



An
Bord
Pleanála

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

Inspector's Report ABP-312219-21

Strategic Housing Development

Alterations to previously permitted development ABP-305267-19 to include minor design changes and associated site works.

Location

Lands in the townlands of Kilcarbery, Corkagh Demesne, Deansrath and Nangor, Co. Dublin

Planning Authority

South Dublin County Council.

Applicant

Adwood Limited.

Inspector

Sarah Moran

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1.0 Introduction

- 1.1. 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-305267-19 describes the site as follows:

The site (stated area 28.6 ha) is greenfield lands located c. 2 km west of Condalkin Village. The site area is defined by the Old Nangor Road L5254 to the north, the R136 Outer Ring Road / Grange Castle Road to the west, Corkagh Park to the south and the established residential area of Kilcarbery Avenue / Cherrywood Park to the east. The development site is the majority of the c. 35 ha of the Kilcarbery Grange Masterplan lands. Scoil Mochuda and Spina Bifida Hydrocephalus Ireland are located to the immediate north of the site, accessed via the Old Nangor Road R134 beyond. There are also several residential properties immediately adjoining the northern site boundary. There is a Part VIII housing scheme currently under construction to the immediate east of the site, with a new access from the Old Nangor Road. The Camac River is c. 100m south of the site, within Corkagh Park. The site is generally flat, with levels falling from the south western corner to the north and eastern site boundaries. There are a significant amount of mature trees and hedgerows and a series of drainage ditches within the site. The documentation on file indicates that the site has been subject to unlicensed dumping of domestic and C & D waste and there was some waste present at site inspection.

3.0 Planning History

3.1. Subject Permission ABP-305267-19

- 3.1.1. The Board granted permission on 5th December 2019 for the following development at the subject site:

- Construction of 1,034 no. residential units comprising:

- 449 number three-bed two-storey houses (House Type A, A1, A2, B, C, D, G and H)
- 31 number four-bed two-storey houses (House Type E and J)
- 98 number four-bed three-storey houses (House Type F and F1)
- 154 number own door duplex / apartment units including:
 - 41 number one-bed duplex / apartments (Type M1 & M2)
 - 49 number two-bed duplex / apartments (Type K, N1 & N2)
 - 64 number three-bed duplex / apartments (Type L, L1, L2 & L3)
- 302 number apartment units accommodated in nine number four to six storey buildings (with own door access ground floor apartments) including:-
 - Block 1 accommodating 29 number apartments (six number one-beds, 18 number two-beds and five number three-beds)
 - Block 2 accommodating 24 number apartments (four number one-beds, 15 number two-beds and five number three-beds)
 - Block 3 accommodating 30 number apartments (13 number one-beds, 17 number two-beds)
 - Block 4 accommodating 30 number apartments ((13 number one-beds, 17 number two-beds)
 - Block 5 accommodating 45 number apartments (12 number one-beds, 22 number two-beds and 11 number three-beds)
 - Block 6 accommodating 37 number apartments (16 number one-beds and 21 number two-beds)
 - Block 7 accommodating 37 number apartments (16 number one-beds and 21 number two-beds) – Temporary childcare facility at ground floor level to revert to seven number residential units on completion of permanent purpose-built childcare facility in Phase 3
 - Block 8 accommodating 33 number apartments (five number one-beds, 23 number two-beds and five number three-beds)

- Block 9 accommodating 37 number apartments (16 number one-beds and 21 number two-beds)
- Private rear gardens are provided for all houses. Private patios/terraces and balconies are provided for all duplex and apartment units. Upper level balconies are proposed on elevations of all multi-aspect duplex and apartment buildings.
- The permitted development includes, in addition, one number retail unit (circa. 178 square metres gross floor area), one number community building (circa. 785 square metres gross floor area), one number temporary childcare facility (circa 557 square metres gross floor area in lieu of seven number ground floor apartment units in Block 7 pending construction of a permanent childcare facility at Grange Square) and one number permanent childcare facility at Grange Square (circa. 909 square metres gross floor area).
- All associated and ancillary site development works, hard and soft landscaping, boundary treatment works, including:-
 - New vehicular access from Outer Ring Road / Grange Castle Road (R136) (left in and left out arrangement) to the West and two number new vehicular access points onto Old Nangor Road (L5254) to the North and associated works to existing adjoining roads;
 - New internal street network, including spine road (circa. six metres in width) extending from Outer Ring Road/Grange Castle Road (R136) to the West onto Old Nangor Road (L5254) to the North;
 - New pedestrian and cycle path network;
 - Public amenity open space (circa. 4.6 hectares);
 - Surface water attenuation measures (SuDs);
 - Wastewater pumping station including 18-hour storage tank and associated infrastructure;
 - 1,510 number surface car parking spaces;
 - 1,105 number covered bicycle parking spaces and communal bin storage for all terraced houses, duplex / apartments and apartment blocks.

