



An
Bord
Pleanála

Inspector's Report ABP-311282-21

Development

Request to make alterations to a strategic housing development authorised by the board under ABP-304823-19 that would increase the number of apartments from 210 to 230

Location

Churchview Road and Church Road,
Killiney, Co. Dublin

Planning Authority

Dun Laoghaire Rathdown County
Council

Applicant

Strand Court Ltd.

Type of Application

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

Inspector

Stephen J. O'Sullivan

1.0 Permitted Strategic Housing Development

- 1.1. This report deals with a request from Strand Court Ltd seeking to amend an SHD permission granted under ABP-304823-19 at Churchview Road and Church Road, Killiney, Co. Dublin. The site lies in a suburban area c13.5km south east of Dublin's city centre. It has a stated area of 1.59ha and is comprised of the curtilages of 3 detached houses.
- 1.2. The original permission was granted on 15th October 2019. It authorises the demolition of the houses and the site and the construction of a scheme of 210 apartments and a creche in three connected blocks between 3 and 7 stories high. The mix of authorised apartments is -
 - 27 one-bedroom units; 160 two-bedroom units; and 23 three-bedroom units.
- 1.3. The gross floor area of the permitted development is 29,861m² including 203m² in the creche, 130m² in a communal facility and 6,483m² in the basement. 227 car parking spaces would be provided, 41 at surface level and 186 at basement level.. 348 bike spaces area proposed, 280 in the basement for storage and another 68 at surface level. Vehicular access would be from Churchview Road to the south of the site, with 3 pedestrian gates and an emergency vehicle access provided from Church Road to the west.
- 1.4. The conditions attached to the permission for strategic housing the development did not significantly alter that which had been proposed in the application.

2.0 Proposed alteration

- 2.1. The current request was submitted on 1st September 2021. Under this request the applicant seeks to have the terms of the permission altered so that the authorised SHD would contain 230 apartments of which -
 - 65 one-bedroom apartments of between 47m² and 53m³
 - 140 two-bedroom apartments of between 74m² and 98m², and
 - 25 three-bedroom units of between 93m² and 112m²
- 2.2. So the requested alteration would increase the number of apartments from 210 to 230 and the proportion of one-bedroom units from to 13% to 28%. There would be

changes to the internal layout and elevational design of the permitted buildings to accommodate the increased number of apartments. It is also proposed to increase the extent of the basement by 42m² and the number of bike parking spaces from 360 to 405, to increase the size of the residents' lounge in Block B from 130m² to 357m², and to provide an additional ESB substation in the south-east corner of the site along Church Road.

- 2.3. The height and footprint of the permitted buildings would not be changed if the requested alteration was made. Neither would the number of car parking spaces, at 227.
- 2.4. The board determined on 20th January 2022 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 15th February 2022. 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. The applicant's submission concludes that the proposed alterations could not reasonably be expected to have any significant effects on the environment.
- 3.2. Transport Infrastructure Ireland made a submission on 3rd March 2022 stating that its position on the request was set out in its letter of 8th February 2022. 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-304823-19 it was determined that the development would not have the potential to have significant effects on any Natura 2000 site and that an appropriate assessment was not required. The alteration that is the subject of the current request is small in scale relative to the permitted

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 screening for environmental impact assessment prior to the granting of permission, which determined that it would not be likely to have significant effects on the environment and that an EIA was not required, having regard to the fact that it would be well below the threshold of 500 dwellings or 10ha set out at 10(b) of Part 2 of Schedule 5 and to its location in a serviced suburban part of the city where residential use was already predominant.
- 4.3. The applicant submitted the information in schedule 7A to the planning regulations which is adequate to enable an EIA screening for the requested alteration to be carried out. The requested alteration would not change the nature of the authorised uses. Its impact on the scale of the authorised development would be small. The site area would remain the same. The number of dwellings would be increased by 4% of the threshold of 500 dwellings 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 the overall scheme would be still be less than 50% of that threshold. 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 when considered either in itself or in conjunction with the authorised development. No such effects would be likely to arise either directly or indirectly or in combination with other projects. It is therefore determined, after examination of the nature, scale and location of the proposal for the purposes of a screening determination, that the requested alteration to the terms of the permitted development would not be likely to have significant effects on the environment and that environmental impact assessment of the requested alteration is not required.

