



An  
Bord  
Pleanála

## Inspector's Report ABP-309899-21

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### Development

Alterations to previously permitted  
SHD development ABP-307092-20.

### Location

Lands at Palmerstown Retail Park,  
Kennelsfort Road Lower,  
Palmerstown, Dublin 20.

### Planning Authority

South Dublin County Council.

### Applicant

Randelswood Holdings Ltd.

### Type of Application

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

### Inspector

Karen Hamilton

## 1.0 Introduction

- 1.1. An application has been made to alter the permission granted for a residential development at Lands at Palmerstown Retail Park, Kennelsfort Road Lower, Palmerstown, Dublin 20 under Section 146B of the Planning and Development Act, 2000, as amended.
- 1.2. Permission was granted on the 26<sup>th</sup> of August 2020 under reference ABP-307092-20 for a residential development under the provisions of the SHD legislation for 250 no. Build To Rent apartments in 5 no. blocks (ranging from 3-8 storeys over basement in height), with a café and ancillary residential amenity facilities and associated works.
- 1.3. The applicant is making a request to An Bord Pleanála for alterations relating to internal and external design of Blocks A and D, with associated alterations to the previously permitted basement and landscaping proposals. No alterations are proposed to the previously permitted Blocks C, D and E.

## 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.  
  
(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.
- 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 application seeks for amendments to an approved Strategic Housing Development (ABP-307092-20) to include:

- An increase in floorspace of Blocks A & B, along with a slight increase in height, to accommodate a lift shaft overrun, AOV and parapet, minor external alterations and internal configuration of apartments and residential amenity space;
- Alterations to the permitted landscaping proposals including the relocation of vents and 1 no bike shelter,
- Proposed alterations to previously permitted basement plan.

3.2. The alterations specific to **Block A** would comprise of:

#### Residential Amenity

- Alterations to and increase of residential amenity spaces within Block A at basement level (c.200m<sup>2</sup>) including removal of basement plant room and change to gym space;
- Ground floor alterations to include reconfiguration /merging of the café, reception area and shared workspace;
- Inclusion of an internal staircase providing access from the ground floor to the first-floor residents work lounge;
- Change to the residential amenity area on the second floor from Gym to residents’ games room and inclusion of internal stairs,
- Inclusion of external stairs from the second-floor residential amenity area to the third-floor resident terrace.

#### Apartment reconfiguration

- The internal reconfiguration of the apartments in Block A to accommodate a change in room size and/or storage and private open space sizes.
- Increase in the overall floorspace from 1,675m<sup>2</sup> to 1,715m<sup>2</sup> to accommodate additional insulations, lift shaft overrun on the upper floor and slight alterations to some balconies to made deeper to accommodate perimeter up-stand beam.

#### Elevation changes

- Increase in the height of Block A from 62.1m at the parapet to 63.55m, and inclusion of two areas of plant on the roof which increases the overall height to 64.375m.

3.3. The alterations specific to **Block B** would comprise of:

#### Unit Mix

- Alterations to the previously permitted apartment unit mix from 18 no. 1 beds and 28 no. 2 beds (46 units) to 12 no. 1 beds and 34 no. 2 beds (46 units), and associated internal reconfiguration.

#### Elevation Changes

- Increase in height of Block B from 62.1m at parapet to 63.55m, and inclusion of one area of plant on the roof which increases the overall height to 64.375m.

3.4. The alterations specific to the **Landscaping Scheme** would comprise of:

- Proposed alterations to previously permitted landscaping proposals including the removal of the bike shelter between Blocks A and B and;
- Inclusion of c. 15 no. ventilation grills within the landscaped areas, between Blocks A & B, in front of Block B and to the side and rear of Blocks C and D,
- Alteration to the planting scheme to accommodate above changes.

3.5. The alterations to the **Basement Plan** would comprise of:

- Proposed alterations to previously permitted basement plan to include the removal of plant (introduction of a sprinkler system) and use of the original space for additional residential amenity.

- Minor alterations to the ramp and carparking configuration at basement level, including the relocation of disabled parking spaces.

