



An
Bord
Pleanála

S. 4(1) of Planning and Development (Housing) and Residential Tenancies Act 2016

Inspector's Report ABP-311752-21

Strategic Housing Development

Alterations to previously permitted development ABP-305878-19 to include revised locations of some of the ESB substations and the provision of an additional substation, the omission of bike store beside Block B1 and the provision of replacement bike parking spaces.

Location

'Beechpark' and 'Maryfield',
Scholarstown Road, Dublin 16.

Planning Authority

South Dublin County Council

Applicant

Ardstone Homes Limited.

Inspector

Stephen Rhys Thomas

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1.0 Introduction

This is an assessment of a request for proposed alterations submitted under section 146B of the Planning and Development Act 2000 to a permitted strategic housing development permitted by the Board under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016.

2.0 Site Location and Description

2.1. The Inspector's Report relating to ABP-305878-19 describes the site as follows:

The proposed development is located at Scholarstown Road in Knocklyon, County Dublin, close to Junction 12 of the M50. The site has an extensive frontage along the R113 Scholarstown Road to the south, the remaining boundaries of the site back onto existing housing. Low density housing in the vicinity comprises two storey semi-detached dwelling houses to the north and east and a higher density part three – part four storey 'Ros Mor View' apartment development and detached dwellings including a protected structure to the west. Directly opposite the site on Scholarstown Road is St. Colmcille Community School. The north-east of the site abuts the public open space at Dargle Park which provides an east-west pedestrian connection from Templeroan Road to Knocklyon Road.

Works are also proposed to Scholarstown Road and Woodfield junction including new traffic signals, the elimination of the left-turn slip-lane into Woodfield off Scholarstown Road, upgraded public lighting and upgraded cycle and pedestrian facilities on an area measuring 0.7 hectares, providing a total application site area of 6.05 hectares. The wider area also contains a mix of other uses such as education facilities and local shops including Knocklyon Shopping Centre (to the west) which contains a large supermarket and other retail and commercial units. There is also neighbourhood level commercial units located at Orlagh Grove to the south west including a small convenience store.

The subject site accommodates a single storey dwelling and a two storey dwelling together with a stable block. The overall impression of the site is that it is level, however, there is a perceptible slope downwards to the north east of the site and a slight depression at the south eastern corner. The boundaries to existing semi-

detached housing is a stout concrete block wall, mostly two metres in height. A good number of the houses along the north and eastern boundaries have single storey rear extensions and a very small number (at most three) have two storey projecting extensions to the rear. The boundary to the south of the site comprises a 1.2 metre concrete block wall, rendered to the footpath side and backed by a line of mature trees. The boundary to the protected structure (Ros Mor House) comprises a thick belt of mature trees, both evergreen and deciduous. The subject lands are in grass at present and there are a number of solitary mature trees within the site that lend a pleasing aspect to the open character of the site.

3.0 Planning History

ABP-305878-19 - Permission was granted by the Board for the construction of 590 dwellings, crèche and retail/commercial units, the detail comprises:

Parameter	Site Proposal
Application Site	5.35 ha (6.05 ha inclusive of Scholarstown Road)
No. of Units	590 apartments
Unit Breakdown	246 – one bed apartments (build to rent) 289 – two bed apartments (234 build to rent and 55 build to sell) 55 – three bed apartments (build to sell)
Other Uses	Childcare Facility - 438 sqm (101 spaces) 2 Retail Units – 328.5 sqm 2 Café/restaurant units – 616.5 sqm
Car Parking	459 spaces (178 basement and 281 surface)
Bicycle Parking	800 spaces
Vehicular Access	Two access points taken from Scholarstown Road.
Part V	60 units (26 one bed and 34 two bed units)

Aspect	51% of apartments described as dual aspect.
Density	110 units/ha. <i>590 units per ha on a net site area of c.5.35ha., as stated by the applicant.</i>

3.1. The submitted request is for revised locations of some of the ESB substations on the subject site and for the provision of an additional substation. As a result of the requirement for these revised locations, some knock-on impacts arise, which require amendment, comprising: omission of a bike store at Block B1 to maintain car parking spaces and the relocation of these 40 bike spaces to slightly enlarged bike stores at Blocks A8 and A9. Permission was granted by the Board, subject to 34 conditions, on 9th March 2020 under the Strategic Housing Development provisions. The permission was granted after the Board concluded that after an environmental impact assessment the effects on the environment of the proposed development, by itself and in combination with other development in the vicinity, would be acceptable, and that after screening for appropriate assessment concluded that a Stage 2 Appropriate Assessment was not required.

