

An  
Bord  
Pleanála

**Board Direction**  
**BD-008712-21**  
**ABP-309600-21**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 15/07/2021.

**REQUEST** received by An Bord Pleanála on the 4<sup>th</sup> March 2021 from Downey Planning on behalf of Elchior Construction Ltd. under section 146B of the Planning and Development Act, 2000, as amended, to alter the terms of the Strategic Housing Development on lands adjacent to the Gallery, Turvey Walk, off Turvey Avenue, to the west of Donabate Train Station, Donabate, Co. Dublin, which is the subject of a permission under An Bord Pleanála reference number ABP-306794-20.

**WHEREAS** the Board made a decision to grant permission, subject to conditions, for the above-mentioned development by order dated the 10<sup>th</sup> August 2020,

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

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

- Block A - provision of a creche facility (304 sqm) as per Condition no. 2, removal of retail unit and in its place increased residential amenity space/rooms and commercial gym (457 sqm).
- Block A - increase in building height by 1 no. storey and the provision of 5 no. additional residential units (51 in total consisting of 7 x 1 no. beds, 44 x 2 no. beds)
- Block B - increase in building height by 1 no. storey and the provision of 4 additional units (44 in total consisting of 12 x 1 no. beds, 32 x 2 no. beds)
- Block C - increase in building height by 1 no. storey to provide 6 additional units (60 in total consisting of 6 x 1 no. beds, 36 x 2 no. beds, 18 x 3 no. beds ).

- In total, there will be 155 units, a reduction in car parking to 111 spaces (including a reduction of surface car parking from 5 no. spaces to 2 no. spaces) and reduction in basement size to 4219.5sqm, an increase in cycle parking to 410 spaces and minor alterations to landscaping.

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

**AND WHEREAS** the Board decided, in accordance with section 146B(3)(b)(i) of the Planning and Development Act 2000, as amended, to require the submitted information to be placed on public display and submissions sought, prescribed bodies to be issued a copy of the proposal and additional drawings to be submitted,

**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)(b)(ii)(II) 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, subject to the alteration of conditions 1 and 11 of ABP-306794-20 as follows:

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by An Bord Pleanála on the 4<sup>th</sup> March 2021 and 28<sup>th</sup> May 2021, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

11. 410 bicycle parking spaces shall be provided for within the site. Details of the layout, storage arrangement, marking demarcation, and security provisions for these spaces shall be submitted for the written agreement of the planning authority prior to commencement of development.

**Reason:** To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.

### **Reasons and Considerations**

In coming to its decision, the Board had regard to the following:

- (a) the policies and objectives set out in the Fingal Development Plan 2017-2023,
- (b) the Rebuilding Ireland Action Plan for Housing and Homelessness, 2016
- (c) Urban Development and Building Heights, Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018
- (d) the Design Manual for Urban Roads and Streets (DMURS), issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013, and as amended
- (e) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and the accompanying Urban Design Manual, A Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009
- (f) the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments issued by the Minister in December 2020,
- (g) the Planning System and Flood Risk Management (including the associated Technical Appendices), issued by the Department of the Environment, Heritage and Local Government in 2009,
- (h) the nature and scale of the Strategic Housing Development permitted under ABP-306794-20,

- (i) the appropriate assessment and environmental impact assessment carried out in the course of this application
- (j) the nature and scale of the alterations,
- (k) the absence of any significant new or additional environmental effects (including those in relation to European sites) arising as a result of the proposed alterations,
- (l) the absence of any new or significant issues relating to the proper planning and sustainable development of the area arising from the proposed alterations, and
- (m) submissions received.

### **Appropriate Assessment Screening**

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European sites, taking into account the nature, scale and location of the proposed development within a zoned and serviced urban site, the Screening for Appropriate Assessment submitted with the application, the Inspector's Report, and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

### **Environmental Impact Assessment**

The Board completed an environmental impact assessment screening of the proposed development and considered that the Environmental Impact Assessment Screening Report submitted by the applicant, identifies and describes adequately the direct, indirect, secondary, and cumulative effects of the proposed development on the environment.

Having regard to:

- (a) the nature and scale of the proposed development on an urban site served by public infrastructure,
- (b) the absence of any significant environmental sensitivities in the area,


(c) the location of the development outside of any sensitive location specified in article 299C(1)(v) of the Planning and Development Regulations 2001 (as amended), the Board concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment.

The Board decided, therefore, that an environmental impact assessment report for the proposed development was not necessary in this case.

**Conclusions on Proper Planning and Sustainable Development:**

The Board considers that the proposed alterations would be material and, subject to compliance with conditions, the proposed development would constitute an acceptable residential density, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of traffic and pedestrian safety and convenience.

**Board Member**



Paul Hyde

**Date:** 15/07/2021

