



An
Bord
Pleanála

Inspector's Report ABP-310453-21

Development	Alterations to previously permitted SHD development ABP-304345-19.
Location	Lands at Letteragh Road, Letteragh, Co. Galway.
Planning Authority	Galway City Council.
Applicant	Burkeway Homes Limited.
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 Letteragh Road, Letteragh, Co. Galway under Section 146B of the Planning and Development Act, 2000, as amended.
- 1.2. Permission was granted on the 02nd of August 2019 reference ABP-304345-19 for a residential development under the provisions of the SHD legislation for 101 no. residential units (46 no. houses, 55 no. apartments), childcare facility and associated site works.
- 1.3. The applicant is making a request to An Bord Pleanála for alterations relating to the amendment of Condition No 1 to facilitate amendments to the internal ground floor layouts of Apartment Blocks B and D to accommodate alteration to the residential amenity/storage facilities.

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-304345-19) to include:

- Internal modifications to the ground floor layouts of apartments B and D.

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

1. Removal of tenant facilities at ground floor level.
2. Removal of 1-bedroom apartment (adjacent to tenant facilities) at ground floor level.
3. Incorporation of a 2-bedroom apartment within the floor space occupied by items 1 and 2 above.
4. Incorporation of additional storage (‘store’) for each individual apartment at ground floor level in the area permitted as bike storage.
5. The relocation of the bike store within the ground floor to part of the area permitted as 1 bedroom apartment (item no. 2 above).
6. Minor adjustments to window locations at ground floor to suit the 2-bedroom apartment.
7. Minor movement/reposition plant room (mains water break tank) within ground floor.

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

1. Incorporation of additional storage for each individual apartment at ground floor.
2. Enlargement of the bike store.
3. Minor adjustments to crèche layout due to increase of bike store size and new ‘store’ area.
4. Minor adjustments to window locations to suit revised internal layout of crèche.

5. Minor reduction in size and position of plant room (mains water break tank).

3.4. The alterations specific to the **tenant facilities** would comprise of:

- The tenant facilities in Block B (gym) are to be removed (53.9m²),
- The one-bedroom apartment currently permitted (66.6m²) will be removed.
- Both the tenant facilities and the one-bedroom apartment on the ground floor of Block D will be replaced with a two-bedroom apartment (101m²) and a store (15.27m²).

3.5. The alterations to the **bike storage** would comprise of:

- The proposed bike store in both Block B and D will be reduced in size.
- Block B bike store will be reduced from 20.3m² to 20.57m². The number of bikes in the store remains at 28 and the location of the store will move from the rear of the ground floor to the front, beside the door.
- Block D bike store will be increased in size from 15.5m² to 18.25m². The number of bikes in the store remains at 20 and the location is in the same position to the rear of the ground floor.

3.6. The alterations to the **creche** would comprise of:

- A reduction in the size of the crèche from 243.1m² to 225m²
- The number of childcare spaces will be reduced from 42 to 38.
- A change in the internal layout of the rooms.

3.7. The alterations to the **plant** would comprise of:

- Block B plant room will be decreased from 5.3m² to 5.06m² and will generally remain in the same place.
- Block D plant room will be decreased from 5.1m² to 4.68m² and will generally remain in the same place.

3.8. The alterations to the terrace area in **Block B** would comprise of:

- Increase of the private terrace at the rear from 12.3m² to 14.65m².
- Increase of the private terrace at the front from 9m² to 9.8m².

