



An
Bord
Pleanála

Memorandum ABP 305174-19

To: Tom Rabbette, Assistant Director of Planning

From: Una Crosse

Re: Request to make alterations to previously permitted residential development to include residential amenity space, ESB substation and amendments to layouts of residential and parking layouts permitted under Ref. ABP-302580-18

Date: 13 September, 2019

An application has been made to alter the permission granted for a residential development at Glencairn, Murphystown Way, Dublin 18 under Section 146B of the Planning and Development Act, 2000, as amended. The development was permitted under Ref. ABP-302580-18 on 19 December 2018.

The proposed alteration is for the provision of a new residential amenity space of 520 sq.m within the basement/undercroft, new ESB substation, alterations to waste storage areas and alterations to car parking provision within the basement leading to the loss of 24 car parking spaces.

1. Legislative Context

Section 146B of the Act provides for a two stage process to be undertaken by the Board. In the first stage the Board must decide as soon as possible, whether or not the making of a proposed alteration would constitute “the making of a material alteration of the terms of the development concerned”. If the Board decides that the alteration proposed would not constitute a material alteration, it may proceed to alter

the permission. The second stage arises if the Board decides that the proposed alteration would constitute a material change. This triggers certain requirements including consideration of environmental impacts and whether there is a need for the preparation of an environmental impact assessment report.

2. Planning History

Permission was granted by the Board on 19 December 2018 (Ref. ABP-302580-18) for a residential development under the provisions of the SHD legislation for the following:

- 341 residential units: 243 apartments within 6 apartment blocks of 4-5 storeys and a 2-storey block and 98 two and three storey houses.
- Crèche facility.
- Relocation of entrance portal including entrance railing, piers, archways and gates from existing entrance to new location in close proximity to new entrance to Glencairn House.
- 519 (basement and surface) car parking spaces, 24 motorcycle spaces, 530 cycle parking spaces, bin and cycle storage areas, recycling bring bank, three electricity sub-station and DRI unit.
- All associated site works and services.

The application was accompanied by an EIAR.

3. Applicant's Case

This request is accompanied by:

- Covering letter setting out the applicant's case in addition to a Planning and Environmental Report,
- Engineering Technical Note
- Screening for Appropriate Assessment.
- Design Report
- Landscape & Biodiversity Statement
- Drawings

The grounds for the request can be summarised as follows:

- Requirement for majority of changes to basement level below Block 02 arisen due to need to provide good quality communal amenity facilities for future tenants with such facilities increasingly acknowledged as an important aspect of modern apartment schemes as reflected in the Apartment Guidelines.
- Other changes arisen on foot of detailed design with minor improvements and increased operational efficiencies identified including consolidation of bin storage areas with no material impact.
- Introduction of residential amenity spaces positive as it improves residential amenity of residents and considered neutral in terms of visual impact.
- If amenities now proposed had been part of original application ABP would have still granted permission subject to same conditions and therefore not considered to constitute making of a material alteration.
- No increase in number of residential units therefore no increase in impacts, the proposed alterations result in minor elevational changes which are not considered material.
- Provision of ESB substation at basement level minor and not a material change.
- Movement and alterations to entrance arrangements for vehicles to the basement car park and relocation of external staircase on northern façade considered immaterial arising on foot of inclusion of substation with no material change in design or appearance;
- Reconfiguration of waste storage areas immaterial arising identified to provide a more efficient system for dealing with waste with no impact on visual appearance of scheme nor will proposed set down area.
- The proposed residential amenity space and substation and other changes to basement results in minor reduction of 24 car parking spaces and relocation of 3 accessible spaces to an external area adjacent to the building and within context of 519 car parking spaces, reduction of 24 spaces not considered material with site located adjacent to high quality public transport and ample parking provision within the scheme with proposal not material.
- Infrastructure Technical Note outlines matter of parking and notes that proposed to retain 199 of permitted 226 spaces within the basement and relocate 3

accessible spaces externally with loss of 24 spaces with an amended provision of 202 spaces for Blocks 02-06 (1.26 per apartment with 1.33 per apartment permitted) with location of site and provision of bicycle parking cited as relevant considerations.

- Associated site works including relocation of bike parking at basement levels and minor landscape alterations and minor changes to road alignment inconsequential.
- The applicant is of the opinion that the proposed alterations do not constitute a material alteration.
- Topics in original EIAR reviewed in Table 5.1 and considered proposed alterations could not reasonably be expected to have any significant effects on the environment either alone or when considered cumulatively.
- Considered new communal amenity facilities would have an overall positive impact improving residential amenity.
- Proposed alterations would not result in any significant change to overall appearance of proposed scheme.
- Appropriate Assessment Screening Report included which concludes that within context of potential ecological impacts proposed alterations to permitted development are insignificant with no mitigation measures required.

