



An  
Bord  
Pleanála

## Inspector's Report

### ABP-311676-21

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#### Development

Alterations to previously permitted development ABP-305476-19 to include the replacement of permitted plant and refusal storage at ground floor level at apartment Block C with a single 1-bedroom unit 'Type 1C' (56m<sup>2</sup>).

#### Location

Farrankelly, Greystones, Co. Wicklow

#### Planning Authority

Wicklow County Council

#### Applicant

Cairn Homes Properties 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 Farrankelly, Greystones, Co. Wicklow under Section 146B of the Planning and Development Act, 2000, as amended.
- 1.2. Permission was granted on the 15<sup>th</sup> of January 2020 reference ABP-305476-19 for a residential development under the provisions of the SHD legislation for residential scheme of 426 no. dwellings in a mix of houses, apartments and duplex apartments along with a two storey creche of c. 599m<sup>2</sup>, Active Open Space of 4.5 hectares including a soccer pitch, tennis court, multi-use pitch as well as running trails, a greenway of c. 2.4 hectares along Three Trouts stream, as well as the provision of upgrades to the road frontage along the site boundary at Kilcoole Road and Priors Road.
- 1.3. The applicant is making a request to An Bord Pleanála for alterations relating to the permitted development to include internal and external alterations to Block 3 including a reconfiguration of the bike storage and refuse areas and a new bike store beside the permitted creche. An additional car parking space is proposed along Archers Wood Way.

## 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-305476-19 to include:

- The replacement of permitted plant and refuse storage at ground floor level at apartment Block 3 with a single 1-bedroom unit 'Type 1C' (56m<sup>2</sup>);
- Minor external elevational changes at the western elevation of Block 3 to accommodate the apartment unit;
- An additional car parking space associated with the apartment unit to the south of the Block 3 at Archers Wood Way;
- A reconfigured bike store (16 spaces) and refuse storage (13m<sup>2</sup>) south of Block 3 at the western end of the external play area; and
- The addition of a c. 14.5 m<sup>2</sup> bike store (16 spaces) north of the permitted crèche adjacent to the ESB substation.

- 3.2. The alterations specific **to apartments** would comprise of:

- An additional one-bedroom apartment unit on the ground floor of Block 3, replacing a plant room (34.5m<sup>2</sup>) and refuse area (27m<sup>2</sup>).
- External alterations along the west of Block 3 to accommodate the apartment include a change from an existing permitted doors and windows.
- An additional car parking space has been provided to the front of Duplex Block 10, to the south of the site, along Archers Wood Way, replacing a landscaped area.

- 3.3. The alterations specific to **bike parking/ refuse areas** would comprise of:
- The reconfiguration of an existing permitted bike storage facility to the west of the permitted creche (currently 32 spaces) to incorporate a refuse storage area (13m<sup>2</sup>),
  - A new bike storage area (c. 14m<sup>2</sup>) to accommodate 16 spaces, beside the MV Substation along the north of the creche.
- 3.4. In response to **design and layout**, the applicant in the submitted “Planning Report” states that the alterations will result in an increase of one apartment resulting in a total of 427 units (93 apartments). It is considered the proposed alterations to the refuse and bin store will accommodate the number of apartments and the creche. The rationale for the changes relates to the design of the building, which has led to efficiencies in operation, means the plant room is no longer required. The proposed amendments increase the number of units by one. An additional car parking space has been provided along with the required private amenity space (balcony).
- 3.5. With regard to **internal alterations**, the applicant notes the change of the permitted plant room and replacement with a single additional residential apartment are minor. The Schedule of accommodation, submitted with the application, notes the style and layout exceeds the apartment guidelines.
- 3.6. In relation to **external alterations**, the “Planning Report” states the external amendments for the one-bedroom apartment are limited to the permitted openings on the ground floor, originally for the plant room and refuse store. These openings will be replaced with a bedroom window and patio door, to the external private open space, and the alterations will be positive. The report further states that the reconfiguration of the bike store to the west of the creche and the new bike store location at the north of the crèche are conveniently located and integrated with the permitted development.
- 3.7. The “Planning Report” states that the alterations will not have any impact on the overall permitted development. The increase in one unit will not significantly alter the net density on the site (c. 35.7uph) and the overall development is in compliance with the relevant management standards of Wicklow County Development Plan 2016-2022, and the Greystones-Delgany and Kilcoole Local Area Plan 2013-2019. 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 report was accompanied by an engineering opinion which confirms there will be no material change to the parking, watermain, storm and foul drainage requirements of the alterations.

