

An  
Bord  
Pleanála

## Inspector's Report ABP-307945-20

### Development

Request to make alterations to  
previously permitted development  
ABP-303799-19

### Location

Bryanstown, Drogheda, Co. Meath

### Planning Authority

Meath County Council

### Applicant

Coreet Limited

### Type of Application

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

### Inspector

Sarah Moran

## 1.0 Introduction

1.1. The request is to alter a project which the Board granted permission subject to 22 conditions on the 10<sup>th</sup> June 2019 (ref. no. ABP-303799-19) under the Strategic Housing Development provisions involving the construction of 250 number dwelling units with 94 number houses comprising:

- 12 number two-storey, two-bedroom terraced houses;
- 68 number two-storey, three-bedroom terraced houses and
- 14 number two-storey, three-storey semi-detached houses;

and 156 number duplex/apartments within eight number three-storey blocks comprising:

- 138 number two-bedroom apartments;
- 10 number three-bedroom apartments; and
- 8 number two-bedroom first/second floor duplex units.

The permitted development will also provide for one number two-storey childcare facility with associated open space; public open space (within three number areas); 363 number car parking spaces and 140 number bicycle parking spaces; bin storage areas; two number Electricity Supply Board substations/kiosks; and all associated ancillary site development and infrastructure works including foul and surface water drainage, internal roads, public lighting, cycle paths and footpaths, boundary treatments and landscape works, potential for undergrounding and works to existing overhead Electricity Supply Board powerlines. A temporary foul water pumping station is also proposed as part of the development. Vehicular access to the development is to be from Beamore Road to the west with pedestrian and cycle access from Beamore Road to the west and from Beamore Road to the north.

## 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 decides 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 proposal is seeking to make the following amendments to the development permitted under ABP-303799-19:

- The proposed amendments relate to the four duplex blocks at the centre of the permitted development, Blocks A, B, C and D.

- The applicant seeks to replace the previously permitted projecting balconies with Juliette balconies to the front elevation at first and second floor levels of Blocks A (units 9, 10, 11, 12, 13, 14 15, 16, 17, 18, 19 20, 21 and 23) of Block B (units 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45 and 47), of Block C (units 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69 and 71) and of Block D (units 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93 and 95).
- The applicant also seeks to extend the depth, by 250mm, of the main balconies at first and second floor levels to the rear elevation of Block A (units 9-24) B (units 33-47), C (units 57-72) and D (units 81-96).
- Replace the previously permitted single large glazing at first and second floor levels with 2 no. openings to units 22 & 24 in Block A and units 46 & 48 in Block B.
- A Planning Report and architect's Design Report are submitted in support of the proposed amendments.

#### **4.0 Board Correspondence**

- 4.1. The Board informed Meath County Council on 21<sup>st</sup> August 2020 of the request received and enclosed a copy of the request which, it was advised, may be made available for public inspection. The planning authority was not invited to make any submission at this stage.

#### **5.0 Assessment**

##### **5.1. Consideration of Materiality**

- 5.1.1. The first consideration in relation to this request to alter the terms of ABP-303799-19 is to determine if the making of the alterations would constitute the making of a material alteration of the terms of the Strategic Housing Development as granted.
- 5.1.2. I consider that the principal potential impacts relating to the proposed amendments are the applicant's rationale, quality of residential accommodation, impacts on visual and residential amenities and environmental impacts. These matters may be considered separately as follows.

### 5.1.3. Rationale of Applicant

The applicant's rationale for the proposed amendments may be summarised as follows:

- The proposed Juliette balconies will serve bedrooms within the development. They allow for greater privacy to bedrooms. They will improve the daylight and sunlight access into the adjoining rooms and to rooms at ground floor level as they will remove an overhang from above. The Juliette design prevents overlooking from neighbouring units. It is submitted that the resultant external elevations will present attractive facades to the central spine route.
- The main balconies to the relevant residential units will be enlarged to make up for the loss of private open space as a result of the omission of the bedroom balconies. These balconies are accessed from the main living areas within the apartments. The increased balcony depth will ensure that all of the apartments meet or exceed the minimum private open space requirements as set out in Appendix 1 of the Apartment Guidelines. The increased balcony depth will have an imperceptible visual impact when compared to the permitted development.
- The proposed alterations to the glazing to the side elevations of Blocks A and B are a rationalisation of the oversized windows at the side elevations at first and second floor levels. These amendments will have minimal change to the elevational treatment of these blocks but will provide for improved usable space within the main living areas as well as creating a clearer internal divide between the kitchen/dining areas and the living areas of the apartments.
- The applicant is of the opinion that the proposed amendments do not constitute a material alteration to the permitted development.

### 5.1.4. Quality of Residential Accommodation

The amendments will not result in any change to the permitted no. of residential units, housing mix or residential density. The proposed external amendments to the permitted Blocks A, B, C and D are considered minor in the context of the overall permitted development. The revised private open space provision for apartments generally complies with the Sustainable Urban Housing Design Standards for New Apartments Guidelines for Planning Authorities. The amendments will therefore not

result in any significant alteration/reduction in the overall quality of residential development from that permitted under ABP-303799-19.

5.1.5. Impacts on Visual and Residential Amenities

I am satisfied that the proposed external amendments are minor in nature and will not result in any significant changes in impacts on visual or residential amenities from those of the permitted development.

5.1.6. Environmental Impacts

The permitted development is sub-threshold with regard to the criteria for mandatory EIA as set out in item (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001, i.e.:

*Construction of more than 500 dwelling units*

*Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere.*

*(In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)*

The proposed amendments do not involve any change to the total no. of residential units on a site extending to 6.46ha. It is therefore considered that the amendments do not require mandatory EIA. Section 10.0 of the Inspector’s Report of ABP-303799-19 comprises a preliminary examination of the permitted development as per section 172(1)(b) of the Planning and Development Act 2000 (as amended), which concludes that, based on the nature, size and location of the development, there is no real likelihood of significant effects on the environment. The need for EIA was therefore precluded and a screening determination was not required for the permitted development. Having regard to the EIA Preliminary Screening document submitted, I do not consider that the proposed amendments would result in any significant changes to environmental impacts from those permitted under ABP-303799-19. I therefore submit that no new considerations arise in relation to impacts on the environment which were not considered in the assessment of impacts for ABP-303799-19.

#### 5.1.7. Assessment of Materiality

I have considered the provisions of section 146B(2)(b) which provides for, at the Board's discretion, the invitation of submissions from persons, including the public. Having considered the nature, scale and extent of the alteration, the information on file and the nature, scale and extent of the development granted under ABP-303799-19, I am of the opinion that the proposed amendments would not result in any substantive change to impacts on visual or residential amenities and that the inviting of submissions from the public in this instance is not necessary and is not required for the purposes of the Board in determining the matter.

I am of the opinion, having fully considered the proposed alterations and the development as granted under ABP-303799-19, that the Board would not have determined the proposal differently had the proposed external amendments to Blocks A, B, C and D formed part of the said application. In that regard, I consider it reasonable to conclude that the proposal subject of this request does not constitute the making of a material alteration of the development as granted under ABP-303799-19.

#### 5.2. **Appropriate Assessment**

5.2.1. An AA Screening Report was submitted with ABP-303799-19. The Board completed AA Screening in relation to the potential effects of the permitted development on designated European Sites, taking into account the nature, scale and location of the development, the AA Screening Report submitted with the application and the Inspector's report and submissions on file. The Board concluded that, by itself or in combination with other development in the vicinity, the development would not be likely to have a significant effect on any European Site in view of the sites' conservation objectives, and that a Stage 2 Appropriate Assessment was not, therefore, required.

5.2.2. Section 11.0 of the Inspector's Report of ABP-303799-19 considers AA Screening. The AA Screening Report submitted with ABP-303891-19 identifies the following designated sites within 15 km of the development site:

- River Boyne and River Blackwater SPA (004232)
- River Nanny and Shore Estuary SPA (004158)

- River Boyne and River Blackwater SPA (004232)
- Boyne Coast and Estuary SAC (001957); and Clogher Head SAC (001459).

