



An
Bord
Pleanála

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

**Inspector's Report on
Recommended Opinion
ABP-308154-20**

Strategic Housing Development	Demolition of existing building and construction of 282 no. apartments, childcare facility and associated site works.
Location	Brickfield House, Brickfield Drive, Crumlin, Dublin 12.
Planning Authority	Dublin City Council
Prospective Applicant	Durkan (Brickfield Drive) Limited
Date of Consultation Meeting	30/11/2020
Date of Site Inspection	26/11/2020
Inspector	Ronan O'Connor

1.0 Introduction

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

2.0 Site Location and Description

- 2.1.1. The subject site is approx. 1.233 ha in size and is located at the site of the St. James Hospital Stores, Brickfield Drive, Crumlin, Dublin 12. Crumlin College of Further Education bounds the site to the south, while the Iveagh sports grounds lie to the west of the site. Sunshine Industrial Estate also bounds site to the south and west. The site has frontage of approx. 55m to Brickfield Drive to the east, while 4 no. semidetached houses back onto the remainder of this boundary. The Suir Road LUAS stop is located approximately 800m north of the subject site.

3.0 Proposed Strategic Housing Development

The proposed development will consist of the following:

- 282 no. residential apartment units (1 studio unit, 129 no. 1 bed units and 152 no. 2 bed units);
- 4 no. blocks extending from 4 to 10 storeys in height;
- Café at the ground floor of Block C/gym and residential support facilities;
- 280sqm Childcare Facility

- 3.2 The following development parameters are noted:

Parameter	Site Proposal
Application Site	1.233 Ha

No. of Dwelling Units	282	Other Uses	Café 68 sq. m Creche 280 sq. m
Density	228 unit/ha		
Plot Ratio	2.1	Site Coverage	29%
Height	4 to 10 storeys		
Public Open Space	5,445 sq. m.		
Parking	123 no. car parking spaces		
Part V	28 no. units		

3.3 The breakdown of the residential units is described as follows:

Studio	1 bed	2 bed	Total
1	129	152	282
0.3%	45.7%	54%	100%

4.0 National and Local Planning Policy

4.1 National and Regional Policy

National Planning Framework 2018-2040

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

Objective 2A identifies a target of half of future population growth occurring in the cities or their suburbs. Objective 3A directs delivery of at least 40% of all new housing to existing built-up areas on infill and/or brownfield sites.

Objective 13 is that, in urban areas, planning and related standards including in particular building height and car parking will be based on performance criteria that

seek to achieve well-designed high-quality outcomes in order to achieve targeted growth.

Regional Spatial and Economic Strategy for the Eastern and Midland Region

RPO 4.3 seeks to “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.”

Section 5.3 identifies guiding principles for development of the metropolitan area, which include:

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

4.2 Section 28 Ministerial Guidelines

Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the planning authority, I am of the opinion that the directly relevant section 28 Ministerial Guidelines are:

- Urban Development and Building Heights, Guidelines for Planning Authorities
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities;
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009), and the accompanying Urban Design Manual;
- Design Manual for Urban Roads and Streets (2013);
- Guidelines for Planning Authorities on Childcare Facilities (2001);
- Smarter Travel – A New Transport Policy for Ireland (2009-2020);
- The Planning System and Flood Risk Management (2009).

4.3 Local Planning Policy

4.3.1 Dublin City Development Plan 2016-2022

The site is zoned Z10 'Inner Suburban and Inner City Sustainable Mixed-Uses. The Land-Use Zoning Objective is 'To consolidate and facilitate the development of inner city and inner suburban sites for mixed uses, with residential the predominant use in suburban locations, and office/retail/residential the predominant uses in inner city area

Section 14.8.10 of the Dublin City Development Plan states that the primary uses in this zone are residential, office and retail. An appropriate mix of uses for any given site will be influenced by site location and other planning policies applicable to the associated area. A range of smaller uses will also be facilitated. The concept of mixed-use is central to the development or re-development of these sites and mono uses, either all residential or all employment/office use shall not generally be permitted.

Lands zoned Z10 will cater for a relatively intensive form of development, and the range of uses permitted will be similar to Z5 but not as intensive or wide-ranging, reflecting the location of the sites and interactions with surrounding established land-uses. Accessibility may be an issue in the development of Z10 lands, and where significant numbers of employment and or residents are envisaged, a travel plan will be required.