- 3.8. Table 6.1 of the “Planning Report” includes a review of the chapters of the original Environmental Impact Report (EiAR). Appendix 1 of the “Planning Report” includes an overview of the required information in Schedule 7A of the Planning and Development Regulations 2001, as amended. Appendix 2 comprises of a statement indicating how the results of other relevant assessments of the effects on the environment carried out pursuant to European Union (EU) legislation have been considered. The applicant submits that the proposed alterations do not change the results of the EIA and could not reasonably be expected to have any significant effects on the environment. 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 a ground floor unit on the western side of Block 3 and associated alterations to refuse areas and bike storage to accommodate this change. An additional carparking space has been included along the Archers Wood Way, one of the main access routes, for the one-bedroom apartment. The proposed amendments to the internal layout and external elevation changes and reconfiguration of the ancillary residential amenity provision and crèche are noted.
- 4.2. In relation to the changes to the **amendments to Block 3**, the main alteration relates to the removal of the refuse and plant area and the replacement with a one-bedroom apartments. 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 ABP 305476-19 and a large standalone residential amenity area is located within the vicinity of Block 3. There has been no alteration to the quantum of public open space provision and a private balcony (c.6.7m<sup>2</sup>) is provided for the new apartment in line with Appendix 1 of the Sustainable Urban Housing: Design Standards for New Apartments. 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, aside from the crèche and bike storage, include an increase in the entrance hall circulation area for Block 3. The external alterations, to accommodate the new apartment include a change from a door (into the plant room) to a window, and double door (into the refuse room) to a patio door. These alterations are considered minor and would have no significant impact on the surrounding area and indeed may have a positive impact on the visual amenity, having regard to the ground floor location close to a public footpath

- 4.3. The proposed changes to the **refuse area and bike storage** include reconfiguration of the bike storage area for refuse area, of the current permitted bike storage area, (Ancillary Building no. 1) and the relocation and construction of a new bike storage building (Ancillary Building no. 2). The removal of the bike storage area from the west of the creche, to the north of the crèche (Ancillary Building No. 1), will ensure both the refuse and bike storage areas for Block 3 are adjacent to each other. There are no significant internal amendments, other than a new partition wall, and the external alterations include a new double door for the refuse area. The new double doors will be the same size and design as these existing doors and, it is my opinion, there will be no impact on visual amenity. The new bike storage area (Ancillary Building No. 2) is located to the north, rear, of the permitted creche, beside a permitted substation. The height, scale and mass (c.14.5m<sup>2</sup>) is in keeping with the substation and access doors are similar in nature to the permitted scheme.
- 4.4. In terms of impact on the residential amenity from these external alterations (change in doors and windows), there is no increase or change which would lead to any negative impact on the permitted properties in the scheme. The change of the design of the doors and windows in Block 3 will have no significant negative impact on the

design or layout of this elevation and the bike storage areas are amendments to existing ancillary areas or minor extensions. The quantum of bike storage spaces will remain the same as the permitted scheme (ABP 30547-19). The additional car parking space requires the removal of a small, landscaped area, although having regard to the expanse of landscaping in the overall development, the impact will be minor in nature. In this regard, it is my opinion that the changes to the crèche are minor in nature and not material.

- 4.5. The amendments proposed are largely within the footprint of the permitted development. The alterations are primarily to the internal layout, including reconfiguration of space to accommodate changes to plant/refuse area for the one-bedroom apartment. External amendments are largely associated with the additional bike storage area (Ancillary Building No. 2) at the rear of the permitted crèche. The apartments remain in compliance with all standards as per the '*Sustainable Urban Housing: Design Standards for New Apartments*, where applicable.
- 4.6. The amendments are not, in my opinion, material, in that they mainly affect only the internal layout of Block 3, the bike storage/ refuse areas adjoining the crèche and do not have a significant effect on the external appearance of the permitted scheme. The amendments to the ground floor of Block 3 and those bike storage areas, 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.
- 4.7. 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.
- 4.8. 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-305476-19, 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.

