densities.'*

The Guidelines recommend that the minimum net densities of 50 dwellings per hectare, subject to design and amenity standards, should be applied with the highest densities located at rail stations/bus stops.

The proposal for the subject site will provide 18 no. units on a site of 0.0555 hectares, which equates to a net density of c. 324 units per hectare. Thus, the proposed development of the subject lands would be consistent with the Guidelines in respect to residential density and sustainable used of land.

#### **5.2.6 Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2020)**

In respect of the apartment development, the proposal has been designed to comply with the standards set out in *Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, 2020* (2020 Guidelines). Please refer to Appendix D which contains a Schedule of Accommodation which demonstrates compliance with the required standards.

##### Housing Mix

The following guidance is provided in relation to housing mix:

##### *Specific Planning Policy Requirement 1*

*'Apartment developments may include up to 50% one-bedroom or studio type units (with no more than 20-25% of the total proposed development as studios) and there shall be no minimum requirement for apartments with three or more bedrooms. Statutory development plans may specify a mix for apartment and other housing developments, but only further to an evidence-based Housing Need and Demand Assessment (HNDA), that has been agreed on an area, county, city or metropolitan area basis and incorporated into the relevant development plan(s)'.*

The proposed development includes 18 no. apartments and the unit mix comprises 8 no. one-bed units; 9 no. two-bed units; and 1 no. four-bed apartment. The one-bedroom apartments equate to c. 44% of the overall development. This is considered appropriate given the current housing demand and the existing need for one-bedroom apartments.

##### Minimum overall apartment floor areas

The overall apartment floor area sizes required for apartment units outlined in the 2018 Guidelines are as follows:

- *Studio apartment (1 person) 37sq.m*
- *1-bedroom apartment (2 persons) 45sq.m*
- *2-bedroom apartment (3 persons) 63sq.m*
- *2-bedroom apartment (4 persons) 73sq.m*
- *3-bedroom apartment (5 persons) 90sq.m*

The proposed development comprises of 18 no. apartment units, of which 8 no. are one-bedroom apartments; 9 no. are two-bed apartments and 1 no. is a four-bed apartment.

Additionally, of the amended scheme prepared for An Bord Pleanála, the units comprise 3 no. 4 bed units comprising floor areas ranging between 106sq.m and 161sq.m, 1 no. 3-bed unit of 128sq.m, 6 no. 2-bed units ranging between 64sq.m and 106sq.m and 4 no. 1-bed units ranging in size from 53sq.m to 71sq.m.

All apartments in the proposed development comply with and exceed the required minimum standards of the Sustainable Urban Housing: Design Standards for New Apartment Guidelines.

#### Minimum Bedroom Floor Areas/Widths

The minimum bedroom floor areas/widths for apartment units outlined in the 2018 Guidelines are as follows:

Type	Minimum Width	Minimum Floor Area
Studio	4m*	30sqm**
Single Bedroom	2.1m	7.1sqm
Double Bedroom	2.8m	11.4sqm
Twin Bedroom	2.8m	13sqm

\* Note: Combined living/dining/bedspace

Figure 28.0 Minimum Bedroom Floor Areas/Widths as set out in the Design Standards for New Apartment Guidelines for Planning Authorities.

#### Dual Aspect Ratios

The 2018 Guidelines require the following in relation to dual aspect apartments:

*'In relation to the minimum number of dual aspect apartments that may be provided in any single apartment scheme, the following shall apply:*

- (i) *A minimum of 33% of dual aspect units will be required in more central and accessible urban locations, where it is necessary to achieve a quality design in response to the subject site characteristics and ensure good street frontage where appropriate.*
- (ii) *In suburban or intermediate locations, it is an objective that there shall generally be a minimum of 50% dual aspect apartments in a single scheme.*
- (iii) *For building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, planning authorities may exercise further discretion to consider dual aspect unit provision at a level lower than the 33% minimum outlined above on a case-by-case basis, but subject to the achievement of overall high design quality in other aspects.'*

It is submitted that the proposal meets the requirement above.

#### Floor to Ceiling Height

The Guidelines require minimum floor to ceiling heights of 2.4m for apartments above ground floor, and 2.7m at ground floor to allow flexibility for future use. The proposed development successfully achieves this requirement.

#### Security Considerations

Section 3.40 of the Guidelines recommend that in order to ensure visitor and occupant safety natural surveillance should be maximised for all streets, open spaces, play areas and any surface bicycle or car parking areas. Particular attention should be given to entrance points being well lit and overlooked in building blocks.

The proposed development has been designed in a manner that allows for maximum natural surveillance throughout the development site, with windows overlooking all internal and external public spaces.

### Bicycle Parking

The Guidelines seeks that the design of apartment schemes should ensure that bicycle parking spaces are located to be conveniently accessible to residents, both in terms of proximity to access points to apartments and routes to the external road / street network. The development includes a provision of resident bicycle spaces in a secure and convenient location for each apartment at ground level. The scheme proposes 50 no. bicycle units which is sufficient for the future residents of the scheme and additional visitors.