The development site is not located within any European site. It does not contain any habitats listed under Annex I of the Habitats Directive. It is not immediately connected to any habitats within the above listed additional European sites in a 15 km radius and there are no known indirect connections to these European Sites. No mobile fauna species for which the European Sites are designated are known to use the habitats within the development site. Given the lack of direct connections with regard to the source-pathway-receptor model, the intervening distances between the development site and the above designated sites and the nature of the development, it was determined that the development, individually or in combination with other plans or projects would not be likely to have a significant effect on the above listed European sites within 15 km of the development site that are not hydrologically connected to the development site and that, in view of their Conservation Objectives, a Stage 2 Appropriate Assessment can be ruled out.

5.2.3. The AA Screening Report submitted with ABP-303799-19 identified the following designated sites that are hydrologically connected to the development site:

- River Boyne and River Blackwater SAC (002299), located 1.3 km from the development site and
- Boyne Estuary SPA (004080), 2.3 km from the development site.

Potential impacts on Natura 2000 sites from the development are restricted to the discharge of surface and foul water from the site, which are fundamentally unchanged from those of the permitted development. The AA Screening Report submitted with ABP-303799-19 concludes that there are no likely significant effects on the hydrologically connected designated sites with regard to the nature and scale of the development and the qualifying interests of the above sites. Therefore, the report concludes that the development, individually or in combination with other plans or projects would not be likely to have a significant effect on the above listed European sites that are hydrologically connected to the development site.



- 5.2.4. Having considered the Board's determination on Appropriate Assessment on ABP-303799-19, section 11 of the Inspector's Report on ABP-303799-19, the nature, scale and extent of the proposed alterations relative to the development subject of and approved under ABP-303799-19, and the information on file in relation to the proposed amendments, which I consider adequate to carry out AA Screening, I consider it reasonable to conclude that the alterations proposed, individually or in combination with other plans or projects, would not be likely to have a significant effect on the European sites in view of the sites' conservation objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

## 6.0 Recommendation

- 6.1. 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-303799-19.

### DRAFT ORDER

**REQUEST** received by An Bord Pleanála on the 14<sup>th</sup> day of August 2020 from Coreet Limited under section 146B of the Planning and Development Act, 2000, as amended, to alter the terms of the Strategic Housing Development the subject of a permission under An Bord Pleanála reference number ABP-303799-19.

**WHEREAS** the Board made a decision to grant permission, subject to conditions, for the above-mentioned development by order dated the 10<sup>th</sup> day of 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 alteration is described as follows:

Alterations to previously permitted development ABP-303799-19

**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 alterations 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 alterations would not be likely to have significant effects on the environment or on any European Site,

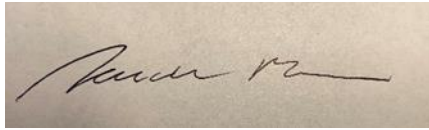
**NOW THEREFORE** in accordance with section 146B(3)(a) of the Planning and Development Act, 2000, as amended, the Board hereby alters the above mentioned decision so that the permitted development shall be altered in accordance with the plans and particulars

## **REASONS AND CONSIDERATIONS**

Having regard to:

- (i) the nature and scale of the Strategic Housing Development permitted under An Bord Pleanála Reference Number ABP-303799-19 for this site, which includes 250 no. dwelling units and associated site works,
- (ii) the examination of the environmental impact, including in relation to Natura 2000 sites, carried out in the course of that application,
- (iii) the limited nature and scale of the alterations,
- (iv) the absence of any significant new or additional environmental concerns (including in relation to Natura 2000 sites) arising as a result of the proposed alterations, and
- (v) the report of the Board's inspector, which is adopted,

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.

A handwritten signature in dark ink on a light-colored, textured background. The signature appears to read 'Sarah Moran'.

---

**Sarah Moran**

**Senior Planning Inspector**

**29<sup>th</sup> January 2021**