



An
Bord
Pleanála

Inspector's Report

ABP-309361-21

Development

Alterations to previously permitted development ABP-306504-20 and associated site works.

Location

Townland of Crodaun, Celbridge, Co. Kildare.

Planning Authority

Kildare County Council.

Applicant

Ardstone Homes Ltd.

Type of Application

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

Inspector

Fiona Fair

1.0 Introduction

- 1.1. An application has been made to alter the permission granted for a residential development at Townland of Crodaun, Celbridge, Co. Kildare under Section 146B of the Planning and Development Act, 2000, as amended.
- 1.2. Permission was granted on 3rd day of July 2020 under reference ABP-306504-20 for a residential development under the provisions of the SHD legislation. The applicant is making a request to An Bord Pleanála to alter this proposed development as follows:
 - Omit 2 no. storeys from Apartment Block B, reducing the height of the block from 4 storeys to 2 storeys (a reduction in height from a maximum of 14.45 m, to 8.3 m), resulting in the omission of 20 no. apartment units (8 no. 1 Bedroom apartments, 2 no. 2 Bedroom (3 person) apartments, and 10 no. 2 Bedroom (4 person) apartments).
 - Reduction in total floor area of Block B from 3,208 sqm to 1,604 sqm.
 - Alterations to the permitted elevations to change the permitted brick types.

2.0 Legislation

- 2.1. Section 146B – 146B(1) Subject to subsections (2) to (8) and section 146C, the Board may, on the request of any person who is carrying out or intending to carry out a strategic infrastructure development, alter the terms of the development the subject of a planning permission, approval or other consent granted under this Act.

(2) (a) 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.
- 2.2. Alteration not a material alteration - Section 146B(3)(a) states that ‘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’.

3.0 Proposed Changes

3.1. The proposed changes to permitted development ABP 306504-20 comprise of the following:

- Omit 2 no. storeys from Apartment Block B, reducing the height of the block from 4 storeys to 2 storeys (a reduction in height from a maximum of 14.45 m, to 8.3 m), resulting in the omission of 20 no. apartment units (8 no. 1 Bedroom apartments, 2 no. 2 Bedroom (3 person) apartments, and 10 no. 2 Bedroom (4 person) apartments).
- Reduction in total floor area of Block B from 3,208 sqm to 1,604 sqm.
- Alterations to the permitted elevations to change the permitted brick types.

3.2. The applicant considers that the amendments proposed are not material. It is stated that the development applied for under ABP Ref. 306504-20 was the subject of sub-threshold Environmental Impact Assessment. An Environmental Report has been prepared to describe and quantify the impacts of the proposed amendments on the assessments undertaken as part of the parent application, and to describe any additional impacts and corresponding mitigation measures required as a result of the proposed amendments. The Report also screens the proposed amendments for EIA in accordance with the criteria listed in EU Guidance and the Regulations. The report concludes that the proposed amendments do not constitute any material alteration to the development and will not result in likely significant impacts on the environment, provided that the mitigation measures described in the EIA for the parent application are employed.

4.0 Assessment

4.1. Permission was granted on the 3 September 2020, for a Strategic Housing Development consisting of the demolition of an existing agricultural structure and construction of 372 no. residential units comprising 218 no. houses, 122 no. apartments arranged in 2 no. four-storey apartment blocks, 12 no. one-bedroom maisonettes and 20 no. duplex units, childcare facility and associated site works.

4.2. A total of 6211 no. car parking spaces and 340 no. bicycle parking spaces were also permitted, as well as 2 no. ESB sub-stations, foul and surface water drainage and associated site and infrastructural works, attenuation areas, open space, boundary walls and fences, landscaping, lighting, internal roads, cycle paths, footpaths and cycle and pedestrian connections to the R405 and R449 Regional Roads, including provision of a new vehicular access onto the R405 Regional Road to serve the permitted residential development.