### Lift and Stair Cores

The 2018 Guidelines outlines the following standard in relation to lift and stair cores:

*'A maximum of 12 apartments per floor per core may be provided in apartment schemes. This maximum provision may be increased for building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, subject to overall design quality and compliance with building regulations.'*

### Internal Storage

The 2018 Guidelines outlines the following standard in relation to internal storage:

Type	Minimum Storage Requirements
Studio	3sq.m
One Bedroom	3sq.m
Two Bedroom (3 Person)	5sq.m
Two Bedroom (4 Person)	6sq.m
Three or more Bedrooms	9sq.m

Figure 29.0 Minimum internal storage requirements as set out in the Design Standards for New Apartment Guidelines for Planning Authorities.

Each unit is provided with ample space to meet the required storage spaces.

### Minimum Private Open Space Requirements

The 2018 Guidelines outlines the following standard in relation to the overall floor area of private open space provided in each apartment:

Unit Type	Required Floor Areas for Private Amenity Space
Studio	4sq.m
One Bedroom	5sq.m
Two Bedroom (3 Person)	6sq.m
Two Bedroom (4 Person)	7sq.m
Three or more Bedrooms	9sq.m

Figure 30.0 Minimum private open space requirements as set out in the Design Standards for New Apartment Guidelines for Planning Authorities.

It is considered that the proposed development complies with all the required standards set out in the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities. The private amenity areas range from 9sq.m to 18sq.m.

### 5.2.7 Urban Design Manual – A Best Practice Guide

This best practice guide is based around twelve questions that have been compiled to summarise the full range of design considerations for residential development such as that proposed on the development site. These questions are '*a distillation of current policy and guidance and tried and tested principles of good urban design*'.

(i) *Context - How does the development respond to its surroundings?*

The mixed-use building sits comfortably with the topography of the site and surroundings providing an appropriate design response in relation to scale and density, whilst respecting the adjacent properties. The form, design and landscaping of the proposed development have been informed, but not determined, by the surrounding area. The development is to be finished with materials of the highest quality to ensure it creates a distinct scheme with its own character while integrating well with adjacent houses.

(ii) *Connections - How well connected is the new neighbourhood?*

The proposed development scheme has been designed to facilitate quality all-round access such for pedestrian and cyclist movement. The site has direct access to Glasnevin. The site is located within the neighbourhood centre of Glasnevin, which provides a range of services and amenities.

(iii) *Inclusivity - How easily can people use and access the development?*

All units in the development are easily accessed and useable.

(iv) *Variety: - How does the development promote a good mix of activities?*

The range of uses available within the development is limited to the provisions of the zoning objectives. The proposal provides for 18 no. residential apartments and associated amenities. The ground floor provides a restaurant to replace the existing Washerwoman restaurant/ The mix of uses is considered an improvement to what is currently offered at the site.

(v) *Efficiency - How does the development make appropriate use of resources, including land?*

The concept of efficiency and sustainable development are fundamental components of the design approach adopted. The proposal provides for moderate density residential development on a serviced site in suburban Dublin. The design has taken into account the accessibility by both the existing and future public transport in the area and the need to protect adjoining residential amenity.

(vi) *Distinctiveness - How do the proposals create a sense of place?*

The proposed development, through high-quality contemporary design will create a positive addition to the identity of the locality, which will serve as a high-quality distinct development of moderate scale on an underutilised site.

(vii) *Layout - How does the proposal create people friendly streets and spaces?*

The proposed development will further the development of the immediate area as a residential village allowing for increased use of existing public infrastructure. It is considered that the removal of the existing units to provide for a mixed-use development will be beneficial for existing residential dwellings in the vicinity and will improve the identity of the immediate area in the wake of further residential development in the future.

(viii) *Public Realm - How safe, secure and enjoyable are the public areas?*

The proposal is located within an existing neighbourhood centre and is constrained in terms of public open space provision. It is noted, however, that the proposal will enhance the public realm of the existing area by providing a more active ground floor level use. This, in addition to the upper floor residential units, is considered to increase the passive surveillance of the street.

(ix) *Adaptability - How will the buildings cope with change?*

The proposed apartment building will be energy-efficient and equipped for challenges anticipated from a changing climate.

(x) *Privacy and Amenity - How does the scheme provide a decent standard of amenity?*

The proposed balconies and amenity areas are easily accessed by residents and are provided at a high quality. Residential amenity of existing or approved dwellings will not be unduly impacted by the proposal.

(xi) *Parking - How will the parking be secure and attractive?*

Given the context of the subject site, the proposal includes a 'zero-car' development. Please refer to the Transport and Traffic Statement and Travel Plan prepared by NRB Consulting Engineers for full details.

