



An  
Bord  
Pleanála

## Inspector's Report ABP-305172-19

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### Development

Request to make alterations to development of 927 residential units, childcare facility and 2 retail units authorised by the Board under ABP-301522-18 .

### Location

Clay Farm, Dublin 18

### Planning Authority

Dun Laoghaire County Council

### Applicant

Viscount Securities

### Type of Application

Section 146B - Request to alter previously approved Strategic Housing Development

### Inspector

Stephen J. O'Sullivan

## 1.0 Introduction

- 1.1. This report deals with a request from Viscount Securities seeking to amend an SHD permission granted under ABP-301522-19 at Clay Farm Ballyogan Road, Dublin 18. The original permission authorised 927 homes. The authorised development is comprised of 927 dwellings of which 572 would be apartments and 355 would be houses, as well as 2 shops and a creche. The apartments would be in 17 blocks between 3 and 6 storeys high. 1,458 car parking spaces would be provided in the authorised development. 2 spaces would be provided on the curtilage of each house. The spaces serving the apartments would be along the street or in basements. The authorised development includes associated site works and services, including a large open space and an extension of a loop road for the wider area zoned for housing.
- 1.2. The board subsequently made an alteration to permission under ABP-304212-19 which reduced the number of authorised homes to 924 and changed the internal layout of Blocks E01-09 and some car parking arrangements, having deemed the alteration not to be material.

## 2.0 Proposed alteration

- 2.1. The applicant has now requested that further alterations be made to the permission that would authorise the following changes to the development –
- Revision to Block W06 so that it would contain 55 apartments (consisting of 35 one-bedroom units and 20 two-bedroom units) compared to the 50 apartments in the permitted block
  - Providing 10 apartments in a three-storey building in place of 6 authorised houses and 3 four-bedroom houses in place of 3 authorised three-bedroom houses near the local centre in the north-central part of the site
  - Revisions to the layout of the Blocks E07-09 and the houses to their south.
- 2.2. The applicant states that the first two changes arose as a result of consultations with the council about Part V housing. The third change is to provide a greater setback from an ESB wayleave through the site. The revised layout shows a setback from

that wayleave to the north of Block E07 that is c6m wider than the authorised layout. The applicant submitted that the proposed alteration was not material.

- 2.3. The initial request was accompanied by the information specified in Schedule 7A to the planning regulations for the screening of sub-threshold proposals to determine whether they require Environment Impact Assessment.
- 2.4. The board determined on 17<sup>th</sup> December 2019 that the requested alteration would be material and directed that the notices of the request be published and submissions requested from prescribed bodies and the council. The board also requested that information be submitted to indicate whether the whether the altered homes would comply with the requirements of the 2018 apartment design guidelines and the standards set out in the development plan.

### 3.0 Responses

- 3.1. The submission from the applicant in response to the board's order of 17<sup>th</sup> December 2019 stated –
  - The proposed alterations would not affect the mix of apartment types and compliance of the overall scheme with SPPR1 of the apartment design guidelines. All of the affected apartments would be 10% above the minimum floor areas required under SPPR3. The alterations would not affect compliance of the overall scheme with the requirement under SPPR4 that 33% of units have dual aspect. The floor to ceiling heights in SPPR5 would be met, as would the restriction on the number of apartments per core set out in SPPR6. All the affected apartments would have the at least the minimum private amenity space required in the appendix to the guidelines. The alterations would not affect compliance with the requirement for communal open space. In this regard it is noted that the authorised block W06 would not have communal space although it would be situated directly beside public open space. The cycle parking would comply with development plan standards rather than those in the guidelines which are not an SPPR.
  - In relation to development plan standards, the four bedroom houses would have back gardens which are less than the minimum of 75m<sup>2</sup> set out in section 8.2.8.4 of the development plan. It is stated that the back gardens of at least

60m<sup>2</sup> are acceptable at this location. The alteration would not affect compliance with public open space. Blocks W06 and W07 would have a combined total 112 secure cycle spaces which would meet the requirement under table 4.1 of the development plan for 104 spaces at 1 per apartment. An additional short term space will be provided to meet the requirement for 21 short term spaces. A secure bike store would be provided to serve the 10 duplex units.