3.2. The following conditions are of note:

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement, such issues may be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

18. The landscaping scheme as submitted to An Bord Pleanála shall be carried out within the first planting season following substantial completion of external construction works. All planting shall be adequately protected from damage until

established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority. The developer shall retain the services of a suitably qualified Landscape Architect throughout the duration of the site development works. The developer's Landscape Architect shall certify to the planning authority by letter his/her opinion on compliance of the completed landscape scheme with the approved landscape proposal within six months of substantial completion of the development hereby permitted.

Reason: In the interests of residential and visual amenity.

4.0 Proposed Changes

The changes proposed as part of the subject request is as follows:

1. The omission of the permitted substation to the north of Block A9, located within a bike/bin store. A single substation and associated switch room to the southwest of Block C2 (28.7 sq m), a single substation and associated switch room to the east of Block B2 (30.1 sq m) and a single external ESB metering cabinet to the south elevation of Block C3.
2. The omission of a bike store beside Block B1, the spaces from this store will be accommodated within the existing store at Block A9 in lieu of the substation in this location to be removed. This structure is proposed to increase in size by 1.9 sq m from 75.6 sq m to 77.5 sq m. Spaces are proposed to be accommodated in a slightly enlarged bike store beside Block A8, which increases by 3 metres in length, an increase in size from 30.9 sq m to 45.5 sq m.

5.0 Requester's Submission

- 5.1. The requester's submission can be summarised as follows:

ESB Substations

After consultation with the ESB Design Engineer, a better solution for the location of substations was agreed. The revised locations are considered to provide a better visual amenity for residents. The new locations are shown on the submitted drawings

and for clarity Drawing No. 1105 sets out the permitted and proposed ESB Substations/Switchrooms. The proposed amendment in respect of the ESB requirements results in the provision of 2 new substations and the omission of 1 substation (located within a bike/bin store) resulting in a net gain of two new units.

Omission of Bike Store

The resultant impacts of locating a new ESB substation east of Block B2 means that a bike store has to be removed. The spaces lost from this bike store will be accommodated in already permitted bike stores at Blocks A8 and A9, albeit slightly enlarged.

The requester has included the following documentation: covering letter/report, and architectural drawings.

6.0 **Legislative Basis**

6.1. 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.

6.2. 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”.

6.3. Alteration is a material alteration - Section 146B(3)(b) provides that if the Board decides that the making of the alteration would constitute the making of such a material alteration, it shall - “(i) by notice in writing served on the requester, require the requester to submit to the Board the information specified in Schedule 7A to the Planning and Development Regulations 2001 in respect of that alteration, or in respect of the alternative alteration being considered by it under subparagraph (ii)(II), unless the requester has already provided such information, or an environmental impact assessment report on such alteration or alternative alteration, as the case may be, to the Board, and

(ii) following the receipt of such information or report, as the case may be, determine whether to —

(I) make the alteration,

(II) make an alteration of the terms of the development concerned, being an alteration that would be different from that to which the request relates (but which would not, in the opinion of the Board, represent, overall, a more significant change to the terms of the development than that which would be represented by the latter alteration), or

(III) refuse to make the alteration”.

7.0 **Assessment**

7.1. **Consideration of Materiality**

7.1.1. As indicated in the preceding section, the first consideration in relation to this request to alter the terms of ABP-305878-19 is to determine if the making of the alteration would constitute the making of a material alteration to the terms of the development as granted. The permitted development allowed the provision of ESB substations and bike stores (including bin stores). These facilities are located throughout the site and shown on the permitted layout drawing, number P-S-R-002.

7.1.2. The proposed alterations refer to ESB substations, a metering cabinet and bike stores. In relation to the substations, a substation north of Block 9 will be omitted

from within the bike and bin store, two similarly sized new substations will be located southwest of Block C2 and the other east of Block B2. A metering cabinet will be located on the external wall of Block C3. In effect the sum total of new additions will be two new substations and a new metering cabinet. The metering cabinet is a minor piece of infrastructure and blends into the façade of Block C3, drawing SCH-JFA-XX-XX-DR-A-1107 refers. I do not consider this to be new floor area and nor is it obtrusive in appearance so as to materially affect the elevational treatments of Block C3. The two new substations will resemble other facilities throughout the scheme, measuring 28.7 sqm and 30.1 sqm, they are an essential infrastructural item and required by the ESB, for the safe and efficient operation of the development. I do not consider this to be new floorspace as it benefits no occupants, and the location of each substation will not materially impact upon the overall landscaping plan. There will be no material reduction in public open space or car parking spaces as a result of these two installations. Some cycle spaces will be lost east of Block B1 but these will now be accommodated in two upsized bike stores on the western side of the site.

