



An
Bord
Pleanála

Inspector's Report ABP 310928-21

Development

Alterations to previously permitted to Strategic Housing Development ABP 304296-19

Location

Enfield. Co Meath.

Planning Authority

Meath Co Council

Applicant(s)

Legendside Ltd.

Type of Application

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

Inspector

Breda Gannon

1.0 Introduction

1.1. The request was received by the Board on July 23rd, 2021 to alter a project granted permission by the Board on the 9th day of August 2019 (Ref No ABP 304296-19). under the Strategic Housing Development provisions comprising:

- The demolition of existing buildings, removal and undergrounding of existing pylons.
- Construction of 133 no. residential units (75 no. houses, 58 no. apartments), creche and associated site works.

1.2. The permitted development comprised the following:

- 15 no. 4 bedroom, 2-storey houses, comprising 3 no. detached and 12 no. semi-detached houses, all with private amenity space;
- 48 no. 3 bedroom, 2-storey houses, comprising 48 no. semi-detached houses, all with private amenity space;
- 12 no. 2 bedroom, 2-storey houses, comprising 12 no. terraced houses, all with private amenity space;
- 58 no. ground floor apartments and 2-storey duplex units above, in 4 no. 3-storey blocks, comprising 28 no. 2 bedroom, ground floor apartments, all with private amenity space and 30 no. 3 bedroom, 2-storey duplex units above the ground floor apartments, all with private amenity space;
- A creche (170 sq.m), an associated external play area and 12 no. parking spaces;
- 80 no. bicycle spaces and a total of 269 no. car parking spaces (inclusive of 12 no. creche parking spaces);
- All ancillary development including boundary walls, fences, open space (6,060sq.m), internal roads, footpaths, public lighting, tree planting and bin storage;
- 4 no. access points including vehicular access from the north and additional pedestrian access from the east and west;

- Road widening, improvements and the provision of a new footpath (260m in length) along the New Road;
- Infrastructural works including the provision of an interim on-site package wastewater treatment plant and 2 no. bored wells and storage capacity.

The application is supported by the following documentation:

- Cover Letter.
- Engineering Letter Supporting Amendment Application.
- Permitted Drawing Pack, An Bord Pleanála Reg. Ref No. 304296-19 prepared by John Fleming Architects.
- Proposed Amendments Drawing Pack, prepared by Davey and Smith Architects.

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 decide 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 requester seeks to amend the permitted house types and their siting in two locations to the south and west of that permitted under ABP-304296-19.
- 3.2. At the southern section of the site the requested seeks to amend and change the layout of 10 no. houses. The requester seeks to amend 4 no. Type E, 3 Bed, semi-detached houses, 4 no. Type E, 2-Bed terraced houses, 2 no. Type G 4-bed semi-detached houses to 8 no. Type E, 3-bed semi-detached houses and 2 no. Type G, 4-bed semi-detached houses.
- 3.3. At the western side of the site the requester seeks to amend and change the 3 no. permitted units. Approval is sought for the reorientation of the permitted 2 no. Type B 3-bed semi-detached houses from south facing to east facing. It is also proposed to remove the permitted 1 no. Type D, 4-bed detached house to the south of these two houses and replace it with 1 no. Type G, 4-bed detached house.

The requester states:

- The proposed amendments do not change the nature of the permitted uses on the site.
- The proposed amendments do not change the number of permitted units and the amendments enhance the scheme for future residents.

- each amended unit and plot are designed in accordance with the required planning policy and standards.
- The proposed amendments do not alter the character of the permitted development or the amenity it affords to its occupants.
- The proposed amendments do not constitute the making of a material alteration of the terms of the permitted development as granted under ABP 304296-19 and requests that the Board makes the alteration under section 146B(3)(a).

4.0 Board Correspondence

4.1. The Board advised Meath Co. Council on 30th July, 2021 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 304296-19 is to determine if the making of the alterations would constitute the making of a material alteration to the terms of the Strategic Housing Development as granted.
- 5.1.2. The proposed alterations are minor in nature and will not result in an increase in residential units provided on the site. The layout of the development remains largely unchanged and the proposed alterations will not result in any significant change to the roads, parking, site services or surface water drainage.
- 5.1.3. The principal potential impacts relating to the alterations are the quality of the residential accommodation and impacts on the residential and visual amenities of the area.

5.2. Quality of Residential Accommodation

- 5.2.1. I accept that the alterations proposed will not result in any loss of amenity to adjoining properties and will afford an adequate level of residential amenity to future

residents. The units are substantially compliant with qualitative standards in terms of room sizes and open space provision.