- 3.6. In response to **external alterations to Block A & B**, the applicant in the submitted a “Planning Report” states that the rationale for the increase in heights and footprints of Blocks A & B is required to accommodate construction method requirements including lift shaft overrun, AOV and parapet, and insulation requirements. These elevation changes have been assessed in an updated Daylight Sunlight Internal Light Analysis Report and updated verified views/ photomontages.
- 3.7. With regard to **internal alterations**, the applicant notes and increase in the residential amenities in Block A from 625m<sup>2</sup> to 755m<sup>2</sup>. The “Planning Report” states that the alterations to the unit mix and internal configuration of apartment units in Block A & B enables a mix of apartments to reflect the household changes in the emerging built to rent sector. The total number of units is not increased on the site and there is no change to the number of units without private amenity space. The Housing Quality Assessment schedule which accompanied the alterations notes the alterations are consistent with the design standards and SPPRs of the “*Sustainable urban Housing: Design Standards for New Apartments*.”
- 3.8. In relation to **bicycle and car parking requirements**, there is no change to the bicycle spaces previously permitted (276 no. spaces). It is also stated by the applicant there are no changes to the quantum of car parking spaces previously permitted (120 no. underground spaces and 5 no. surface spaces),
- 3.9. The **landscaping alterations** include a change an increase in a number of basement vents, reposition of some planter’s positions on foot of these vent changes and a change in the layout of a small play area. A bicycle parking unit beside Block A will be removed. The Architectural Urban Design Statement states that the landscape design is in keeping with the previously grated application.
- 3.10. The applicant considers that the amendments proposed are not material. It is stated that the changes are minor in the context of the scale of the permitted development, with the changes having no material or significant planning consequences.
- 3.11. The applicant submits that the proposed alterations do not constitute a project defined by Part 1 and Part 2, Schedule 5 of the 2001 Planning Regulations and

would not warrant a sub-threshold EIA, nor a new Appropriate Assessment or an AA Screening of the proposed alterations.

## 4.0 Assessment

- 4.1. The permitted development includes 5 no. apartment blocks (A-E), interlinked at basement level. The proposed amendments to the basement layout, internal and external configuration, and elevation changes to Block A & B and alterations to the landscaping plans are noted.
- 4.2. One element of the internal revisions relates to the **residential amenity areas** in Block A. The change from plant to residential amenity in the basement leads to the provision of a greater quantum of residential amenity for the overall scheme. Other alterations to the residential amenity include a change in the previously specified uses. I note that, aside from the basement, the areas designated for residential amenity between the ground floor to the third floor remain the same. Shared workspaces, cafes, concierge etc. are provided in line with the requirements of SPPR 7 of the “*Sustainable urban Housing: Design Standards for New Apartments*”. The quantum of residential amenity space was previously assessed in ABP-307092-20 as sufficient to serve the entire proposed development, and in this regard, I do not consider an increase in those residential services and amenities will have a negative impact.
- 4.3. In addition to the changes to the plant/ residential amenity areas in the basement it is proposed to **reconfigure parking spaces**. The applicant has confirmed no change to the carparking quantum of 120 no car parking spaces within the underground basement car park and 5 no. surface level spaces. I note the relocation of disabled spaces closer to lift shafts associated with each of the apartment blocks and other minor changes to the layout of existing car spaces. In this regard, it is my opinion the basement alterations are minor in nature and not material.
- 4.4. In relation to the **increase in floor space for Blocks A and B**, I note this relates to that lift shaft overrun on the upper floor and slight alterations to some balconies to made deeper to accommodate perimeter up-stand beam. The applicant has also stated that non-combustible insulation requirements for buildings over 18m requires a slight increase in the building footprint. The Housing Quality Assessment which

accompanied application ABP-307092-20 has a stated floorspace for Block A as 1,675m<sup>2</sup> and Block B 3,126m<sup>2</sup>. An amended Housing Quality Assessment includes a stated floorspace for Block A as 1,712m<sup>2</sup> and Block B 3,264m<sup>2</sup>. I consider these increases are minor in nature and not a material alteration.

- 4.5. The number of apartments permitted for Blocks A and B in ABP-307092-20 was 73, this is to remain the same. The alterations include a change in **unit mix** from 31 no one bed units and 42 no two bed units, to 25 no one bed units and 48 no two bed units. The increase in two bed units represents an increase from 58 % to 66 % in both Block. Overall, the change of 6 no. apartments from one to two bed units represents an alteration to 2% of the unit mix. I note the inclusion of more two bed units is not precluded by any local policy and complies with the requirement of the *Sustainable Urban Housing: Design Standards for New Apartments*. I consider these increases are minor in nature and not a material alteration.
- 4.6. In relation to the **heights of Block A & B**, the previously permitted heights of 6 & 7 storeys respectively, remain the same. The increase in the overall height of the building (c.1.3m) will accommodate a sprinkler system and recovery system, whilst the lift shaft overrun and AOV located on the roof of Block A & B (c.0.8m) are ancillary to the proposal. Both the Architectural Urban Design Statement and amended photomontages illustrate no significant visual impact from the proposed alterations to the heights and plant on the roof. Overall, I consider the proposed increase in height of Blocks A & B are minor and therefore the alterations do not deviate from my initial assessment. It is my opinion that these alterations are purely numerical in nature and I can conclude that the alterations comply with that criteria in Section 3.2 of the *Urban Development and Building Heights Guidelines*.
- 4.7. **Elevation changes** mainly relate to the increased heights to Blocks A and B, although the change in unit mix in Block B will require a slight increase in window on the south, northwest side of Block B. A new staircase on the exterior of Block A is included to provide greater permeability between the residential amenity areas on the different floors. I have assessed these changes, which I consider minor, and I am on the opinion that the amendments do not deviate significantly from the permitted development. The elevation changes will not cause any negative impact on the surrounding area.

