

An
Bord
Pleanála

Board Direction
BD-011239-22
ABP-312216-21

The submissions on this file and the Inspector's report were considered at a Board meeting held on 07/09/2022.

REQUEST received by An Bord Pleanála on the 14th day of December 2021 from Dwyer Nolan Developments Limited under section 146B of the Planning and Development Act, 2000, as amended, to alter the terms of a permitted Strategic Housing Development of demolition of an existing house and outbuildings and construction of 30 no. houses and 173 no. apartments, childcare facility and all associated site works at a site at Glenamuck Road South, Kiltiernan, Dublin 18, the subject of a permission under An Bord Pleanála reference number ABP-303978-19.

WHEREAS the Board made a decision to grant permission, subject to 31 conditions, for the above-mentioned development by order dated the 26th June 2019.

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

AND WHEREAS the proposed alterations are described as follows:

- Omission of creche from ground and first floors of Block H1 and provision of six number additional apartments in Block H1 in lieu.
- Omission of retail / café from ground floor of Block G1 and provision of one number additional apartment in Block G1 in lieu.

- Social amenity facility reduced from 299 square metres to 270 square metres
- Additional floor to Block G2 with five number additional apartments to this block.
- Additional floor to Block H2 with seven number additional apartments to this block.
- New apartment Block H3, with a ground floor creche, 27 number apartments and associated site works to include access road and parking, located at the western side of the development.
- Omission of permitted apartment Blocks C, C1, C2, J1 and J2 at the western side of the development. Omission of permitted duplex units and open space at the northern end of the development and their replacement with four bed houses and associated private gardens with provision of new public open space which provides pedestrian access to the Sheldon Grange Development at the adjacent site to the west.
- Revised roads layout. Amendments to the permitted basement access ramp and associated surface and basement parking.
- Increased overall car parking provision from 268 number spaces to 302 number spaces. Increased overall cycle parking provision from 312 number spaces to 328 number spaces. Reduction in motorcycle parking provision from 24 number spaces to 18 number spaces.
- One new additional ESB substation.

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 considered that the alterations would result in a material alteration to the terms of the development the subject of the permission,

AND WHEREAS having regard to the nature of the issues involved the Board decided to involve section 146B(8)(a) of the Planning and Development Act 2000, as amended, to invite submission or observations in relation to the matter from the members if the public,

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 omission of the requested additional floors to Blocks G2 and H2:

The requested additional floors to Blocks G2 and H2 shall be omitted.

Reason: The requested additional floors would materially contravene the Building Heights Map and section 4.8 of the Kiltiernan Glenamuck Local Area Plan 2013-2023 (as extended), which generally provide for building heights of 3-4 storeys in this area, with up to five storeys at certain locations.

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

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

- (a) The policies and objectives of the Dun Laoghaire Rathdown County Development Plan 2016-2022 and the Kiltiernan Glenamuck Local Area Plan 2013-2023 (as extended);
- (b) The Rebuilding Ireland Action Plan for Housing and Homelessness, 2016;
- (c) The provisions of Housing for All, A New Housing Plan for Ireland issued by the Department of Housing, Local Government and Heritage September 2021;
- (d) The Urban Development and Building Heights, Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018;
- (e) 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;
- (f) 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;
- (g) The Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments issued by the Minister in December 2020;
- (h) 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;
- (i) The nature and scale of the Strategic Housing Development, permitted under An Bord Pleanála Reference Number ABP-303978-19,
- (j) The examination of the environmental impact, including in relation to European sites, carried out in the course of that application;
- (k) The limited nature, scale and extent of the alterations;
- (l) The absence of any significant new or additional environmental concerns (including in relation to European sites) arising as a result of the proposed alterations,
- (m) 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
- (n) The report of the Board's Inspector.

Appropriate Assessment Screening

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on European Sites, taking into account the nature and scale of the proposed development on serviced lands, the nature of the receiving environment which comprises a built-up urban area, the distances to the nearest European sites and the hydrological pathway considerations, submissions on file, the information submitted as part of the applicant's Appropriate Assessment Screening documentation and the Inspector's report. In completing the screening exercise, the Board agreed with and adopted the report of the Inspector and that, by itself or in combination with other development, plans and projects 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:

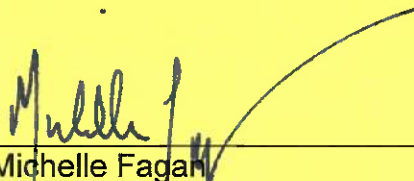
- (a) the nature and scale of the proposed development on an urban site served by public infrastructure,
- (b) the absence of any significant environmental sensitivities in the area,
- (c) the location of the development outside of any sensitive location specified in Article 299(C)(1)(v) of the Planning 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 the above condition, 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



Michelle Fagan

Date: 07/09/2022