- 4.9. Environmental Impact Assessment (EIA): The Board undertook an EIA of that permitted development under ABP-305476-19 and concluded the Environmental Impact Assessment Report was reasonable to allow a reasoned conclusion on the significant effects of the proposed development and that, having regard to mitigation measures, the proposed development would have no significant impact on the environment. A detailed assessment (Table 6.1) of the impact on the proposed development on each topic area 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. I note the information in Table 6.1 of the submitted Planning Report refers to a different development (i.e., Clay Farm Phase 2 (ABP Reg Ref. 301522-1) which I consider is a technical error. I note the information contained within this environmental assessment is specifically linked to the proposed development at Farrankelly, Greystones, and I consider the submitted information sufficient to conclude that no new considerations arise from the alterations and the proposal is unlikely to have a significant effect on the environment.
- 4.10. 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.
- 4.11. Appropriate Assessment: A Screening for Appropriate Assessment was submitted with the application under ABP-305476-19. The site is located c. 3.2km south of Bray Head SAC, c. 1.2km to the east of Glen of the Downs SAC and c. 2.4km to the north west of The Murrough Wetlands SAC. The AA Screening Assessment considered all Natura 2000 site and concluded the Glen of the Downs SAC and Murrough Wetlands SAC as the only possible Natura 2000 site with a potential pathway. 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 any European site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.



- 4.12. A revised screening report accompanied the proposed amendments which include an assessment of the impact on those three closest European Sites (The Murrough Wetlands SAC (site code: 2162) and The Murrough SPA (site code: 4186) and Glen of the Downs SAC (site code: 0719)) and a further eight (Rockabill to Dalkey Island SAC (site code: 0300), Dalkey Islands SPA (site code: 4172) Knocksink Wood SAC (site code: 0725), Ballyman Glen SAC (site code: 0713), Wicklow Mountains SAC & SPA (site codes: 2122 & 4040), Bray Head SAC (site code: 0714), Carriggower Bog SAC (Site Code: 000716)) within the 15km radius. 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.
- 4.13. Having considered the Board's determination on Appropriate Assessment on ABP-305476-19 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-305476-19 and that the permitted development shall be altered in accordance with the plans and particulars received by An Bord Pleanála on 15<sup>th</sup> of January 2020.

### DRAFT ORDER

**REQUEST** received by An Bord Pleanála on the 14<sup>th</sup> of October 2021 from John Spain Associates on behalf of Cairn Homes Properties Ltd, under section 146B of the Planning and Development Act, 2000, as amended, to alter the terms of the Strategic Housing Development within the townlands of Farrankelly & Killincarrig,

Delgany, Greystones, County Wicklow, which is the subject of a permission under An Bord Pleanála reference number ABP-305476-19.

**WHEREAS** the Board made a decision to grant permission, subject to conditions, for the above-mentioned development by order dated the 15<sup>th</sup> of January 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:

The replacement of a plant room and refuse store located at ground floor level at apartment Block 3 with a 1-bedroom apartment including external patio and external elevational changes, the reconfiguration of bin and bike storage to the south of Block 3, at the permitted creche, and the introduction of a new bike store for 16 bikes (14.5 sqm) and an additional surface car parking space on Archers Wood Way to facilitate the proposed unit.

**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-305476-19 to permit:

In relation to **Block 3 and the permitted creche**, the alterations would comprise of:

- The replacement of permitted plant and refusal storage at ground floor level at apartment Block 3 with a single 1-bedroom unit 'Type 1C' (56m<sup>2</sup>);

- Minor external elevational changes at the western elevation of Block 3 to accommodate the apartment unit;
- An additional car parking space associated with the apartment unit to the south of the Block 3 at Archers Wood Way;
- A reconfigured bike store (16 spaces) and refuse storage (13m<sup>2</sup>) south of Block 3 at the western end of the external play area; and
- The addition of a c. 14.5 m<sup>2</sup> bike store (16 spaces) north of the permitted crèche adjacent to the ESB substation.

### **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-305476-19 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  
15<sup>th</sup> of November 2021