



An  
Bord  
Pleanála

## Inspector's Report ABP-304212-19

### Development

Request to make alterations to development of 927 residential units, childcare facility and 2 retail units authorised by the Board under ABP-301522-19 .

### 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. The submitted request is to alter the terms of a development that is the subject of the planning permission granted by the Board, subject to 25 conditions, on 2<sup>nd</sup> August 2018 under the Strategic Housing Development provisions, ABP-301522-18 refers. The site of the development is on open fields at the southern edge of the built-up area of Dublin beside recently built housing and more that is currently under construction, c11km south of the city centre. The permission was granted after the an Environmental Impact Assessment of the project had been completed. The need for an appropriate assessment was screened out.
- 1.2. 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.

## 2.0 Legislative Basis

- 2.1. Section 146B of the Planning and Development Act 2000 (as amended) provides for a person carrying out or intending to carry out a Strategic Housing Development to make a request to alter the terms of a development, the subject of a planning permission under the Act. Section 146B(2)(a) provides that:

*As soon as practicable after the making of such a request, the Board shall make a decision as to whether the making of the alteration to which the request relates would constitute the making of a material alteration of the terms of the development concerned.*

Section 146B(2)(b):

*Before making a decision under this subsection, the Board may invite submissions in relation to the matter to be made to it by such person or class of person as the Board considers appropriate (which class may comprise the public if, in the particular case,*

*the Board determines that it shall do so); the Board shall have regard to any submissions made to it on foot of that invitation.*

Section 146B(3)(a):

*If the Board decides that the making of the alteration would not constitute the making of a material alteration of the terms of the development concerned, it shall alter the planning permission, approval or other consent accordingly and notify the person who made the request under this section, and the planning authority or each planning authority for the area or areas concerned, of the alteration.*

The provisions of section 146B(3)(b) to section 146B(9) set out the procedures where the Board decide that the making of the alteration would constitute a material alteration, including section 146B(3)(b) which allows the Board to require the requester to submit the information specified in Schedule 7A of the Planning and Development Regulations 2001 and section 146B(8) which requires that the request shall be made available for inspection and that the requester shall notify certain persons or the public that the information is so available and invite submissions or observations to be made within the specified period.

### **3.0 Proposal**

3.1. The request seeks to alter the permission to allow the following changes to the authorised development –

- Changing the layout and use of a 3-storey apartment block No. E02 from 8 apartments over 3 floors, to having a communal space for residents of 366m<sup>2</sup> on the ground floor and 5 duplex apartments on the 2 floors above. So the number of dwellings in the scheme would be reduced by 3.
- Reducing the extent of the 3 basement car parks that would serve 9 of the apartment blocks in the north eastern part of the site – Nos E01 to E09. This would result in the loss of 29 car parking spaces in the basement, from 322 to 293 spaces. The number of disabled spaces would be reduced from 15 to 10.
- Changes to the layout of on-street car parking in front of those apartment blocks and between them and the shops/creche. This would increase the number of spaces there from 94 to 95. 16 of those spaces would be

designated to serve the shops/creche, which is the same number as on the authorised layout. The number of disabled spaces would increase from 4 to 7 including 3 spaces directly in front of the apartment buildings.

- 3.2. The applicant submitted a report with the request stating its opinion that the alterations would not be material. The following supporting points are made:
- The reduction in the extent of the basement car parks would omit projecting elements whose construction is problematic. It would not result in a failure to meet car parking standards. The amendments to surface car parking would increase the availability of disabled parking spaces. The reduction in the car parking space serving the north-eastern part of the overall scheme is considered minor and would provide 1.18 spaces per apartment which would be adequate for this location near public transport. It would have no impact on traffic.
  - The proposed alteration would provide improved on-site amenities for the residents of the apartments. It would facilitate the earlier provision of the higher density part of the overall scheme and thus the timely delivery of housing units. The alteration would be neutral in terms of visual impact. It would have no impact on flora and fauna and no significant impact in regards to noise, traffic or on adjoining land uses or residents. It would not increase the number of homes on the site.
  - The alteration would not affect the factors assessed under EIA. An appropriate assessment screening report states that it would not have any impacts on the integrity or qualifying interests of any relevant European site.

