



An
Bord
Pleanála

Inspector's Report ABP-308563-20

Development

Request to make alterations to development of 933 residential units, childcare facility and 2 retail units authorised by the Board under ABP-301522-18 and subsequently altered under ABP-304212-19 and ABP-305172-19 .

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. This report deals with a request from Viscount Securities seeking to amend an SHD permission granted under ABP-301522-19 at Clay Farm, Ballyogan Road, Dublin 18. The original permission was granted on 1st August 2018 and authorised 927 homes 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.
- 1.2. Under ABP-304212-19 the board made an alteration to the permission on 31st July 2019 which reduced the number of authorised homes to 924 and changed the internal layout of Blocks E01-09 and some car parking arrangements, having deemed the alteration not to be material.
- 1.3. Under ABP-305172-20 the board made a material alteration to the permission on 22nd April 2020 that increased the number of authorised homes to 933 by changing the number of apartments in Block W06, the layout of apartment Blocks E07-09 and putting a new apartment building in place of previously authorised houses near the local centre.

2.0 Proposed alteration

- 2.1. The applicant has now requested that further alterations be made to the permission that would replace 49 of the authorised houses in the southern part of the overall development with 51 houses of a different type. The proposed houses would consist of 28 four-bedroom units and 23 three-bedroom units, and would replace the 41 four-bedroom houses and 8 three-bedroom houses that were previously authorised on the same land. It is also proposed to erect two bicycle sheds on open space near the houses. This would increase the total number of authorised homes to 935.
- 2.2. The applicant states that it is requesting the change because the marketing of the initial phases of the overall development showed a strong demand for three bedroom

houses. There is also a strong demand for bike storage from occupants of completed houses.

- 2.3. The board determined on 6th January 2021 that the requested alteration would be material and directed that the notices of the request be published and submissions requested from prescribed bodies and the council. The board also requested that the information specified in Schedule 7A to the planning regulations be submitted.

3.0 Responses

- 3.1. A submission from the applicant in response to the board's order of 6th January 2021 was received on 22nd February 2021. It includes copies of public notices of the request for an amendment and notifications to prescribed bodies. It includes the information set out in Schedule 7A to the planning regulations, although the submission states that this information was already submitted with the initial request albeit in a different format. The applicant's submission concludes that no new material impacts on the environment would arise if the development were altered in the requested manner other than those which were assessed in the EIA of the parent permission, and that the proposed alterations could not reasonably be expected to have any significant effects on the environment.
- 3.2. No other submissions were received following the notification of the request, either from the public, the council or any of the prescribed bodies.

4.0 Screening

- 4.1. Prior to the grant of permission under ABP-301522-18 it was determined that the development would not be likely to have significant effects on any Natura 2000 site and that an appropriate assessment was not required. None of the subsequent alterations to the permitted development would be likely to have any significant effect on any Natura 2000 site, either in themselves or in combination with any other plan or project. The alterations which are the subject of the current request are small in scale relative to the authorised development and would not alter the character of the authorised uses. The alteration would not have the potential to have a significant effect on any Natura 2000 site, therefore, either individually or in combination with any other plan or project and an appropriate assessment is not required.

4.2. The authorised development was subject to environmental impact assessment prior to the granting of permission. The requested alteration would not alter the nature of the authorised uses. Its impact on the scale of the authorised development would be small. It would be much less than 25% of the threshold of 500 dwellings or 10ha that would apply to new proposals of this type in this location under Class 10(b) of Part 2 of Schedule 5 to the planning regulations, and so would not fall within Class 13 of that schedule either. The information specified in schedule 7A to the planning regulations was submitted in connection with the request. It is evident from the characteristics and location of the proposed alteration, and from the characteristics of its potential impact, that it would not be likely to have significant effects on the environment other than those which were described and assessed in the EIA for the original permission. No such effects would be likely to arise either directly or indirectly or in combination with other projects. An environmental impact assessment of the requested alteration is not required, therefore.