(xii) *Detailed Design - How well thought through is the building and landscape design?*

The materials and external design of the proposed development make a positive contribution to the locality. Design of the buildings will facilitate easy and regular maintenance. Care has been taken over the siting of flues, vents, bin storage, etc.

### 5.3 Applicant's Response to Refusal Reasons

In Dublin City Council's notification of a decision to refuse permission, dated 11<sup>th</sup> June 2021, 4 no. refusal reasons were provided. The following section will discuss in detail the Applicant's responses to each of the refusal reasons.

#### 5.3.1 Refusal Reason No. 1

The first reason for refusal given by Dublin City Council relates to the residential amenity afforded to future occupants of the scheme. Reason No. 1 reads as follows:

*'The proposed development would not provide appropriate residential amenity to future residents due to the poor quality north-facing private open space to the majority of the apartments, the number of bedrooms facing blank walls at short distances, and the lack of any communal open space. The proposed development would therefore, be contrary to the Design Standards for New Apartments (2020) Ministerial guidelines issued to planning authorities under section 28'*

#### Applicant's Response

It is submitted to An Bord Pleanála that the proposal provides for a high quality standard of residential amenity which are in accordance with the Design Standards for New Apartment Guidelines (2020). At first instance we refer to the Sunlight, Daylight and Shadow Assessment report prepared by Chris Shackleton Consulting which was submitted with the planning application. One of the elements contained within this report is a 'Development Performance' which provided a full examination of the average daylight factor of all habitable rooms; the sunlight availability of living room spaces; and a shadow performance of private amenity spaces.

In terms of average daylight factor, the report found that proposed development complies with the requirements of the BRE guidelines in relation to light distribution. The report specifically states that *'the development generally shows excellent ADF results'*. Additionally, in relation to sunlight to living rooms, the report found that the proposal is generally in accordance with the requirements of the BRE guidelines. Finally, in relation to private amenity areas, the report concludes that the non-north facing units pass the BRE requirements. The north-facing units which do not receive as much light to their private amenity areas have been prioritised with sunlight to living rooms so as to ensure the residential unit is at a high standard. Based on the receipt of daylight and sunlight, it is considered that each unit will be of high quality.

As stated in the planning application documentation, the proposal is considered to be in accordance with the required standards.

In relation to aspect, the Case Officer's assessment notes the number of dual aspect and single aspect units and states that a minimum of 50% dual aspects would be required under SPPR 4 of the guidelines and continues to state a breakdown of the number of units which are single and dual aspect. Firstly, we refer to SPPR 4 of the guidelines which reads as follows:

*'In relation to the minimum number of dual aspect apartments that may be provided in any single apartment scheme, the following shall apply:*

- i. *A minimum of 33% of dual aspect units will be required in more central and accessible urban locations, where it is necessary to achieve a quality design in response to the subject site characteristics and ensure good street frontage where appropriate.*
- ii. *In suburban or intermediate locations it is an objective that there shall generally be a minimum of 50% dual aspect apartments in a single scheme.*
- iii. *For building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, planning authorities may exercise further discretion to consider dual aspect unit provision at a level lower than the 33% minimum outlined above on a case-by-case basis, but subject to the achievement of overall high design quality in other aspects.'*

It is considered that a majority of the apartment units would be classed as dual aspect, in excess of 50%. It is also considered that as the scheme comprises a development on a site of less than 0.25ha, the required number of dual aspect units falls to 33% which has been well exceeded. Additionally, with reference to the guidelines which states that:

*'Ultimately, the daylighting and orientation of living spaces is the most important objective'*

It is considered that the proposal exceeds both the 33% and 50% requirements for dual aspect units and, thus, the development will contain an appropriate level of aspect. Due to the above, it is considered that the residential amenity which would be afforded to occupants of the scheme is high. However, should An Bord Pleanála share the view of Dublin City Council regarding the number of dual aspect units, ODO Architects have prepared an alternative design option which results in the replacement of the apartment units at first and second floor levels with 4 no. duplex units. This ensures that the aspect afforded to the number of units is increased.

It is submitted to An Bord Pleanála that the proposed development will result in high-quality residential units and that the proposed development is in accordance with the Apartment Design Guidelines.

### 5.3.2 Refusal Reason No. 2

The second reason for refusal provided by Dublin City Council relates to the reduced number of parking spaces proposed under the application and the impact of the car-free scheme on the surrounding area. Reason No. 2 reads as follows:

*'The proposed development, with no visitor parking or set-down parking and insufficient cycle parking, demonstrates an overreliance on the public realm lands to support the transport needs of the development, and would be likely to lead to overspill parking with impacts on surrounding residential amenity, and to lead to haphazard parking which would result in potential vehicular and pedestrian conflict to the front of the site.'*

#### Applicant's Response

The second reason for refusal provided by Dublin City Council relates to the proposed zero-car parking scheme and the number of bicycle units provided to serve the development. It is contended that the subject site, being located within an urban village, is highly accessible by existing and planning sustainable modes of transport, including public transport, cycling and walkability. Therefore, it is considered that the scheme is ideally located to provide for a zero-car parking proposal.