- 3.1.2. The application was subject to Environmental Impact Assessment and Appropriate Assessment Screening.
- 3.1.3. The Board granted permission subject to 23 no. conditions. Condition no. 5 required the following amendments:
- a) House unit numbers 346 and 348 shall be amended to provide a dual frontage, presenting an active frontage onto the Old Nangor Road. Boundary treatment to the units onto the road shall be revised to allow more passive surveillance.
 - b) House unit numbers 46 and 89 shall be amended to provide a dual frontage, presenting active frontages to Old Nangor Road.
 - c) The individual communal open spaces to the rear of apartment Block 7 and duplex Block 5 shall be amalgamated to provide a single communal space to serve all 45 units in both blocks, with associated communal open space, car and cycle parking, refuse storage area and boundary treatments

None of the other conditions imposed involved any significant changes to the development.

- 3.1.4. The Requestor states that construction has commenced on the permitted development.
- 3.2. There is no other significant planning history relating to the development site.

4.0 Requested Alterations

- 4.1. The following alterations to the permitted development are requested:
- Inclusion for the option of House Type A3 (four-bed with study) whereby the attic space of 30 number permitted House Type A2 is provided as habitable space comprising a study and an additional bedroom.
 - Alteration to 42 number House Type F to include two number additional gable windows. Revised House Type F to be called F2.
 - Alteration to 16 number House Type F1 to include two number additional gable windows. Revised House Type F1 to be called F3.
 - Increase in the size of the bin stores associated with Apartment Blocks 1 and 8 to accommodate a water tank for each respective Block.

- Addition of a water tank structure to the southern elevation of Apartment Block 2.

5.0 Requestor's Submission

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

- The requested new House Type A3 (four-bed with study) will improve the overall variety of house types across the development. The requested alteration to provide attic study space is to facilitate working from home as a result of Covid-19 restrictions. The requested alteration to House Type A2 does not involve any change to the built form of the permitted houses. Prospective homeowners will have the option of House Type A2 or A3.
- The requested new House Type A3 generally meets the requirements for residential development as set out in the South Dublin County Development Plan 2016-2022 and the Design Standards: Quality Housing for Sustainable Communities (2007), as per the submitted Housing Quality Assessment. The living room area of House Type A3 is marginally (1.3 sq.m.) below the standard set out in the Quality Housing for Sustainable Communities guidance. It is submitted that several compensatory factors apply:
 - The total Living/ Kitchen / Dining area is approx. 3 sq.m. smaller than required. However, when the study area is included, the combined space is 3.5m above the standard.
 - The overall GFA of the revised house type is 35 sq.m. above the minimum requirement (approx. 30% larger than required).
 - The provision of a study will provide added adaptability in the context of Covid-19 restrictions, which is promoted in the Quality Housing for Sustainable Communities guidance.
 - The permitted House Type A2 has sufficient rear garden space to meet the minimum requirements for a four-bed house as per development plan standards.
- This requested alteration would involve the following revised housing mix:

No. Bedrooms	One-bed	Two-bed	Three-bed	Four-bed	Total
Permitted Unit Mix (no. / %)	142 (14%)	224 (21.5%)	539 (52%)	129 (12.5%)	1034
Proposed Unit Mix (no. / %)	142 (14%)	224 (21.5%)	509 (49.1%)	159 (15.4%)	1034

It is submitted that the requested revised housing mix would offer an excellent variety of house types across the development. It is submitted that the overall development remains consistent with development plan Objective H10, which is to ensure that new residential developments provide for a wide variety of housing types, sizes and tenures in line with the Interim South Dublin County Council Housing Strategy 2016-2022. The requestor notes that the overall number of housing units remains unchanged.

- The requested alterations to the end-of-terrace House Types F and F1 are to provide additional gable windows to provide additional light to the internal stairwells, to create the new House Types F2 and F3. The proposed additional gable windows are fitted with obscure glass. The requested alterations to House Types F and F1 do not involve any change to the built form of the permitted houses.
- The requested increase in the size of the bin stores at Apartment Blocks 1 and 8 is to accommodate a water tank for each respective apartment block. A standalone water tank structure will be provided for Apartment Block 2. The requirement for separate water tanks for these apartment blocks arose through the detailed design process as the water tanks could not be accommodated at ground floor level without changing the permitted apartment layouts. The requested alterations do not involve any change to the permitted form of Apartment Blocks 1, 2 and 8. These alterations will not result in any significant decrease in the communal amenity area associated with the apartments, with the remaining communal open space areas still significantly above the minimum standard required.