5.3. Impacts on Visual and Residential Amenities

- 5.3.1. There will be no negative impacts on the residential or visual amenities of the scheme arising from the alterations proposed. I consider that the reorientation of the 3 no. houses to the west of the site to address the access road will be positive and will remove the gable presentation of the original proposal.
- 5.3.2. The houses will be similar in scale, height and external finishes to those permitted under the original application. Having reviewed the 'Proposed Contiguous Elevations' for both sections of the site, I accept that the alterations which are minor in nature will not detract from the visual amenities of the streetscape.

5.4. Assessment of Materiality

- 5.4.1. I am of the opinion having considered the proposed alterations and the development as granted under ABP 304296-19 that no new planning issues arise and that the Board would not have determined the proposal differently had the proposed alterations formed part of the said application. In this 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-304296-19.
- 5.4.2. 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-304296-19, I am of the opinion that the proposed alterations 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.

5.5. Environmental Impact Assessment

- 5.5.1. The development as originally permitted under ABP-304296-19 was considered sub-threshold for mandatory EIA under the categories of development listed in Part 2 Schedule 5 of the Planning and Development Regulations 2001, as amended. An EIA Screening Determination was submitted with the application. The Board

completed an environmental impact assessment screening of the proposed development and concluded that the proposed development would not be likely to have significant effects on the environment.

5.5.2. As outlined above, I consider that the proposed alterations do not constitute the making of a material alteration of the development proposed and in this regard the provisions of section 146B(3)(a) apply.

5.5.3. I therefore conclude that no new considerations arise in relation to impacts on the environment which were not considered in the assessment of impacts for ABP 304296-19.

5.6. **Appropriate Assessment**

5.7. A Natura Impact Statement was submitted with the original application ABP-304296-19. The Board undertook Appropriate Assessment and concluded that the proposed development either individually or in combination with other plans or projects would not have a significant effect on any European site, in view of the sites' conservation objectives.

5.8. The Stage 1 Screening for Appropriate Assessment concluded that potential effects on the River Blackwater and River Boyne SAC could not be ruled out as pathways existed between the site and the River Boyne. The potential impacts identified during the operational stages related to wastewater, surface water discharges and water abstraction.

5.9. The proposed alterations to the development have been reviewed by Waterman Moylan Engineering Consultants who have confirmed that there will be no increase in water demand, foul water requirements and no repercussions for surface water management. This would appear reasonable on the basis that there is no alteration to the quantum of residential accommodation to be provided.

5.10. Having considered the Board's determination on Appropriate Assessment on ABP-304296-19, the nature, scale and limited extent of the proposed alteration relative to the permitted development, I consider it reasonable to conclude that the proposed alterations individually, or in combination with other plans and projects would not be likely to have a significant effect on any European site.

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- 304296-19.

DRAFT ORDER

REQUEST received by An Bord Pleanála on the 23rd day of July 2021 from **Legendside** 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-304296-19.

- 6.2. **WHEREAS** the Board made a decision to grant permission, subject to 26 conditions, for the above-mentioned development by order dated the 9th day of August 2019,
- 6.3. **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 strategic housing development ABP-304296-19 comprising:

- to amend and change the layout of 10 no. houses at the southern end of the site from 4 no. Type E, 3 Bed, semi-detached houses, 4 no. Type E, 2-Bed terraced houses and 2 no. Type G 4-bed semi-detached houses to 8 no. Type E, 3-bed semi-detached houses and 2 no. Type G, 4-bed semi-detached houses.
- to amend and change the layout of 3 no. permitted units at the western side of the site including the reorientation of 2 no. Type B 3-bed semi-detached houses permitted from south facing to east facing. It is proposed to remove the permitted 1 no. Type D, 4-bed detached house adjacent to these units and place it to the south of the proposed reorientated 2 no. Type B units and to replace it with 1 no. Type G, 4-bed detached house.

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)9a) 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 23rd day of July, 2021.

REASONS AND CONSIDERATIONS

6.4. Having regard to:

- (i) The nature and scale of the Strategic Housing Development permitted under An Bord Pleanála Reference Number ABP-304296-19 for this site which includes 133no. residential units comprising 75 no. houses and 58 no. apartments, a creche and associated site works
- (ii) An 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 European Sites) arising as a result of the proposed alterations, and
- (v) The report of the Planning 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 and Development Act 2000, as amended, the Board hereby makes the said alterations.

Breda Gannon
Senior Planning Inspector

26th November 2021