Crumlin is identified as a District Centre within the Dublin City Council Development Plan 2016-2022. Within the Development Plan these are described as 'usually urban villages. These have a smaller scale than the Key District Centres but continue to promote an important economic, social and physical focal point for neighbourhoods and communities'. Section 4.5.2.1 'Approach to the Inner Suburbs and Outer City' states that the strategy is to continue to strengthen the hierarchy of suburban centres from the district to the local level, to make these centres capable of providing sustainable city living and good urban place-making and to integrate the three innovation corridors into the fabric of the various centres, where relevant.

Section 4.5.2 Inner Suburbs and Outer City as Part of the Metropolitan Area states that inter alia the overall challenge is to develop the suburbs as building blocks to strengthen the urban structure of the city and comprise:

The full range of district centres, e.g. Rathmines, Crumlin, Finglas. These are centres which can provide a strong sense of urban place, are centres for local services and form a basis for sustainable neighbourhoods.

Policy SC10: To develop and support the hierarchy of the suburban centres, ranging from the top tier key district centres, to district centres/urban villages and neighbourhood centres, in order to support the sustainable consolidation of the city and provide for the essential economic and community support for local neighbourhoods, including post offices and banks, where feasible, and to promote and enhance the distinctive character and sense of place of these areas.

Policy SC13, promotes sustainable densities, particularly in public transport corridors, which will enhance the urban form and spatial structure of the city, are appropriate to their context, and which are supported by a full range of community infrastructure.

Chapter 4 defines Mid-rise buildings as up to 50m and taller buildings as being above 50m. Policy SC16, recognises the low-rise nature of the city while recognising the potential and need for taller buildings in a limited number of locations.

Chapter 5 sets out policies for quality housing.

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

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.

Chapter 10, includes policies relating to linkages to parks, open spaces and waterways.

Chapter 16 deals with Development Standards: Design, Layout, Mix of Uses and Sustainable Design, and section 16.10 deals with Standards for Residential Accommodation.

Section 16.7.2 sets a general height limit of 28m commercial or 24m residential in the inner-city area, and 16m in the outer city area. Where a site has a pre-existing height over that stipulated above, a building of the same number of storeys may be permitted, subject to assessment against the standards set out elsewhere in the development plan and the submission of an urban design statement

The site is in Parking Area 2 as set out in Table 16.1, Map J which allow a maximum of 1 space per residential unit and 1 space per 275 square metres retail.

5.0 Planning History

DCC Reg. Ref. 1994/08 ABP Ref. PL29S.231778:

Permission granted permission for the following development:

Demolish on-site structures, erect mixed-use development comprising 52 no. apartments, 12 no. houses, science and technology based industry / office space, crèche and all ancillary site works at former Eason's warehouse premises, Brickfield Drive, Crumlin, Dublin 12.

The application was appealed to An Bord Pleanála who upheld the DCC decision and granted permission in March 2009. The grant of permission included 20 no. conditions that included the removal of one floor of apartments from blocks A, B and C to reduce these blocks from 5 storeys to 4 storeys in height.

5.1. Section 247 Consultation(s) with Planning Authority

5.1.1. The prospective applicants advise that section 247 pre-application consultations took place with Dublin City Council in May 2020, by electronic means. This related to a proposal of 292 units in 2 blocks with heights of up to 13 storeys.

The following issues were raised by the planning authority:

- The height of 13 storeys was raised as a concern noting a height of 16m (5-6 storeys) would be recommended through the Development Plan.

- Review of SPPR 3 of the Building Height Guidelines in relation to scale at City/Town, Street, Building should be undertaken.
- The height of the proposal in relation to length was considered a negative by DCC and the proposed height does not specifically relate to the context.
- DCC requested that smaller more defined blocks be provided for this site and scale could be reduced by breaking into 3 smaller blocks.
- DCC requested the relationship between the Brickfield Drive elevation and the street be improved.
- DCC confirmed proposed density is reliant on appropriate design and scale overall.