4.3. ABP granted permission subject to 24 Conditions including Condition 15, which is relevant to this Section 146B application:

Condition 15: 'The development shall be carried out on a phased basis, in accordance with a phasing scheme, including the development of the creche building in Phase 1 and those associated works which accompany same, that shall be agreed in writing with the planning authority prior to commencement of any development.

Reason: To ensure the timely provision of services in the interests of public health for the benefit of the occupants of the proposed dwellings.'

4.4. The permitted 191 sq. m (42 childcare spaces) creche is located at ground floor level within Block B, and as such Block B comprises part of the first phase of development. The proposed amendments to Block B do not propose or result in any amendments to the layout, extent or capacity of the creche, located at ground floor of Block B

4.5. The proposed amendments will result in the reduction of the height of Block B from 4 storeys to 2 storeys (a reduction in height from a maximum of 14.45 m, to 8.3 m), reducing the number of units on site from 372 no. units to 352 no. units, a reduction of 5.4%.

4.6. A resultant decrease of floorspace in Block B from an approved 3,208 sqm (GFA) to 1,604 sqm (GFA) (a decrease of 1,604 sqm (GFA)).

4.7. A detailed description of permitted and proposed unit mix is included in the accompanying planning report. The unit mix amendments relate to number of one bedroom apartments (2 person), 2 bedroom apartments (3 person) and 2 bedroom apartments (4 person) solely. Overall reduction 20 apartments - 8 one bedroom (2

person), 2 two bedroom (3 person) and 10 two bedroom (4 person). A percentage change respectively of 12.37% to 10.8%, 0.81% to 0.28% and 19.62% to 17.90%.

- 4.8. Associated external elevational finishes including the amendment of the brick type used on the selected eastern and western elevations.
- 4.9. It is submitted that the revised permitted development of 352 no. units at a density of 38.34 dph (permitted 40.52 dph) remains consistent with national guidance. Accordingly, it is submitted that there is no material impact to the wider development and the development as now proposed remains consistent with the policies and objectives of the NPF and RSES to deliver sustainable residential development
- 4.10. The amendments will reduce the total number of apartments provided in Apartment Block B by 20 no. units from 36 to 16. There is no alteration to the internal configuration of any remaining units within the block, which all meet the required space standards. In this regard, it is submitted that the permitted development will remain consistent with the Sustainable Urban Housing Guidelines (2018). No alterations are proposed in relation to Part V and this agreement will not be affected by the proposed amendments.
- 4.11. A revised Appropriate Assessment Screening Report prepared by Openfield Ecological Services is submitted with this request. The Report concludes that significant effects are not likely to arise, either alone or in combination with other plans or projects, to any European Site in the Natura 2000 network.
- 4.12. In my opinion the rationale for proposed reduction in height is tentative. It is submitted that apartment Block B assists in providing a strong urban edge to the development, along with Apartment Block A and 2 no. duplex blocks which, together, create a well-defined and legible edge to the development fronting the R405 road. Block B marks the approach to the development from the town centre and ensures the provision of a mix of building typologies in line with wider demographic and household formation trends. The proposed amendments to Block B reduce its height from 4-storeys to 2-storeys at the southern end of the development, providing a transition of building heights along the frontage of the Maynooth Road, from 2-storeys, consistent with existing lower density residential units of neighbouring developments, to 4- storeys at the north of the site, creating a strong urban edge fronting the R405 Maynooth Road. On this basis, while the height of Block B is

reduced, the overall scheme remains fully consistent with the provisions of the Urban Development and Building Heights Guidelines.