## 4.0 **Assessment**

- 4.1. The proposed alteration would not increase the amount of authorised development, either in terms of floorspace or the number of dwellings or the extent of works on the site. It would not alter the character of the authorised uses on the site in terms of their nature or intensity. It would not significantly alter the appearance of the authorised development nor its layout. It would not have a negative effect on the level of amenity that the authorised development would provide to its occupants. It would not have implications for the drainage of the authorised development.

- 4.2. Based on the figures set out at section 4 of the submitted planning report and drawings, the alteration would reduce the rate of car parking spaces per apartment in this part of the authorised scheme from 1.34 to 1.26, based on 372 spaces for 295 apartments against 400 spaces for 298 apartments in the authorised layout. Slightly different figures are quoted in the submitted engineering report, possibly because it treats visitor spaces as not serving the proposed apartments. The authorised rate was already somewhat less than the standard set out in table 8.2.3 of the Dun Laoghaire Rathdown County Development Plan 2016-2022. It was concluded when the original application was assessed that the provision of parking could be reduced relative to that standard because the apartment would be within walking distance of a Luas stop. This was in line with section 8.2.4 of the plan which states that location on a public transport corridor is a factor to be considered when applying the parking standards. In this context a further reduction of 6% in the parking provision would not be likely to have significant effects on traffic or residential amenity, or on any other factor relevant to the proper planning and sustainable development of the area.
- 4.3. The original application was subject to an environmental impact assessment. The limited scale and nature of the proposed alteration means that it would not have to potential to give rise to likely significant effects on the environment that would alter the conclusions of the previous EIA of the authorised scheme. The original application was screened for appropriate assessment and it was concluded that it would not be likely to have significant effects on any Natura 2000 site, either in itself or in combination with other plans or projects. Such a minor alteration as now proposed could not conceivably have any significant effect on any Natura 2000 site. Therefore no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a Natura 200 site.

## 5.0 Recommendation

- 5.1. I recommend that the Board decides that the making of the alterations subject of this request do not constitute the making of a material alteration of the terms of the development as granted permission under ABP-301522-18.

## **DRAFT ORDER**

**REQUEST** received by An Bord Pleanála on the 12<sup>th</sup> day of April 2019 from Viscount Securities under section 146B of the Planning and Development Act, 2000, as amended, to alter the terms of the Strategic Housing Development at Clay Farm, Dublin 18 which is the subject of a permission under An Bord Pleanála reference number ABP-301522-19.

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

**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 alteration is described as follows:

- Alter Block E2 to provide communal residential amenity space at ground floor level and 5 duplex units above resulting in a net reduction of 3 duplex units, with associated elevational changes
- Omit the projecting basement wings of Blocks E01-E03, E04-E06 and E07-E09 with the loss of 29 car parking spaces and
- Reconfigure the surface car parking in front of Blocks E01-E03, E04-E06 and E07-E09 and the shops and creche to accommodate a disabled space in front of each block with a net increase of 1 car parking space,

as shown on the drawings submitted with the request

**AND WHEREAS** the Board decided, in accordance with section 146B(2)(b) of the Planning and Development Act 2000, as amended, not to invite submissions or observations from the public in relation to whether the proposed alteration would constitute the making of a material alteration to the terms of the development concerned,

**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 not result in a material alteration to the terms of the development, the subject of the permission,

**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,

**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

### **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 for this site, which includes 927 dwellings, a creche, 2 retail units and all associated site works and services,
- (ii) the environmental impact assessment and the screening for appropriate assessment carried out in the course of that application,
- (iii) the limited nature and scale of the alterations, and
- (iv) the absence of any significant new or additional environmental effects (including those in relation to Natura 2000 sites) arising as a result of the proposed alterations, and
- (v) the absence of any new or significant issues relating to the proper planning and sustainable development of the area arising from the proposed alterations

It is considered that the proposed alterations would not be material. In accordance with section 146B(3)(a) of the Planning & Development Act, as amended, the Board hereby makes the said alterations.

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**Stephen J. O'Sullivan,**  
**Planning Inspector, 25<sup>th</sup> July 2019**