With reference to Mapset J of the Dublin City Development Plan 2016-2022, the Site is located within Zone 3. Under Table 16.1, the proposal requires a maximum of 1.5 no. car parking space per dwelling and 1 no. space per 150sq.m of seating area of the restaurant.



Figure 27.0 Extract from Mapset J of the Development Plan illustrating approximate location of the subject site (red star) within Area 3.

Land-Use	Zone	Car Spaces
Residential	1 and 2	1 per dwelling
	3	1.5 per dwelling
Restaurants, Cafés and Take-aways	1	None
	2 and 3	1 per 150 sq.m seating area

Figure 28.0 Extract from the Dublin City Development Plan 2016-2022, showing parking standards set out by the Council.

The Site is considered to be highly accessible by public transport. Dublin Bus Route 83 / 83a passes the site on Glasnevin Hill with stops adjacent and across the road from the site. This service operates at ~10-15-minute frequencies in the morning and evening peaks. There are a number of high frequency bus routes within a ~5-minute walk on St. Mobhi Road include the routes 4, 9 and 155. The combination of these bus routes delivers a peak hour bus frequency of less than 10 minutes.

In addition, the BusConnects scheme will further improve these services. Under the Dublin Bus network redesign, BusConnects will introduce a high-frequent E-Spine to the Glasnevin area which will operate every 4-5 minutes at peak times at weekdays providing a connection between Ballymun, through Glasnevin and the City Centre on to Foxrock, Dún Laoghaire and Bray. The provision of this high-frequency bus route will ensure a reduced reliance on private car as a method of transport by facilitating for higher numbers of people choosing to use more sustainable transport methods. The Route Nos. 23 and 24 will replace the current 83/A bus serving the site with a service provided every 20 minutes at weekdays and Saturdays between Charlestown and the Airport and the City Centre.



Figure 29.0 Extract from proposed BusConnects network map with subject site (red star).

The Site is also located in an area that forms part of a plan to improve the transport options available to the areas north of Dublin City Centre, where many depend on buses to get around, as well as by private car. There is a proposed MetroLink stop at Griffith Park which is located approximately 350 metres from the appeal site. The site is at an optimal location for future development as there will be improved transport links and opportunities to upgrade the public realm in the area as proposed with the Metro Link public transport expansion which supports sustainable living.

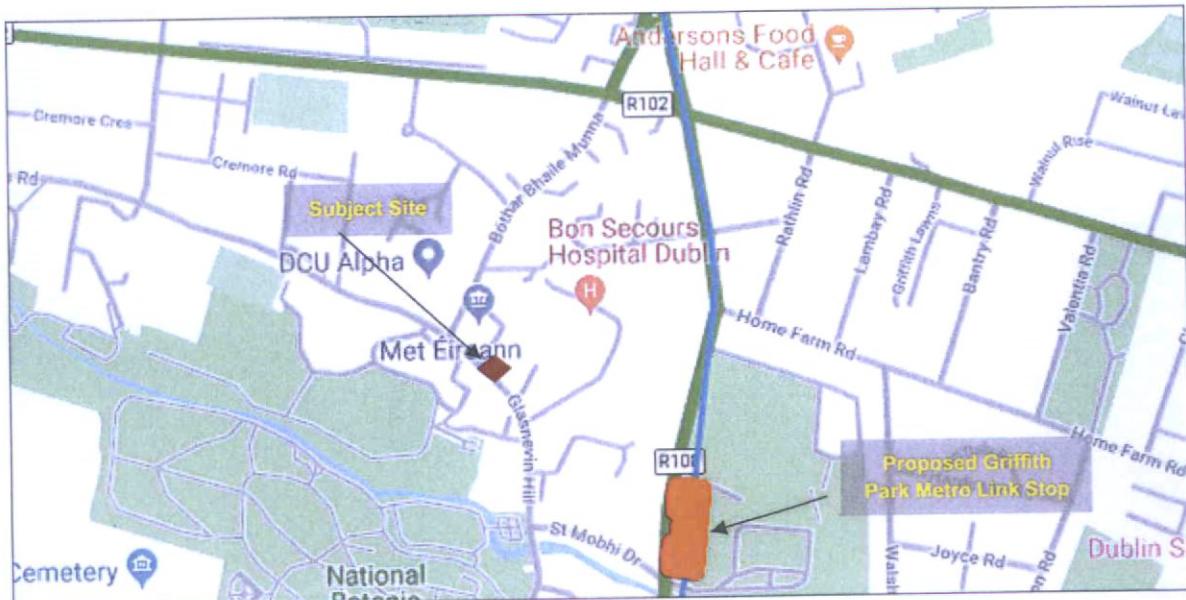


Figure 30.0 Extract from Metro Link website showing positioning of the proposed Metro North route and the proximity of the subject site to Griffith Park stop.