- 3.2. The submission from the council stated that the reliance on a single access from Ballyogan Road was not acceptable. The back gardens of the four-bedroom houses would not comply with the minimum requirement of 75m<sup>2</sup> in section 8.2.8.4 of the development plan. The car parking is acceptable. If the alteration is made then the financial contributions required under the general and supplementary schemes should be amended to reflect the greater number of homes.
- 3.3. The submission from the National Transport Authority stated that the board could make amendments other than those requested by the applicant. The board should restrict direct access to home zones from the loop road and provide continuous footpaths across other accesses to home zones. Segregated cycle lanes should be provided on the loop road with priority over minor roads.
- 3.4. Transport Infrastructure Ireland referred to their submission on the original application.
- 3.5. No other submissions were received, either from the public or from other prescribed bodies.

#### 4.0 **Screening**

- 4.1. Prior to the grant of permission under ABP-301522-18 it was determined that the development would not be likely to have significant effects on any Natura 2000 site and that an appropriate assessment was not required. The proposed alterations are small in scale relative to the authorised development and would not alter the character of the authorised uses. The alteration would not have the potential to have a significant effect on any Natura 2000 site, therefore, either individually or in combination with any other plan or project and an appropriate assessment is not required.

4.2. The authorised development was subject to environmental impact assessment prior to the granting of permission. The requested alteration would not alter the nature of the authorised uses. Its impact on the scale of the authorised development would be small. It would be much less than 25% of the threshold of 500 dwellings or 10ha that would apply to new proposals of this type in this location under Class 10(b) of Part 2 of Schedule 5 to the planning regulations, and so would not fall within Class 13 of that schedule either. The request was accompanied by the information specified in schedule 7A. It is evident from the characteristics and location of the proposed alteration, and from the characteristics of its potential impact, that it would not be likely to have significant effects on the environment other than those which were described and assessed in the EIA for the original permission. No such effects would be likely to arise either directly or indirectly or in combination with other projects. An environmental impact assessment of the requested alteration is not required, therefore.

## 5.0 **Assessment**

5.1. The proposed development would not significantly alter the nature or the scale of the overall residential development at Clay Farm authorised under ABP-301522-18. The submissions on the current request from the council and the NTA raised wider issues relating to the access to the authorised housing at Clay Farm and the layout of its streets. These issues were considered by the board before the parent permission was granted. They would not be materially affected by the requested alteration. There is no reasonable basis, therefore, to re-visit the authorised layout of streets in the course of the current request, other than that in the immediate vicinity of the homes that would be changed by the requested alteration. Those consequential alterations to permitted streets and parking are minor and would not affect the safety or convenience of road users.

5.2. The altered apartments and homes would provide an acceptable standard of amenity to their occupants in line with the requirements of the apartment design guidelines. The provision of gardens between 60m<sup>2</sup> and 75m<sup>2</sup> for the three proposed four-bedroom houses would be acceptable, notwithstanding the shortfall from the development plan standard, having regard to the size and shape of the back gardens that would be provided and their relationship with the layout of the streets to the

front, side and rear of those houses. There would also be substantial public open space available nearby for the residents of those houses. The extent of open space would not be significantly affected by the proposed amendments to the position of Blocks E07 to E09. The requested alteration would not injure the amenities of other authorised homes in the vicinity of the altered units.

- 5.3. The requested alteration would not detract from the urban design or architectural quality of the authorised housing at Clay Farm, or the amenity of its open spaces.
- 5.4. The conditions of the parent permission did not specify an amount for the contribution required under the general and supplementary contribution schemes that apply in this area, so their terms would not have to be changed to accommodate the increased number of authorised homes that would result from the current alteration.

## 6.0 Recommendation

- 6.1. I recommend that the board make the requested alteration to the development permitted under ABP-301522-18 in accordance with the draft order set out below.