5.0 **Assessment**

- 5.1. Some of the material planning considerations that apply to the proposed development have changed since the original proposal was assessed. The 2018 apartment design guidelines were replaced in 2020 and a new development plan

came into force in the county in April 2022. As the board have determined that the requested alteration would be material, it now assessed in relation to the statutory provisions currently in force.

- 5.2. The site remains zoned for residential use under the Dun Laoghaire-Rathdown County Development Plan 2022-2028. The alteration would increase the density of development on the site from 141 dph to 154 dph. The increased density would be in keeping with objective 35 of the National Planning Framework and with section 5.8 of the 2009 guidelines on sustainable urban residential development which refers to public transport corridors. It would also be in keeping with section 2.4 of the apartment design guidelines of 2020 in relation to accessible urban locations (which is similar to the corresponding provision in the 2018 apartment design guidelines), and objective PHP 18 of the development plan to deliver housing and increased densities where appropriate.
- 5.3. The proposed alteration would not change the height or footprint of the permitted buildings. The changes to their facades would be minor. The proposed additional substation would be located on Church Road, but the wall facing the public street would be finished in granite to maintain the appearance of the existing wall in this place. The alteration would not have a significant effect on the character of the area or the amenities of neighbouring properties, therefore, including those relating to daylight and sunlight. The alteration would be in keeping with policy PHP 20 of the development plan to protect established residential amenities.
- 5.4. The proposed increase in the number of apartments would not result in a significant additional impact on the water service infrastructure serving the site. The maintenance of the number of car parking spaces at 227 will avoid any additional impact on the carrying capacity of the road network in the area. The additional number of apartments proposed in the request would change the ratio between the number of car parking spaces and the standard at table 12.5 of the 2022 development plan from 0.97 to 0.89. The applicable standard is not expressed as a maximum or a minimum in the plan, but one to be applied according to a series of criteria the first of which is proximity to public transport services. As the site was deemed to be in an accessible location in this regard due to the frequency (and hence capacity) of the bus services in its immediate vicinity, the amended proposal would comply with the parking standards in the development plan.

- 5.5. The apartments in the amended scheme would meet the standards set out in the 2020 apartment design guidelines, including its SPPRs and other standards relating to unit mix, internal accommodation, storage, open space, aspect and ceiling height. The altered development would provide its occupants with an acceptable standard of residential amenity in line with the applicable standards. The increase in the size of the shared residential room at lower ground level in Block A would provide a minor improvement to the facilities serving the residents of the proposed development and to the character of the access street in to it. The 2022 development plan requires 40% of apartments in a scheme to be three-bedroom units. The request would increase the number and maintain the proportion of three-bedroom units in the authorised scheme, so a refusal to make the requested alteration would do nothing to achieve the objectives of the new development plan on housing mix.
- 5.6. The amendments sought in the current request would therefore be in keeping with the zoning of the site and national and local policy on residential density, would not significantly change the impact of the permitted development on the character of area or the residential amenities of property in the vicinity of the site, would provide the occupants of the development with an acceptable level of amenity, and would be acceptable in terms of the safety and convenience of road users. They would therefore 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-304823-19 in accordance with the draft order set out below.

REQUEST received by An Bord Pleanála on the 1st day of September 2021 from Strand Court Ltd. under section 146B of the Planning and Development Act, 2000, as amended, to alter the terms of a permitted Strategic Housing Development of 210 apartments and a creche at Churchview Road and Church Road, Killiney, Co. Dublin, the subject of a permission under An Bord Pleanála reference number ABP-304823-19

WHEREAS the Board made a decision to grant permission, subject to 17 conditions, for the above-mentioned development by order dated the 15th day of October 2019 under ABP-304823-19,

AND WHEREAS the Board has received a request to alter the terms of the development, the subject of the permission, on 1st September 2021

AND WHEREAS the proposed alterations are described as follows:

- An increase in the number of authorised apartments from 210 (consisting of 27 one-bedroom units, 160 two-bedroom units and 23 three-bedroom units) to 230 (65 one-bedroom units, 140 two-bedroom units and 25 three bedroom unit)
- An increase in the size of the shared residents' lounge in Block B from 130m² to 357m²
- An increase in the number of bicycle parking spaces from 360 to 405
- An increase of 42m² in the extent of the basement under Block C
- An additional ESB substation and
- Associated and ancillary changes in the internal layout, entrances and elevations of the authorised structures

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 1st September 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-308423-19, in respect of 210 apartments and a creche;
- (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 2022-2028, would not give rise to impacts on the character of the area or the amenities of property in the vicinity 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, 5th May 2022