6.0 Irish Water Submission

Irish Water: Irish Water has issued a Confirmation of Feasibility for 321 residential units to connect to the Irish Water network subject to approximately 175m of new 150mm ID pipe main to be laid to connect the site development to the existing 9" CI main. In relation to wastewater new connections are feasible without upgrade.

7.0 Forming of Opinion

Pursuant to section 6(7) of the Act of 2016, regard is had in the forming of the opinion to the documentation submitted by the prospective applicant; the planning authority submissions and the discussions which took place during the tripartite consultation meeting. I shall provide brief detail on each of these elements below.

8.1 Documentation Submitted

- 7.1.1. The prospective applicant has submitted information pursuant to section 5(5)(a) of the Planning & Development (Housing) and Residential Tenancies Act 2016 and Article 285 of the Planning and Development (Strategic Housing Development) Regulations 2017. This information included, inter alia,

Application form; Drainage Design Report; Material Contravention Statement; Planning Report; Statement of Consistency; EIAR Screening Statement; Townscape and Visual Impact Assessment; Landscape Management and Maintenance Plan;

Flood Risk Assessment; Landscape Design and Access Statement; Architectural Design Statement; Verified Views and CGI; Daylight and Sunlight Assessment Report; Draft Traffic and Transport Assessment and Residential Travel Plan; Arboricultural Assessment; Sustainability and Energy Report; Utility Report; Public Lighting Report; Appropriate Assessment Screening Report; Ecological Impact Assessment Report

7.1.2. Section 5(5)(b) of the Act of 2016 requires the submission of a statement that, in the prospective applicant's opinion, the proposal is consistent with both the relevant objectives of the development plan or local area plan concerned, and relevant guidelines issued by the Minister under section 28 of the Act of 2000. Section 5(6) requires that where the proposed development would materially contravene the development plan or local area plan, as the case may be, other than in relation to the zoning of the land, then the statement provided for the purposes of subsection (5)(b)(i) shall indicate why, in the prospective applicant's opinion, permission should nonetheless be granted, having regard to a consideration specified in section 37(2)(b) of the Act of 2000.

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

7.2. Planning Authority Submission

7.2.1. In compliance with section 6(4)(b) of the 2016 Act the planning authority for the area in which the proposed development is located, Dublin City Council have submitted a copy of the record of their section 247 consultations with the prospective applicant and their opinion in relation to the proposal.

7.2.2. A Planning Report has been submitted which raises the following matters:

- The proposed development is not consistent with the relevant zoning objectives/concept of mixed use must by central to the redevelopment proposal/not limited to a café.
- Plot ratio/site coverage compliant.
- Site is suitable for high density development.

- Density of proposal should respect the existing character, context and urban form of an area.
- Concerns are raised in relation to the visual impact of the development due to its scale and height/may indicate density is excessive.
- Design and materials acceptable.
- No objection in principle to the design and layout.
- Proposal materially contravenes the Development Plan in relation to height.
- Location and setting of the development enables a development of significant height.
- Overall the proposal in relation to height is acceptable.
- Concerns in relation to the scale and visual impact of the 10 storey heights in Blocks A, in particular when view from Brickfield Park and Iveagh Grounds.
- Recommended that additional views be submitted as part of any application to demonstrate the impact on the wider area including additional views from Iveagh Grounds, Brickfield Park and the Crumlin Road.
- Further details regarding the potential for any overlooking from balconies of Block D are required.
- Will not have a negative impact in terms of overbearing or overshadowing.
- Subject site would be expected to achieve at least 50% dual aspect, with any 3 beds ideally being dual aspect.
- Applicant has stated that a total of 55% dual aspect is provided/some concern regarding the quality of a number of dual aspect apartments/include single aspect units with corner units facing onto balconies.
- 2 no. 2-bed (3 person) units fall marginally below the requirement for 6 sq. m. of private amenity space at 5 sq. m.
- Proposed communal facilities are considered acceptable.
- Further information on the effect of shadow over the park and playground in Autumn and Winter is required/applicant is requested to provide a shadow assessment for the 21st of each month from September to February inclusive.

- A Community and Social Infrastructure Audit is required.

7.2.3. The submission of the Planning Authority concludes that the proposed redevelopment of the site is welcome in principle. However the following issues are require to be addressed at application stage.

