



Planning and Development Acts 2000 to 2020

Planning Authority: Fingal County Council

Associated Reference Number: ABP-306794-20

REQUEST received by An Bord Pleanála on the 4th day of March 2021 from Elchior Construction Limited care of Downey Planning of 1 Westland Square, Pearse Street, Dublin under section 146B of the Planning and Development Act, 2000, as amended, to alter the terms of a permitted Strategic Housing Development 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 30 conditions, for the above-mentioned development by Order dated the 10th day of August 2020,

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

AND WHEREAS the proposed alteration is described as follows:

- Block A - provision of a creche facility (304 square metres) as per Condition Number 2, removal of retail unit and in its place increased residential amenity space and rooms and commercial gym (457 square metres),

- Block A - increase in building height by one number storey and the provision of five number additional residential units (51 number units in total consisting of seven one-beds, 44 number two-beds),
- Block B - increase in building height by one number storey and the provision of four number additional units (44 number units in total consisting of 12 number one-beds, 32 number two-beds),
- Block C - increase in building height by one number storey to provide six number additional units (60 number units in total consisting of six number one-beds, 36 number two-beds, 18 number three-beds),

In total, there will be 155 number units, a reduction in car parking to 111 number spaces including a reduction of surface car parking from five number spaces to two number spaces and reduction in basement size to 4219.5 square metres, an increase in bicycle parking to 410 number 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 alteration would not be likely to have significant effects on the environment or on any European Site,

pm

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 condition numbers 1 and 11 of An Bord Pleanála Reference Number 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 4th March 2021 and 28th 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 number 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

Having regard to:

- (a) The policies and objectives as set out in the Fingal Development Plan 2017-2023;
- (b) The provisions of Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- (c) The provisions of the Urban Development and Building Heights Guidelines for Planning Authorities, issued by the Department of Housing, Planning and Local Government in December 2018;
- (d) The provisions of 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 2019, as amended;
- (e) The provisions of the Guidelines for Sustainable Residential Developments 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 provisions of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in December 2020;
- (g) The provisions of the Planning System and Flood Risk Management for Planning Authorities (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) The submissions and observations 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 Report 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,

pm

- (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.


Paul Hyde

Member of An Bord Pleanála

duly authorised to authenticate
the seal of the Board.

Dated this *20th* day of *July*

2021