**REQUEST** received by An Bord Pleanála on the 16<sup>th</sup> day of August 2019 from Viscount Securities under section 146B of the Planning and Development Act, 2000, as amended, to alter the terms of a permitted Strategic Housing Development of 924 number residential units at Clay Farm Ballyogan Road, Dublin 18, the subject of a permission under An Bord Pleanála reference number ABP-301522-18 and alteration reference no. ABP-304212-19.

**WHEREAS** the Board made a decision to grant permission, subject to 25 conditions, for the above-mentioned development by order dated the 2<sup>nd</sup> day of August 2018 under ABP-301522-18,

**AND WHEREAS** the Board decided that an alteration to the above mentioned decision that was requested on 12<sup>th</sup> day of April 2019 would not result in a material alteration to the terms of the development and so altered the decision under ABP-304212-19,

**AND WHEREAS** the Board has received another request to alter the terms of the development, the subject of the permission,

**AND WHEREAS** the proposed alterations are described as follows:

- Amendments to Block W06 to provide additional one and two-bed units and associated reduction in the block plan. The amended Block W06 will accommodate 35 number one-beds and 20 number two-beds over five floors, and increase in five number units from the 50 number permitted. .
- Replacement of six number houses to the south of the neighborhood centre with 10 number duplex units.
- Replacement of three number three-bed houses to the east of the neighborhood centre with three number four-bed houses
- Relocation of Block E07 to E09 further to the south, to provide an increased setback from an ESB wayleave to the north, and associated alterations to the layout of the adjoin roads and residential plots to the south.
- All associate car and cycle parking changes, landscaping, drainage, site serves and other works,
- The proposed alterations would result in an overall increase in unit numbers from 924 units, as amended, to 933 units

**AND WHEREAS** the Board decided, in accordance with section 146B(2)(a) of the Planning and Development Act 2000, as amended, that the proposed alterations would result in a material alteration to the terms of the development, the subject of the permission,

**AND WHEREAS** the Board decided to require the requestor to make available information relating to the request for inspection, and require the requestor to invite submissions or observations,

**AND WHEREAS** having considered all of the documents on file and the Inspector's report, the Board considered that the making of the proposed alterations would not be likely to have significant effects on the environment or on any European Site,

**NOW THEREFORE** in accordance with section 146B(3)(a) of the Planning and Development Act, 2000, as amended, the Board hereby alters the above-mentioned decision so that the permitted development shall be altered in accordance with the plans and particulars received by the Board on the 16<sup>th</sup> day of August 2019 and the 27<sup>th</sup> day of January 2020.

### **MATTERS CONSIDERED**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard.

### **REASONS AND CONSIDERATIONS**

Having regard to:

- (i) the nature and scale of the Strategic Housing Development, permitted under An Bord Pleanála Reference Number ABP-301522-18 as amended under An Bord Pleanála Reference Number ABP-304212-19, in respect of 924 residential units, a neighbourhood centre, a section of the Clay Farm Loop Road and associated works;
- (ii) the examination of the environmental impact, including in relation to European sites, carried out in the course of that application;
- (iii) the limited nature, scale and extent of the alterations;
- (iv) the absence of any significant new or additional environmental concerns (including in relation to European sites) arising as a result of the proposed alterations, and
- (v) the report of the Board's Inspector,

it is considered that the proposed alterations to the permitted development would be generally in accordance with the provisions of the Guidelines for Planning Authorities on the Design of New Apartments issued in March 2018 and those of the Dun Laoghaire-Rathdown Development 2016-2022 Plan, would not be likely to give rise to impacts on the surrounding area that significantly differed from those that were considered before permission was granted, would not injure the character of the permitted development or the level of amenity that it would afford its occupants, and would not injure the safety or convenience of road users. The proposed alterations would therefore be in keeping with the proper planning and sustainable development of the area.

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**Stephen J. O'Sullivan,**  
**Planning Inspector, 24<sup>th</sup> March 2020**