4. Assessment

The principle consideration in relation to this request to alter the terms of ABP-302580-18 is to determine if the making of the alterations would constitute the making of a material alteration of the terms of the permission as granted.

Materiality of the proposed alterations

The issue of materiality is related to whether there is a material change in the nature or terms of the development approved. The merits of the proposed changes in terms of the improved amenity of future residents is not therefore a consideration.

Firstly, I would refer to the nature and extent of the proposed development as set out in the public notices and set out in the EIAR which was subject of assessment under file ref. ABP-302580-18. In same no reference is made to the provision of a

residential amenity space. Furthermore, the public notice outlines the total number of car parking spaces and the number of same which are basement (note – there are two basements within the scheme) and surface parking spaces.

The improvement of the amenity and facilities within the scheme for the benefit of future residents by the provision of the resident's amenity area is not at issue. What is of consequence to this request is whether the inclusion of this facility within the basement/undercroft is material. I consider that it is material as the proposed use as a residential amenity space/communal facilities area is materially different to that of a car parking/service area. Furthermore, the residential amenity of the location of the resident's amenity space at the proposed location within the basement/undercroft would have been addressed in any assessment/determination in the original assessment/determination.

In relation to the loss of car parking, the matter of car parking was raised within observations submitted to the Board and was a consideration in the assessment (Section 10.5.6 of Inspectors Report refers). I would note that the documentation submitted with the application including the Traffic and Transportation Assessment address the matter of car parking (section 4.4). This notes that the provision of 519 spaces while below the 555 spaces required by the Development Plan is above the 506 spaces required by the DHPLG Guidance. I note that the classification of the location of the site is given some consideration in the TTA.

I consider that what is of consequence is the reduction of the spaces within the basement which serves proposed Blocks 02-06 rather than the reduction in the overall site parking. The basement which was permitted to serve Block 02-06 includes 226 spaces. It is proposed to reduce the number of spaces within same by 27 but provide 3 accessible car parking spaces adjacent to the building at surface level leaving an overall deficit of 24 spaces. This is a reduction of c.10.6% of the spaces to facilitate the units within these blocks. The scale of the reduction within this basement area at over 10% is, in my opinion, material.

On the basis of the above details it is reasonable to conclude that a proposed resident's amenity space did not form part of the application under ref. ABP-302580-18 and the inclusion of same is a material change to the permitted development. The car parking provision permitted was based on the car parking strategy outlined in the

TTA and the proposal to reduce the provision of same is a material change to the scheme permitted.

Having regard to the nature and extent of the proposed alterations requested and the development granted under ABP-302580-18, I am of the view that it cannot be concluded that the Board would not have considered the relevant planning issues differently, or considered that no other planning issues would arise, had the residents amenity spaces and reduced car parking provision as now proposed formed part of ABP-302580-18 at application stage. It must be concluded therefore that the request constitutes the making of a material alteration of the development as granted under ABP-302580-18.

Information Required to Carry out Determination

As required by Section 146B(4) of the Act the Board, before making a determination under subsection (3)(b), must determine whether the extent and character of the alterations requested, were it to be made, would be likely to have significant effects on the environment. Schedule 7A information must therefore be sought from the applicant to facilitate the carrying out of a screening determination.

I consider that the documentation and drawings accompanying the request provides a description of the physical characteristics of the whole proposed development and is sufficient to allow for an assessment on issues pertaining to visual impact.

A report for screening for appropriate assessment has also been provided. It is therefore not necessary to request same.

In view of the location of the proposed resident's amenity area, an assessment of the potential impact on the residential amenity of users given its basement/undercroft location is required.

In view of the proposed reduction in car parking a car parking rational for the revised basement parking area of Blocks 02-06 is required.

5. Recommendation

I recommend that the following information request be issued to the applicant.

1. Submit the information as set out in Schedule 7A of the Planning and Development Regulations, 2001, as amended.

2. Please submit an assessment of the potential impact on the residential amenity of users of the proposed residential amenity space given its basement/undercroft location.
3. Please submit a detailed car parking strategy and rationale for the revised basement parking area of Blocks 02-06.

On receipt of same the necessary procedures for advertisement and consultation with prescribed bodies should be invoked as required by Section 146B(8)(a) of the Act as amended. In the interests of clarity and consistency I recommend that the applicant be required to notify all of the prescribed bodies attached to the Application Form on file Ref. ABP-302580-18. I further recommend that the applicant be required to notify the public of the application. The public and the prescribed bodies should be invited to make a submission or observation within a period as to be determined by the Board.

Una Crosse
Senior Planning Inspector
September 2019