As stated, the proposed development is a 'car-free' development which does not provide for car parking spaces. This is considered to be justified given the Site's location within a neighbourhood centre in the outer Dublin City Centre, within walking distance to large employment centres and its proximity to public transport. NRB Consulting Engineers prepared a 'Transport and Traffic Statement' in support of the planning application, and we request that An Bord Pleanála refer to this accordingly. The report provides a full justification for a zero-car parking development. Additionally, a Travel Plan was also composed which promotes a modal shift to sustainable modes of travel and supports the case for no car parking provision.

It is submitted to An Bord Pleanála that the subject site is well-served by public transport to accommodate a car-free development.

### 5.3.3 Refusal Reason No. 3

The third reason for refusal given by Dublin City Council under Reg. Ref. 2635/21 relates to the height, bulk, massing, footprint and design of the proposal and its impact on the streetscape. Reason No. 3 reads as follows:

*'By reason of its excessive height, bulk, massing, footprint and incongruous design, the proposed development would fail to successfully integrate into or enhance the character of the streetscape and would seriously injure the visual amenity and setting of Glasnevin Village and the setting of protected structures, (49 Beechmount RPS Ref 3230 and the Convent of the Sisters of the Holy Faith (RPS Ref 3231). Furthermore, the applicant has not set out how the development proposal complies with the criteria set out in the Urban Development and Building Height Guidelines (December 2018) and the proposed development with a height of 21 metres would materially contravene the Dublin City Development Plan 2016-22.'*

#### Applicant's Response

In response to this refusal reason, it is submitted to An Bord Pleanála that the proposed development is of a suitable scale, height and design to integrate into the surrounding context and streetscape. In relation to height, it is considered prudent to refer to the recently approved planning application at the adjoining site, ABP Ref. No. 308905, which granted permission for a 6/7 storey structure.

**ABP. Ref. 308905**      Permission granted by An Bord Pleanála on 13<sup>th</sup> April 2021 for a Strategic Housing Development comprising the demolition of existing vacant motor

vehicle showroom and no. 38 Glasnevin Hill, construction of 101 no. apartments and associated site works.



Figure 31.0 Front elevation of development approved under ABP. Ref. 308905, with appeal site outlined in red.



Figure 32.0 Photomontage of development approved under ABP. Ref. 308905, viewed from Glasnevin Hill. The figure also demonstrates the subject site which adjoins the development site (red outline).



Figure 33.0 Photomontage of the proposed development at the appeal site in context with the development approved under ABP Ref. 308905, viewed from Glasnevin Hill. The proposal is considered to integrate seamlessly with the approved development which is of a similar height, scale and massing.

The proposal approved by An Bord Pleanála under ABP Ref. 308905 is similar to the proposed development at 60-66 Glasnevin Hill particularly with regard to height. The approved development is made up of 2 no. blocks with heights of 24.3m and 20.8m. Although the Development Plan has identified the area as being able to facilitate heights of up to 16 metres, the Board noted that the proposed heights of the development are acceptable at this site due to the topography and vistas present along Glasnevin Hill. The following commentary from the Inspector's Report is of note:

*'It was apparent that there is a mix of building types/heights in the area. The nearby Met Office, the adjacent convent and the DCU 'Alpha' Building further along Glasnevin Hill/ Old Finglas Road provide for building of five storeys'.*

*'Whilst the greater Glasnevin area may be dominated by two-storey houses, this section of Glasnevin Hill is certainly characterised by higher buildings. These buildings are located on a higher point of Glasnevin Hill and the proposed development will not dominate.'*

*'The Planning Authority were generally satisfied that the proposed heights were acceptable in this location and note that 'The proposed development comes into view incrementally as one travels northwards'. The overall design is considered to be acceptable.'*

*'The site is directly served by the 83/A bus routes and is within 350 m of Mobhi Road which is served by the 4, 9 and 155 bus routes. Off peak frequency for the 83/A is a bus every 12 minutes and Mobhi Road provides a frequency of a bus every 4 to 5 minutes.'*

*'While a number of submissions state that this development results in the introduction of a six/seven storey development into an area defined by two/three storey houses, this is not wholly true. From the site visit it was apparent that there is a mix of building heights in the area, and this established typology of mixed heights further facilitates the heights proposed in this application.'*

The above development was proposed at a scale and height larger than that of a number of surrounding buildings and was ultimately considered to be acceptable due to its location, design and the need for housing in the area. The proposed scheme, subject to this appeal, has been informed by the approved height of the adjoining 7 storey development and is considered to complement the approved development on the adjoining site.

The development proposed at Nos. 60-66 Glasnevin Hill intends to construct a 6 no. storey building with a height of 21 metres. We submit that the commentary included in the Inspector's Report for the development approved under ABP. Ref. 308905 with regard to height be considered with regard to the proposed development. Although contravening the Dublin City Development Plan, we submit that the height of 21 metres proposed be considered acceptable as such a development of similar height has been approved neighbouring the subject site.