- 3.9. In response to **design and layout**, the applicant in the submitted a “Planning Report” states that the rationale for the changes relates to the market feedback and the need to deliver sustainable communities. The proposed amendments do not alter the number of units, nor is there any changes proposed to the open space.
- 3.10. With regard to **internal alterations**, the applicant notes a change in the provision of residential amenities as it is considered there are sufficient gyms in the locality and there is a demand for additional on-site secure storage for large items not needed during the day.
- 3.11. In relation to **external alterations**, the “Planning Report” states those that the reconfiguration of internal space will incur minor adjustments to window locations at the ground floor to suit the 2- bedroom apartments and glazing into the side elevation, associated with the tenant facilities, will be reduced. Those external changes to the creche are ancillary to the internal changes and associated with the reduction in 3 no. rather than 4 no. childcare rooms.
- 3.12. The “Planning Report” states that the alterations will not have any impact on the residential amenity of the neighbouring properties. The total number of units is not increased on the site. 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. The “Planning Report” states that no traffic and transport issues arise and there is no impact on the Site-Specific Flood Risk Assessment which accompanied the application.
- 3.13. 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. An AA Screening of the proposed alterations accompanied the documentation which concluded no significant effect on any European sites, in view of the sites’ conservation objectives.

4.0 **Assessment**

- 4.1. The permitted development includes alterations to the residential amenity areas, increase in the bike storage and internal reconfiguration of the ground floor of Blocks

B and D to accommodate these changes. The proposed amendments to the internal layout and external elevation changes and reconfiguration of the residential amenity area and crèche are noted.

- 4.2. In relation to the changes to the **plant/ residential amenity areas**, the main alteration relates to the removal of the gym and replaced with private storage area. The proposed development has not been advertised as a Built to Rent (BTR) scheme and therefore the imposition of mandatory residential amenities is not required as per SPPR 7 & 8 of the “*Sustainable urban Housing: Design Standards for New Apartments*”. This aside, Section 4 of these apartment guidelines requires the provision of some communal or other facilities within apartment schemes such as on-site laundry facilities or childcare, gym uses which also may be open to non-residents. No issue was raised in relation to the quantum of residential amenity provision in 304345-19. The residential amenity provision now proposed includes 2 no. private storage facilities (Block B and Block D) and a creche in Block D. The quantum of amenity space has been reduced by 38 m² in Block B And remains similar in Block D, c.240m². The proposed changes to the residential amenity are minor in nature consistent with the *Sustainable urban Housing: Design Standards for New Apartments* and not material.
- 4.3. The proposed changes to the **childcare facility** include a reduction in the floorspace from 243.1m² to 225m² and a decrease in the number of children to be accommodated from 42 to 38. The national Guidelines for *Planning Authorities on Childcare Facilities* requires, for all new housing over 75 units, the provision of one childcare facility with a minimum of 20 childcare spaces required. The proposed development is for 101 dwellings, no change to the number of units is proposed. Therefore, a childcare facility to accommodate c. 27 children would be required for the proposed development. The provision of a childcare facility for 38 children will still adequately serve the proposed development and comply with the national guidance. The internal alterations to the creche include a reconfiguration of internal space and the consolidation of rooms for 1- 6-year-olds from 3 to 2. External alterations are mostly relating to a change in the window location along eastern elevation of Block B and the removal of the windows along the ground floor elevation to the rear, north. In terms of impact on the residential amenity from the change in windows, there is no increase or change which would lead to any overlooking on the

existing properties in the area. The removal of the windows along the northern elevation will have no significant negative impact on the design or layout as this elevation is not visible. The open space drop-off area and parking associated with the crèche remain the same. In this regard, it is my opinion that the changes to the crèche are minor in nature and not material.

- 4.4. The alterations include changes to the **internal layout** on the ground floor of Block B and D. The removal of the gym in Block B allows the existing ground floor apartment to change from a one bedroom to a two-bedroom apartment. The internal configuration of another two apartments on the ground floor is included and I note the size of the apartment, storage areas and private amenity space of all the apartments complies with Appendix 1 of the *Sustainable Urban Housing: Design Standards for New Apartments*. The internal alterations in Block D, aside from the creche and bike storage, include a change in the configuration of two ground floor apartments. These apartments also comply with the size requirements in Appendix 1 of the *Sustainable Urban Housing: Design Standards for New Apartments*.
- 4.5. The **external alterations** are associated with those changes detailed above and mostly relate alterations for window locations associated with the internal alterations. The double doors for the gym area will be replaced with a ground floor window connected to a kitchen/dining area and there are no alterations to windows on the upper floors. The external terrace areas will remain similar to the permitted scheme. There are no significant alterations to the main entrance and no changes to the external materials.
- 4.6. The amendments proposed are largely within the footprint of the permitted apartment blocks. The alterations are primarily to the internal layout, including reconfiguration of space to accommodate changes to plant, residential amenity areas and apartment/creche layouts. External amendments are largely associated with the internal alterations. The apartments remain in compliance with all standards as per the '*Sustainable Urban Housing: Design Standards for New Apartments*, where applicable.
- 4.7. 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 B and D. The amendments to the residential amenity provision, in my opinion, will