- Revise the non-residential element of the proposal to comply with the mixed-use zoning objective.
- Clarify if the scheme is BTR or Build to Sell.
- Clarify number of storeys in Block D/Inconsistences in documentation submitted.
- Additional views required from Iveagh Grounds, Brickfield Park and the Crumlin Road
- Demonstrate that the proposal will respect and not have a detrimental impact on the residential amenities of adjacent properties.
- Detail roof apparatus/details of dual aspect units/balcony screening/proposed boundary treatment with Brickfield Park.
- Information as request in the Parks and Landscape report (summarised in Section 8.2.3 below)

8.2.3 Internal Reports

Transportation Planning:

- Applicant required to identify measures to improve cycle routes, public transport and the pedestrian environment in general/look at connectivity to the Crumlin Road cycle track in particular.
- Clarification of pedestrian, cycle and vehicular access to the crèche.
- Detail of proposed treatment for the shared access.
- Revised basement/clarification of access arrangements
- Review type of resident and vehicle parking proposed/clarify staff cycle parking provision.
- Revised set down area required.
- Access arrangements for fire tender/conflict identified.

- Car Parking Management Plan should be integrated within the Mobility Management Plan.
- Additional details in to construction phase.

Parks, Biodiversity & Landscape Services

- Application required to confirm their intention to make a contribution in lieu of public open space.
- Impact on new changing rooms which are proposed for the park lands to the north of the site.
- Shadow Impact on Brickfield Park.
- Boundary Treatment details.
- Consideration of the Absorption Capacity of the Natural Environment (Section 3.3.3 of the EIAR Screening Document) is inadequate with regard to the characterisation of Brickfields Park
- Appropriate Assessment – importance of Brickfield Park as an ex-situ feeding site for light-bellied Brent Goose and potential impact of the proposed development should be analysed further following field surveys.
- Potential of the site for hedgehogs should be considered.
- Mitigation measures for bird collisions.
- Impacts on bats
- Draft Construction and Environmental Management plan required.

Drainage: Clarification required in relation to surface water management.

EHO: No evidence of any air pollution or noise control mitigation measures during construction or operational phase.

Waste: Additional details required.

7.2.4. I have reviewed and considered all of the documentation submitted by the planning authority relating to this case.

7.3. Consultation Meeting

- 7.3.1. A Section 5 Consultation meeting took place via Microsoft Teams on the 30/10/2020. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. The main topics raised for discussion at the tripartite meeting were based on the agenda that issued in advance and contained the following issues:
1. Principle of Development
 2. Design and layout (including height)
 3. Proposed residential amenity/Development standards
 4. Surrounding Residential Amenity
 5. Transport Issues
 6. Ecology/Environmental Issues
 7. AOB
- 7.3.2. Both the prospective applicant and the planning authority were given an opportunity to comment and respond to the issues raised by the representatives of ABP. Those comments and responses are recorded in the 'Record of Meeting 308154-20' which is on file.
- 7.3.3. I have fully considered the responses and comments of the prospective applicant and planning authority in preparing the Recommended Opinion hereunder.

7.4. Conclusion

- 7.4.1. Based on the entirety of the information before me, it would appear that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.
- 7.4.2. I have examined all of the submissions before me including the documentation submitted by the prospective applicants, the submissions of the planning authority and the discussions which took place at the tripartite meeting. I have had regard to both national policy, including section 28 Ministerial Guidelines and local policy via the statutory plans for the area.
- 7.4.3. Having regard to the above, I recommend that the Board serve a notice on the prospective applicant, pursuant to Section 6(7)(b) of the Planning and Development

(Housing) and Residential Tenancies Act 2016, stating that it is of the opinion that the documentation submitted with the consultation request under section 5(5) of the Act: constitutes a reasonable basis for an application under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

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

8.0 Recommended Opinion

The Board refers to your request pursuant to section 5 of the Planning and Development (Housing) and Residential Tenancies Act 2016. Section 6(7)(a) of the Act provides that the Board shall form an opinion as to whether the documents submitted with the consultation request

- (i) constitute a reasonable basis for an application under section 4 of the Act, or
- (ii) (require further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