Furthermore, with reference to the streetscape, it is considered that the proposed development will improve the existing streetscape and, accordingly, protect the existing visual amenity of the area. The proposal is considered to make a positive contribution to the surrounding streetscape by continuing the building line along the street and integrating with the approved development on the adjoining scheme. The scheme will also have a more active street frontage as the replacement ground floor restaurant will be afforded with a glass façade which is considered beneficial given the neighbourhood-centre status of the site.

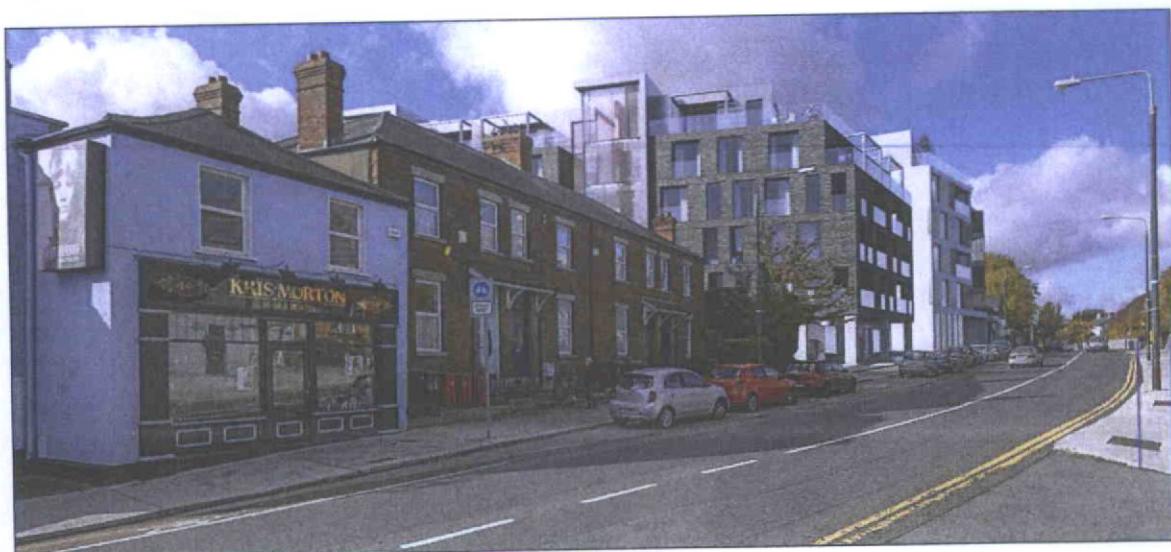


Figure 34.0 Verified view of the proposed development in context with the approved development on the adjoining scheme. The proposal is considered complementary to the approved scheme, resulting in an improved streetscape along Glasnevin Hill.

The proposal has been designed with specific regard to the established built character of the area, the character of the approved developments, and the zoning objective of the site. The applicant refutes that the proposed development would be visually incongruous. The proposal is considered to be an exemplary, high-quality design which respects the subject site and its surrounding context. The proposed structure has been designed to a very high quality to ensure that the visual impact is as protective of the surrounds as possible. The proposed development is consistent with the pattern of development that has been approved in the surrounding area.

Furthermore, it is considered that the proposed development is compliant with the provisions of the Building Height Guidelines. A summary of the proposal's compliance with the development management criteria of the guidelines follows overleaf:

- *At the Scale of the Relevant City/Town*

The site of the Washerwoman is well served by public transport with high capacity, frequent service and good links to other modes of public transport. Namely, the existing bus route which serves bus route no. 83/A and Mobhi Road which serves Bus Route nos. 4, 9 and 155 bus routes. Off peak frequency for the 83/A is a bus every 12 minutes and Mobhi Road provides a frequency of a bus every 4 to 5 minutes plus planned MetroLink and Bus Connect schemes serving the area. The site is also located within walking distance to a number of large employers which reduces the requirement for cars. The urban village also contains frequent access to Dublin City Centre via sustainable modes of transport.

The proposal is considered to 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. The site is not located along protected views or within an architectural conservation area or any area with visual sensitivities.

- *At the Scale of District / Neighbourhood / Street*

The proposal is considered to respond well to the overall natural and built environment and makes a positive contribution to the urban neighbourhood and streetscape. The proposal is not monolithic and avoids long, uninterrupted walls of building in the form of slab blocks with materials / building fabric well considered, as required by the guidelines. The scheme provides for a mix of uses and residential unit types to accommodate a variety of future residents.

- *At the Scale of the Site / Building*

The form, massing and height of the proposed development has been carefully modulated so as to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light. Each residential unit is considered to be of a high quality which affords residents with a high standard of living.