- 4.8. Those proposed alterations to the landscaping scheme do not change the quantum of open space provision. The inclusion of greater vents will require changes to the planting scheme although the applicant has submitted landscaping details to illustrate the retention of the substantive landscaping proposal in keeping with the previously permitted landscaping scheme.
- 4.9. The amendments proposed are largely within the footprint of the permitted apartment blocks, with the external amendments largely associated with the increase in height. The alterations are primarily to the internal layout, including reconfiguration of space to accommodate changes to plant, residential amenity areas, apartment layouts and unit mix in Block B. The apartments remain in compliance with all standards as per the '*Sustainable Urban Housing: Design Standards for New Apartments*, where applicable.
- 4.10. The amendments are not, in my opinion, material, in that they mainly affect only the internal layout, do not have a significant effect on the external appearance of Blocks A and B. The increased height is, in my opinion, only a numerical change and any external alterations will not be visually dominate or have a negative impact on the surrounding area. Furthermore, the Board would not have considered the relevant planning issues differently to any material extent with the layout as now proposed, and it is considered that no other planning issues would arise, had the layout as now proposed formed part of the plans at application stage.
- 4.11. I consider, therefore, 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.
- 4.12. 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-307092-20, 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.



- 4.13. Environmental Impact Assessment (EIA): The Board undertook an EIA screening of that permitted development under ABP-307092-20 and concluded that an Environmental Impact Assessment Report was not necessary. An EIA screening report of the proposed amendments was submitted as part of the amended scheme and concluded that having regard to the nature, scale and location of the proposed development, by itself or in combination with other plans and projects, is not likely to have significant effects on the environment and it was considered that an EIA is not required. I consider the submitted information sufficient to conclude that an EIAR is not required.
- 4.14. 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.
- 4.15. Appropriate Assessment: A screening report was submitted with the application under ABP-307092-20 and it was concluded that that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on Rye Water Valley/Cartron SAC (site code 001398), Glenasmole River Valley SAC (site code 001209), South Dublin Bay and River Tolka Estuary SAC (site code 000210), South Dublin Bay and River Tolka Estuary SPA (site code 004024), North Bull Island SPA (site code 004006), North Dublin Bay SAC (site code 000206), Wicklow Mountains SPA (site code 004040), Wicklow Mountains SAC (site code 002122), or any other European site, in view of the sites conservation Objectives, and a Stage 2 Appropriate Assessment was not therefore required.
- 4.16. A revised screening report accompanied the proposed amendments which concluded that given the nature of the proposed alterations they will not, either individually or cumulatively in combination with the other identified plan or projects, adversely effect the integrity of any European Site.
- 4.17. Having considered the Board's determination on Appropriate Assessment on ABP-307092-20 and the submitted revised screening report, 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-307092-20 and that the permitted development shall be altered in accordance with the plans and particulars received by An Bord Pleanála on 08<sup>th</sup> of April 2021.

### DRAFT ORDER

**REQUEST** received by An Bord Pleanála on the 08<sup>th</sup> of April 2021 from Downey Planning on behalf of Randelswood Holdings Ltd. under section 146B of the Planning and Development Act, 2000, as amended, to alter the terms of the Strategic Housing Development at Palmerstown Retail Park, Kennelsfort Road Lower, Palmerstown, Dublin 20, which is the subject of a permission under An Bord Pleanála reference number ABP-307092-20.

**WHEREAS** the Board made a decision to grant permission, subject to conditions, for the above-mentioned development by order dated the 01<sup>st</sup> of 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:

Alterations to that previously permitted development ABP-307092-20 to allow the proposed alterations to Block A & B, with associated alterations to the previously permitted basement and landscaping proposals.

**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 amends permission ABP ABP-307092-20 to permit:

- Proposed external and internal alterations to previously permitted Blocks A & B only including elevational changes; increase in height to accommodate construction method requirements including lift shaft overrun, AOV and parapet; minor increase in footprint of Blocks A & B to accommodate construction method requirements; alterations to and increase of residential amenity spaces within Block A and at basement level including removal of basement plant room; alterations to previously permitted apartment layouts and communal spaces within Block A; alterations to previously permitted apartment layouts and communal spaces within Block B and alterations to the previously permitted apartment unit mix within this block only from 18 no. 1 beds and 28 no. 2 beds (46 units) to now provide 12 no. 1 beds and 34 no. 2 beds (46 units),
- Proposed alterations to previously permitted landscaping proposals including relocation of vents and of 1 no. bike shelter; and,
- Proposed alterations to previously permitted basement plan.

### **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-307092-20 for this site,
- (ii) the screening for appropriate assessment and environmental impact 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,
- (vi) the report of the Board's Inspector

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.

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Karen Hamilton

Senior Planning Inspector

11<sup>th</sup> of May 2021