



An
Bord
Pleanála

Inspector's Report ABP-306165-19

Development

Request to make alterations to development of 459 dwellings granted by the board under ABP-282398-18 .

Location

Cooldown Commons, Fortunestown, Dublin 24

Planning Authority

South Dublin County Council

Applicant

Cairn Homes Properties Ltd

Type of Application

Section 146B - Request to alter previously approved Strategic Housing Development

Inspector

Stephen J. O'Sullivan

1.0 Site Location and Description

- 1.1. The site is in an emerging urban area is south-west Dublin, c 14km south west of the city centre and c4km west of Tallaght town centre. It has a stated area of 7.49ha. Works are ongoing on the site. The Luas Red Line runs along the southern boundary of the site parallel to Fortunestown Lane. The railway separates the site from the road. The Fortunestown stop is beside the south-eastern corner of the site. There is a shopping centre c300m further to the southwest. The west of the site adjoins residential areas with a mix of apartments and houses, as well as lands on which residential development is ongoing. Industrial type buildings lie to the north of the site in the Citywest Business Campus.

2.0 Planning History .

- 2.1. 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 22 conditions, on 3rd December 2018 under the Strategic Housing Development provisions, ABP-302398-18 refers. The permission was granted after the screening for environmental impact assessment and appropriate assessment concluded that they were not required.
- 2.2. On 26th November 2019 the board made an alteration to that permission in accordance with section 146B of the Planning and Development Act 2000, as amended, ABP-303997-19 refers. The alteration allowed changes to the permitted development which increased the number of apartments by 2, provided external bike stores near Blocks B1, B2 and B2 and changed the phasing of the authorised scheme.

3.0 Legislative Basis

- 3.1. 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(3)(a) states –

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 ... concerned.

4.0 Proposal

- 4.1. The current request was received from Carin Homes Properties Ltd. on 13th December 2019. It seeks an alteration to the terms of the permission to allow two electrical substations in separate structures near the authorised apartment blocks B1 and A3. The terms of the requested alteration are that condition no. 1 of the permission include a reference to the drawings submitted to the board on 13th December 2013.
- 4.2. The external walls of the proposed substations would be finished in brick similar to the adjacent apartment buildings. The proposed substation no. 1 beside Block A3 would have a floor area of c30m² and a flat roof 3.475m high. Substation no. 2 would have a floor area of c18.5m² and a flat roof 3..37m high. It would stand beside an authorised bike store.

5.0 Assessment

- 5.1. The original application was not subject to an environmental impact assessment or appropriate 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. The limited scale and nature of the proposed alteration also means that it would not have the potential to have a significant effect on any Natura 2000 site, either in itself or in combination with other plans or projects and no Appropriate Assessment issues arise.
- 5.2. The requested alteration would not change the nature of the permitted uses on the site. It would not change the number of permitted homes or the size or layout of the

previously authorised buildings. It would result in a marginal reduction in open space for the overall scheme. Substation 1 would require a minor diversion of a permitted footpath and would diminish the visual link between communal open space serving Blocs A1, A2 and A3 and a footpath. However its impact in this regard would not be substantial. Substation 2 would have little or no effect on the appearance or usefulness of the open space on which it would stand. The proposed structures would not alter the character of the permitted development or the amenity afforded to its occupants. It is therefore concluded that the requested alteration would not constitute the making of a material alteration of the terms of the development concerned.

6.0 Recommendation

- 6.1. I recommend that the Board decides that the making of the alteration which is subject of this request does not constitute the making of a material alteration of the terms of the development as granted permission under ABP-302398-18 and that it makes the alteration under section 146B(3)(a) of the Planning and Development Act, as amended..

DRAFT ORDER

REQUEST received by An Bord Pleanála on the 13th day of December 2019| 2019 from Cairn Homes Properties Ltd. under section 146B of the Planning and Development Act, 2000, as amended, to alter the terms of the Strategic Housing Development at Cooldown Commons, Fortunestown, Dublin 24 which is the subject of a permission under An Bord Pleanála reference number ABP-302398-18.

WHEREAS the Board made a decision to grant permission, subject to conditions, for the above-mentioned development by order dated the 3rd December 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:

- The erection of 2 electrical sub-stations in detached structures 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 459 dwellings and all associated site works and services,
- (ii) the screening for environmental impact assessment and for appropriate assessment carried out in the course of that application,
- (iii) the limited nature and scale of the alteration, 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 alteration, 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 alteration

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

Stephen J. O'Sullivan,
Planning Inspector, 26th March 2020