Given the existing and emerging built form and character of the area, planning precedents and the planning policy context, it is considered that proposed development is appropriate at the subject site.

#### **5.3.4 Refusal Reason No. 4**

The third reason for refusal given by Dublin City Council under Reg. Ref. 2635/21 relates to the demolition of the structure which is a remnant of early buildings within Glasnevin Village. Reason No. 4 reads as follows:

*'The building at no 60-66 Glasnevin Hill is one of the last surviving remnants of the early buildings of Glasnevin Village, and makes a positive contribution to the streetscape and the understanding of the architectural, historical, and cultural development of the village. Its demolition would be contrary to Policy CHC1 of the Dublin City Development Plan 2016-22, To seek the preservation of the built heritage of the city that makes a positive contribution to the character, appearance and quality of local streetscapes and the sustainable development of the city and contrary to Section 16.10.17, which states that the planning authority will actively seek the retention and re-use of buildings/ structures of historic, architectural, cultural, artistic and/or local interest or buildings which make a positive contribution to the character and identity of streetscapes and the sustainable development of the city.'*

#### **Applicant's Response**

In response to the final refusal reason, O'Neill Architecture have been appointed to provide a justification for the demolition of the structure. Whilst we note that the existing structure has been considered to be of important historic fabric by both Dublin City Council and a large number of observers during the 5-week public participation period, the structure is not considered to be of any significant merit as it has been altered to such an extent that it is no longer recognisable of its original character. Despite this, a justification for its demolition has been prepared in support of this appeal. The report is provided within Appendix E of this appeal document, and we request that An Bord Pleanála have due regard to it in their assessment of the proposal. The following commentary of the report is noted:

'We are advised by the NIAH (by email 7<sup>th</sup> July) that the houses were possibly excluded owing to the degree of alteration, particularly to No 64, and the poor survival rate of original fabric.'

'that many of the eighteenth and nineteenth century houses had fallen into disrepair and that the village looked "tired and shabby". The introduction concludes by saying that the village was largely rebuilt in the latter half of the twentieth century "in a variety of styles, alas, not all in harmony"

'Both of these interventions, while reflecting the evolution of the building, detract from its clarity of form. There is a plethora of lighting fixtures, awnings, signage and other fittings which further detract from the appearance of the building.'

'Internally there are no features of historic interest.'

'We are less convinced that it is the building the C.O. suggests is shown on Duncan's 1821 map, because, if it is, why is Glasnevin House, which is known to date from 1760 and which is much bigger and more important, not shown to the west of the suggested location?'

'It is our contention that the Washerwoman Pub does not make a positive contribution to the character of the hill but rather is neutral. It also must be said that as a historic structure, its present condition does little to merit affection.'

Based on the above, it is considered that the existing structure is not as historically significant as alleged by the Planning Authority and its replacement with a more dense development is in accordance with the principles of proper planning and sustainable development. Please refer to the Report prepared by O'Neill Architects for full details.

## 6.0 Planning Precedents

Whilst we note that the existing structure is not listed on Dublin City Council's record of protected structures, the building has been considered to be of a significant heritage value. Therefore, it was considered prudent to review Dublin City Council's planning register for similar developments. The following planning applications which contain similarities to the proposed development at Nos. 60-66 Glasnevin Hill are noted. The applications outlined below indicate the support shown by the Council or An Bord Pleanála towards taller structures in place of older buildings of significance within the city:

### **Nos. 5, 6 & 7 George's Quay, Nos. 1A, 1,3, 5, 7, 9, 11, 13 and 15 Tara Street and No. 11 Poolbeg Street**

#### **Reg. Ref. 3560/19**

Permission granted by Dublin City Council on 24<sup>th</sup> October 2019 for the demolition of existing structures and the construction of a mixed-use development ranging in height from three to eight storeys, including rooftop plant. The ground floor includes a hotel reception/bar/restaurant totalling 150 square metres, a co-working reception and cafe totalling 163 square metres and a cafe/restaurant/retail unit totalling 74 square metres. The first floor comprises a co-working office space with circa 490 square metres of nett office space. The second to seventh floor levels inclusive comprise of hotel use with a total of 116 hotel bedrooms. A breakfast room/bar associated with the hotel is located on the sixth floor opening onto a roof terrace. Three private roof terraces will be provided to hotel bedrooms: one located at fourth floor to the North elevation and two to the South elevation located at third and sixth floors. One basement level, floor area 540 square metres provides ancillary uses to the hotel and retail uses of the building, including plant, bicycle storage, staff amenities and a commercial kitchen. The gross floor area including basement is 5,284 square metres. The proposed development also includes for provision of hotel/retail/cafe/restaurant signage, associated site servicing (foul and surface water drainage, water supply and electricity supply), and all other associated site excavation and site development works above and below ground.