5.0 **Assessment**

5.1. The proposed development would not significantly alter the nature or the scale of the overall residential development at Clay Farm authorised under ABP-301522-18 and subsequently altered under ABP-304212-19 and ABP-305172-19.

5.2. The altered houses would provide their occupants with a reasonable standard of residential amenity in terms of internal accommodation and private open space. They would not unduly overlook, overbear or overshadow each other or the permitted houses in the vicinity. They would have adequate car parking. The alteration would not significantly change the overall amount or mix of housing at Clay Farm. It would not significantly change the layout or appearance of the streets in the authorised development at Clay Farm in a manner that would have implications for urban design or road safety. The proposed bike stores would not detract from the amenity of the open spaces on which they would stand.

5.3. It is therefore considered that, although the requested alteration would increase the number of authorised homes at Clay Farm, it would not detract from the standards achieved in the development set out in the parent permission and the subsequent

alterations, and would be in keeping with the proper planning and sustainable development of the area.

6.0 Recommendation

- 6.1. I recommend that the board make the requested alteration to the development permitted under ABP-301522-18 in accordance with the draft order set out below.

REQUEST received by An Bord Pleanála on the 3rd day of November 2020 from Viscount Securities under section 146B of the Planning and Development Act, 2000, as amended, to alter the terms of a permitted Strategic Housing Development of 933 number residential units at Clay Farm Ballyogan Road, Dublin 18, the subject of a permission under An Bord Pleanála reference number ABP-301522-18 and alteration reference nos. ABP-304212-19 and ABP-305172-20.

WHEREAS the Board made a decision to grant permission, subject to 25 conditions, for the above-mentioned development by order dated the 2nd day of August 2018 under ABP-301522-18,

AND WHEREAS the Board decided that an alteration to the above mentioned decision that was requested on 12th day of April 2019 would not result in a material alteration to the terms of the development and so altered the decision under ABP-304212-19,

AND WHEREAS the Board decided that an alteration to the above mentioned decision that was requested on 15th day of August 2019 would result in a material alteration to the terms of the development, and so altered the decision under ABP-305172-19,

AND WHEREAS the Board has received another request to alter the terms of the development, the subject of the permission, on 3rd November 2020

AND WHEREAS the proposed alterations are described as follows:

- An increase in the overall number of authorised residential units from 933 to 935 by the omission of 49 of the authorised houses in the southern part of the site and their replacement by 51 houses of different types. The proposed houses would consist of 28 four-bedroom units and 23 three-bedroom units, and would replace the 41 four-bedroom houses and 8 three-bedroom houses that were previously authorised on the same land, and
- The erection of two bicycle sheds on open space near the houses.

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 result in a material alteration to the terms of the development, the subject of the permission,

AND WHEREAS the Board decided to require the requestor to make available information relating to the request for inspection, and require the requestor to invite submissions or observations,

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 received by the Board on the 3rd November 2020 and the 22nd day of February 2021.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard.

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 as amended under An Bord Pleanála Reference Number ABP-304212-19 and ABP-305172-19, in respect of 933 residential units, a neighbourhood centre, a section of the Clay Farm Loop Road and associated works;
- (ii) the examination of the environmental impact, including in relation to European sites, carried out in the course of that application;
- (iii) the limited nature, scale and extent of the alterations;
- (iv) the absence of any significant new or additional environmental concerns (including in relation to European sites) arising as a result of the proposed alterations, and
- (v) the report of the Board's Inspector,

it is considered that the proposed alterations to the permitted development would be generally in accordance with the provisions of the Dun Laoghaire-Rathdown County Development Plan 2016-2022, would not be likely to give rise to impacts on the surrounding area that significantly differed from those that were considered before permission was granted, would not injure the character of the permitted development or the level of amenity that it would afford its occupants, and would not injure the safety or convenience of road users. The proposed alterations would therefore be in keeping with the proper planning and sustainable development of the area.

Stephen J. O'Sullivan,
Planning Inspector, 31st March 2021