not have a negative impact on the amenity of the future occupants 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.

- 4.8. 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.
- 4.9. 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-304345-19, 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.
- 4.10. Environmental Impact Assessment (EIA): The Board undertook an EIA screening of that permitted development under ABP-304345-19 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.
- 4.11. 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.
- 4.12. Appropriate Assessment: A Natura Impact Statement (NIS) was submitted with the application under ABP-304345-19. The Stage 1 Screening Assessment identified 9

no. European Sites within a 15km radius and concluded that only three of these sites, Galway Bay Complex SAC (site code 000268) , Inner Galway Bay SPA (site code 004031) and Lough Corrib SAC (site code 000297) are within the Zone of Influence from the subject site. The Board 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 the Galway Bay Complex SAC (site code 000268), Inner Galway Bay SPA (site code 004031) or Lough Corrib SAC (site code 000297) or any other European site, in view of the sites' Conservation Objectives.

- 4.13. A revised screening report accompanied the proposed amendments which include an assessment of the impact on those three European Sites and a further 7 included in the initial screening as follows; Connemara Bog Complex SAC (002034), Ross Lake and Woods SAC (001312); East Burren Complex SAC (001926); Lough Corrib SPA (004042); Inner Galway Bay SPA (004031); Cregganna Marsh SPA (004142) and Connemara Bog Complex SPA (004181). The screening report 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.
- 4.14. Having considered the Board's determination on Appropriate Assessment on ABP-304345-19 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-304345-19 and that the permitted development shall be altered in accordance with the plans and particulars received by An Bord Pleanála on 09th of June 2021.

DRAFT ORDER

REQUEST received by An Bord Pleanála on the 09th of June 2021 from MKO on behalf of Burkeeway Home Ltd, under section 146B of the Planning and Development Act, 2000, as amended, to alter the terms of the Strategic Housing Development at Letteragh Road, Letteragh and Ragoon, Co. Galway, which is the subject of a permission under An Bord Pleanála reference number ABP-304345-19.

WHEREAS the Board made a decision to grant permission, subject to conditions, for the above-mentioned development by order dated the 02nd of August 2019,

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:

Alteration of Condition No. 1 of the permitted development to facilitate amendments to the internal ground floor layouts of apartments Blocks B & D.

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-304345-19 to permit:

In relation to **Block B**, the alterations would comprise of:

1. Removal of tenant facilities at ground floor level.
2. Removal of 1-bedroom apartment (adjacent to tenant facilities) at ground floor level.
3. Incorporation of a 2-bedroom apartment within the floor space occupied by items 1 and 2 above.
4. Incorporation of additional storage ('store') for each individual apartment at ground floor level in the area permitted as bike storage.
5. The relocation of the bike store within the ground floor to part of the area permitted as 1 bedroom apartment (item no. 2 above).
6. Minor adjustments to window locations at ground floor to suit the 2-bedroom apartment.
7. Minor movement/reposition plant room (mains water break tank) within ground floor.

In relation to **Block D**, the alterations would comprise of:

1. Incorporation of additional storage for each individual apartment at ground floor.
2. Enlargement of the bike store.
3. Minor adjustments to crèche layout due to increase of bike store size and new 'store' area.
4. Minor adjustments to window locations to suit revised internal layout of crèche.
5. Minor reduction in size and position of plant room (mains water break tank).

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-304345-19 for this site,
- (ii) the Natura Impact Statement 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.

Karen Hamilton
Senior Planning Inspector
03rd of August 2021