The above site is considered to be of historic significant as it is located within a conservation area. In the Case Officer's assessment of the development, the following was noted:

*'Given the central location of the subject site, the height of the nearby existing and permitted buildings combined with numerous public transport facilities in close proximity, the lands could be considered an underutilised plot and a higher plot ratio is considered acceptable in this instance.'*

Additionally, it was noted by the Case Officer that:

*'The proposed scheme is replacing a series of older buildings, with a modern mixed use development which will likely allow for a gradual transition of scale when viewed along with nearby viewpoints.'*

The demolition of the existing structures and their replacement with a taller structure was deemed acceptable by the Planning Authority as it enhanced the visual interest on the street. It is considered that the redevelopment proposed at Nos. 60-66 Glasnevin Hill would also create visual interest on the street by the demolition of the existing outdated and underutilised building and the construction of a high quality mixed-use scheme at an increased height, comprising commercial and residential elements. The proposal will integrate seamlessly with the approved development to the east of the site whilst maintaining the existing residential amenities of the area.



Figure 35.0     South elevation approved under Reg. Ref. 3560/19.

**ABP. Ref. 307197**

Permission granted by An Bord Pleanála for a Strategic Housing Development comprising the demolition of existing structures and the provision of 105 no. apartments, aparthotel extension and associated site works.

The proposal included the demolition of a historic building which was considered to be of cultural and historic significance, the O'Rahilly House. This structure was considered to be of significance due to its ties with Michael Joseph O'Rahilly, founding member of the Irish Volunteers in 1913. In relation to conservation, the following concerns were noted by the Development Applications Unit:

*'Removal of several structures that are understood to represent the evolution of the suburbs is not supported by the Department, as it removes 20th century typologies that are fully viable and their loss may be regarded as undermining local character and identity of the historic village of Ballsbridge.'*

*'The increased scale of the development is of such scale, plan arrangement and monolithic character that it is not in-keeping with the overall pattern of development or character of the area. The proposal dominates the approach to Herbert Park from the historic village of Ballsbridge. The residential block is visually jarring in its juxtaposition with this historic context.'*

Despite the concerns and the building's significance within the area, An Bord Pleanála granted permission for the demolition of the structure to accommodate the development of apartments and an aparthotel, thereby prioritising the provision of residential units.

The proposed development at the Washerwoman would provide for a building which would achieve a high-quality level of design and would be appropriately scaled and designed to respond to the character of the surrounding area. The proposal would see the development of an otherwise underutilized site, while promoting an active use at ground floor level. The proposed development, as submitted to Dublin City Council, is consistent with the objectives of the Council to develop vacant sites within the City Centre, while responding to the need for residential units.

## 7.0 Conclusion

The planning application sought approval for the demolition of the existing structures on site and the construction of a mixed-use development comprising a 6-storey block accommodating 18 no. residential apartments and a ground floor level restaurant unit. The scheme is considered to be acceptable and compliant with the policies and objectives as set out in the applicable national, regional and local planning policy context. Consistency is also demonstrated with the policies and provisions of the Dublin City Development Plan 2016-2022. The development provides for a high-quality commercial unit with high-quality residential units at upper floor levels.

It is considered that the proposed development represents an appropriately scaled development which will not give rise to any undue impacts on the amenity of any adjacent properties. In addition, the development is considered to be an 'innovative and contemporary' design solution to accommodate residential units on an underutilised subject site. Furthermore, the subject site is located within Z3 zoned land, therefore, the site is appropriately zoned to provide for the proposed mixed-use development.

The development has been designed to an exceptionally high standard to contribute to the urban form of the area and it is considered that the proposal will not give rise to any undue impacts on the amenity of any adjacent properties. We are of the opinion that the development is fully compliant and in accordance with the qualitative and quantitative standards as set out in the relevant statutory development plans and other national guidance documents.

The height of the scheme has been informed by not only the existing character of the area but also the heights of structures which have recently been approved within the area, particularly the 7 storey unit which adjoins the subject site, as approved under An Bord Pleanála reference no. 308905.

The appeal has been furnished with additional supporting documentation including a justification report for the demolition of the existing scheme. The report concludes that '*the built environment of Glasnevin Hill is not an especially characterful area of the suburbs and that its defining character is provided primarily by its topography and not by most of the buildings which exist there.*' It is considered that the removal of the structure is in accordance with the proper planning and sustainable development of the area.

We request that the Board consider the proposal as submitted to Dublin City Council under Reg. Ref. 2635/21, however the Applicant has instructed the design team to prepare an alternative design option for consideration by the Board. This alternative design option would see an improvement in the quality of the residential units. Further details of this can be found in Appendix B.

The proposed development is considered to be consistent with the policies and objectives of the Dublin City Development Plan 2016-2022 and the relevant national and regional planning policy and guidance.

The proposal is in accordance with the proper planning and sustainable development of the area and as such we request An Bord Pleanála overturn the decision of Dublin City Council and **grant** permission in this instance.



Kevin Hughes MIPIMRPI  
Director  
For HPDC Ltd.