- 4.13. Overall, I consider that the reduction of maximum 20 apartment units, as set out above, the reduction in GFA and the amendments to finishes are not considered material. This Section 146B alteration / amendment is considered solely on its merit and in my opinion is not setting a precedent that reduction in height and density is a non-material alteration / amendment. Any further attempt to reduce height and density in the overall scheme would have to be dealt with solely on its merit. Cognisance being had to this proposed amendment / alteration and the overall impact on the density and sustainable use of zoned serviced lands.
- 4.14. I note that two types of unspecified selected brick is now proposed for Block B. Condition 6 of 306504-20 requires that 'the materials, colours and finishes of the authorised buildings, the treatment of boundaries within the development and the landscaping of the site shall generally be in accordance with the details submitted with the application, unless the prior written agreement of the planning authority is obtained to minor departures from those details'. A brick finish was proposed under 306504-20 and therefore I see no reason to take issue with this proposed amendment.
- 4.15. While the amendments proposed affect the external appearance of the building, they would have a reduced impact to what has been permitted under 306504-20. Furthermore, I am of the opinion that the Board would not have considered the relevant planning issues differently to a material extent or considered that any other planning issues would arise had the development as now proposed formed part of the original planning application.
- 4.16. I am of the opinion that the Board can determine under Section 146B(3)(a) that the making of the alteration would not constitute the making of a material alteration of the terms of the development concerned and, in that, 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.
- 4.17. I have considered the provisions of Section 146B(2)(b) which provides for, at the Board's discretion, the inviting of submissions from persons, including the public.

Having considered the nature, scale and extent of the alterations and the nature, scale and extent of the development granted under ABP-306504-20, I am of the opinion that the inviting of submissions from the public in this instance is not necessary and is not required for the purposes of the Board determining the matter.

- 4.18. Environmental Impact Assessment: A subthreshold EIAR was submitted with the original application 306504-20 and an Environmental report was submitted with the Section 146B request for alterations / amendments. As I outlined above, I consider that the proposed alterations do not constitute the making of a material alteration of the development concerned and in this regard the provisions of Section 146B(3)(a) apply.
- 4.19. Appropriate Assessment: A screening report was submitted with the application under ABP-306504-20 and an updated Screening Report for AA accompanies the subject Section 146B it was concluded in both reports that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on South Dublin Bay and Tolka Estuary SPA (site code 4024) South Dublin Bay SAC (site code 0210), the North Dublin Bay SAC (site code 0206) and North Bull Island SPA (site code 4006), or any other European site, in view of the sites Conservation Objectives, and a Stage 2 Appropriate Assessment was not therefore required.
- 4.20. Having considered the Board's determination on Appropriate Assessment on ABP-306504-20 and section 12.15 of the Inspector's Report on ABP-306504-20, in addition to the minor nature, scale and extent of the alterations relative to the development, and the information on file (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 any European sites, in view of the sites' conservation objectives.

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 to the terms of the development as granted permission under ABP- 306504-20 and that the permitted

development shall be altered in accordance with the plans and particulars received by An Bord Pleanála on 02.02.2021.

DRAFT ORDER

REQUEST received by An Bord Pleanála on the 02nd of February 2021 from Declan Brassil & Co. Ltd on behalf of Ardstone Homes Ltd. under section 146B of the Planning and Development Act, 2000, as amended, to alter the terms of the Strategic Housing Development in the townland of Crodaun, Celbridge, County Kildare, which is the subject of a permission under An Bord Pleanála reference number ABP-306504-20.

WHEREAS the Board made a decision to grant permission, subject to conditions, for the above-mentioned development by order dated the 3rd September 2020.

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:

- Omit 2 no. storeys from Apartment Block B, reducing the height of the block from 4 storeys to 2 storeys (a reduction in height from a maximum of 14.45 m, to 8.3 m), resulting in the omission of 20 no. apartment units (8 no. 1 Bedroom apartments, 2 no. 2 Bedroom (3 person) apartments, and 10 no. 2 Bedroom (4 person) apartments).
 - Reduction in total floor area of Block B from 3,208 sqm to 1,604 sqm.
 - Alterations to the permitted elevations to change the permitted brick types.
- 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-306504-20 for this site,
- (ii) 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.

Fiona Fair

Senior Planning Inspector

22nd April 2021