7.1.3. In relation to the marginal upsizing of permitted bike stores to accommodate the transferal of cycle spaces from the omitted bike store east of Block B1, I see this as a logical proposal. There will be no material loss of cycle spaces and some surface stands will still remain in situ east of Block B1. The reason for the removal of the cycle store east of Block B1 is to ensure car parking spaces are not reduced because of the location of the new substation. The marginal increase to the floor space of the two upsized bike stores will result in an imperceptible loss of public open space at the margins of the site. For reference the open space lost will amount to 17 sqm or 0.2% of the planned open space of the overall site (proposed public open space is 0.8026 Hectares). All of these changes have been designed to ensure, the residential amenity of future occupants would be maintained and I concur with this approach.

7.1.4. The amendments are not, in my opinion, material, in that they do not affect the overall usable floor space of the development, neither car parking nor cycle spaces will be lost, public open space will remain the same and the location of the two substations and metering cabinet have been selected so as to maintain residential amenity and are unobtrusive in design and scale. Furthermore, I am of the opinion that the relevant planning issues would not be considered 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.

7.2. Conclusion

- 7.2.1. Having considered the proposed alterations requested and having considered the proposal as granted under ABP-305878-19 I consider that the Board would not have determined ABP-305878-19 differently had the addition of two new ESB substations, a metering cabinet, and enlargement of originally proposed bike stores, as now proposed, if the alterations had formed part of ABP-305878-19 at parent application stage. I consider it reasonable to conclude that the proposal subject of the request does not constitute the making of a material alteration of the development as granted under ABP-305878-19. Therefore, I consider 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.
- 7.2.2. I have considered the provisions of s.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 alteration; the information on file; the nature, scale and extent of the development granted under ABP-305878-19, and the information on ABP-305878-19 including the submissions from the public, 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.

7.3. Environmental Impact Assessment

- 7.3.1. As I outline above, 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.

7.4. Appropriate Assessment

- 7.4.1. Under ABP-305878-19 the Board completed an Appropriate Assessment Screening exercise in relation to Natura 2000 sites and accepted and adopted the screening

assessment and conclusion carried out in the Inspector's report that by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the sites' conservation objectives, and that a Stage 2 Appropriate Assessment was not required.

- 7.4.2. Having considered the Board's determination on Appropriate Assessment on ABP-305878-19, section 11 of the Inspector's Report on ABP-305878-19, the nature, scale and extent of the proposed alterations relative to the development subject of and approved under ABP-305878-19 which itself was not considered likely to have a significant effect, I conclude that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. I recommend that the Board decides that the making of the alteration which is subject of this request does not constitute the making of a material alteration of the terms of the development as granted permission under ABP-305878-19 and that it makes the alteration under section 146B(3)(a) of the Planning and Development Act, as amended.

DRAFT ORDER

REQUEST received by An Bord Pleanála on the 22nd October 2021 from Ardstone Homes Limited under section 146B of the Planning and Development Act, 2000, as amended, to alter the terms of the Strategic Housing Development at Lands at 'Beechpark' and 'Maryfield', Scholarstown Road, Dublin 16, which is the subject of a permission under An Bord Pleanála reference number ABP-305878-19.

WHEREAS the Board made a decision to grant permission, subject to conditions, for the above-mentioned development by order dated the 9th March 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 previously permitted development ABP-305878-19 to include revised locations of some of the ESB substations and the provision of an additional substation, the omission of bike store beside Block B1 and the provision of replacement bike parking spaces.

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 alters the above mentioned decision so that the permitted development shall be altered in accordance with the plans and particulars received by An Bord Pleanála on the 22nd October 2021.

REASONS AND CONSIDERATIONS

Having regard to:

- (i) the nature and scale of the Strategic Housing Development permitted under An Bord Pleanála Reference Number ABP-305878-19 for this site,
- (ii) the screening for appropriate 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.

Stephen Rhys Thomas
Senior Planning Inspector

15 November 2021