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

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

1. A comprehensive statement and complete listing and consideration in relation to section 8(1)(iv) of the Planning and Development (Housing) and Residential Tenancies Act 2016, that outlines consistency with the relevant development plan and that specifically addresses any matter that may be considered to materially contravene the said plan, if applicable, should be submitted. In this regard the applicant is requested to ensure that matters raised by the PA at the tripartite meeting in respect of the quantum of non-residential uses is addressed in terms of its relationship with the zoning objective for the site.
2. Additional CGIs/visualisations/3D modelling, including additional views from the surrounding locations including from the Crumlin Road, from Iveagh Sports Grounds and from Brickfield Park. These additional views should indicate a 'no-leaf' scenario.
3. A Housing Quality Assessment (HQA) which provides the specific information regarding the proposed apartments as required by the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities. The assessment should also demonstrate how the proposed apartments comply with the various requirements of those guidelines, including its specific planning policy requirements. In particular, the report should address the requirements as relates to dual aspect provision and units considered by the prospective applicant to be dual aspect should be clearly indicated on the plans. A rationale/justification as to why the units should be considered dual aspect (if the aspects are not 180 degrees relative to one another) should be provided. Justification for the level/percentage of dual aspect provision should also be submitted at application stage
4. Additional details and/or revised proposals in relation to Transport issues, having regard to comments contained within the Planning Authority's submission on this pre-application, including measures to improve cycle routes, public transport and the pedestrian environment, with particular attention paid to connectivity to the Crumlin Road cycle track; clarification of pedestrian, cycle and vehicular access to the crèche; detail of proposed treatment for the shared access; revised basement layout and clarification of access arrangements; review of the type of resident and vehicle parking proposed; clarification of staff cycle parking provision; revised proposals for the set down area; access arrangements for fire tender ensuring= no conflicts are in place; A Car Parking Management Plan,

integrated within the Mobility Management Plan; additional details in relation to traffic impacts at construction phase contained within a Construction Traffic Management Plan.

5. Additional details and/or revised proposals in relation to potential impacts on Brickfield Park, including impacts on trees and biodiversity, having regard to comments contained within the report of the Parks, Biodiversity & Landscape Services.
6. Additional details and/or revised proposals having regard to comments contained within the reports of the Drainage, EHO and Waste Sections, as submitted with the Planning Authorities submission on this pre-application.
7. A report that specifically addresses the proposed materials and finishes to the scheme including specific detailing of external finishes, the treatment of balconies and boundary treatments. Particular regard should be had to the requirement to provide high quality and durable finishes and materials which have regard to the surrounding context of the site.
8. A report that addresses issues of residential amenity (both existing residents of nearby development and future occupants), specifically with regards to daylight/sunlight analysis, overlooking, overshadowing, visual impact and noise. The report shall include full and complete drawings including levels and cross-sections showing the relationship between the proposed development and nearby residential development. With respect to potential overlooking within the development, the report should clearly outline any measures to prevent overlooking, in particular between Blocks A and B and Blocks B and C and where applicable in respect of the proposed creche.
9. A comprehensive study of the Wind Environment and potential impacts on the quality of public, communal and private amenity spaces.
10. A plan of the proposed open space within the site clearly delineating public, communal and private spaces.
11. A masterplan document outlining how this site could interact with any future proposals on the site to the west and south-west of the proposal site.

Pursuant to article 285(5)(a) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is informed that the following authorities should be notified in the event of the making of an application

arising from this notification in accordance with section 8(1)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016:

1. Irish Water
2. National Transport Authority
3. Transport Infrastructure Ireland
4. The Department of Culture, Heritage and the Gaeltacht
5. The Heritage Council
6. An Taisce
7. Dublin City Childcare Committee

PLEASE NOTE:

Under section 6(9) of the Planning and Development (Housing) and Residential Tenancies Act 2016, neither the holding of a consultation under section 6, nor the forming of an opinion under that section, shall prejudice the performance by the Board, or the planning authority or authorities in whose area the proposed strategic housing development would be situated, of any other of their respective functions under the Planning and Development Acts 2000 to 2016 or any other enactment and cannot be relied upon in the formal planning process or in legal proceedings.

Rónán O'Connor
Senior Planning Inspector

Date: 17th December 2020