- The requested alterations will not result in any significant changes to the permitted built form, such that there would be potential impacts on visual or residential amenities.
- The requested alterations would not result in any significant change to the permitted residential density across the development site.
- The requested alterations do not involve any changes to the permitted roads infrastructure and would not result in any significant additional traffic impacts. They would not result in any change to car parking requirements. Bicycle parking for houses can be readily accommodated in private gardens.
- The requested alterations do not involve any changes to the permitted drainage or water services. There will be no change to flood risk.
- None of the requested alterations relate to units to be transferred to South Dublin County Council under Part V.
- The Board is referred to the Appropriate Assessment of ABP-305267-19. The AA Screening Report submitted with the S146B request demonstrates that there is no significant change between the requested alterations and the permitted development and that no new issues arise in relation to environmental impacts or the relationship with designated sites.
- The permitted development ABP-3052567-19 was subject to EIA. Given the minor nature of the requested alterations, the requestor is satisfied that they would not change Board's conclusions in respect of the EIA of ABP-3052567-19. The submitted Planning Report includes an EIAR Addendum in support of the requested alterations, which provides an overview of all environmental topics considered under the EIAR of ABP-3052567-19.
- The requestor submits that the requested alterations are modest in nature and do not give rise to any new considerations to those considered by the Board under ABP-305267-19, or to any significant new planning or environmental impacts and are therefore non-material.

5.2. The requestor has included the following documentation:

- Planning Report dated December 2021 (includes EIAR Addendum)

- Housing Quality Assessment of revised house types
- Engineering Statement dated 8th December 2021
- AA Screening Report dated 13th December 2021
- Drawings, plans, elevations and sections

6.0 Legislative Basis

6.1. 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.

7.0 Assessment

7.1. Consideration of Materiality

- 7.1.1. The first consideration in relation to this request to alter the terms of ABP-305267-19 is to determine if the making of the alterations would constitute the making of a material alteration of the terms of the Strategic Housing Development as granted. I consider that the substantive issue is whether the requested alterations are materially different compared with those subject to the previous assessment. I consider that the principal potential impacts relating to the requested alterations are housing mix, impacts on visual and residential amenities, site services, surface water drainage, traffic and transportation and environmental impacts.
- 7.1.2. The requested alterations do not involve alterations to the overall number of housing units. They involve a marginal change to the overall housing mix and a minor increase in the total GFA of the permitted development. Given that the alterations involve only one extra bedroom at a limited number of units across the scheme (30 no. units), they will not result in a substantial increase in population at the overall development from that already permitted. There is no change to the built form of the units in question or to the layout of the development. The requested alterations will not result in any substantial change to the quality or quantity of external communal amenity space or public open space.
- 7.1.3. Having regard to the submitted plans, elevations and sections, I am satisfied that the requested alterations will not involve any change to the quality of the permitted residential accommodation or raise any issues in terms of consistency with national, regional or local planning policy on residential development.
- 7.1.4. I am satisfied, with regard to the submitted plans, sections and elevations, that the requested alterations will not result in any significant change to impacts on visual or residential amenities from those of the permitted development. I note in this regard that the proposed new gable windows will have opaque glazing.

- 7.1.5. There are no changes to car or cycle parking or to the permitted roads / pedestrian / cycle layout. No new issues arise in terms of traffic or transportation impacts.
- 7.1.6. The alterations do not involve any changes to site services or to surface water impacts or flood risk. The requested alterations will have negligible impacts on water supply, foul water disposal, surface water drainage, and no significant flood risk. The requested alterations will not result in any further impacts or additional mitigation measures.
- 7.1.7. The alterations are not, in my opinion, material, in that they do not significantly affect the overall usable floor space of the development, car parking spaces will not be lost, public open space will remain the same, residential density remains generally the same, and the location of streets will not alter to any significant degree. I am satisfied that the relevant planning issues would not be considered differently to any material extent with the design, layout and housing mix as now proposed, and it is considered that no other planning issues would arise, had the layout and housing mix as now proposed formed part of the plans at application stage.

7.2. Conclusion

- 7.2.1. Having considered the requested alterations and having considered the development permitted under ABP-305267-19 I consider that the Board would not have determined ABP-305267-19 any differently had the requested alterations been included in that development at 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-305267-19. 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-305267-19, and the

information on ABP-305267-19 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 requested 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. The submitted EIAR Addendum, dated December 2021, is noted in this regard.

7.4. Appropriate Assessment

- 7.4.1. Under ABP-305267-19 the Board completed an AA 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-305267-19, section 12.0 of the Inspector's Report on ABP-305267-19, the submitted AA Screening Report dated December 2021, the nature, scale and extent of the requested alterations relative to the development subject of and approved under ABP-305267-19, 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 alterations which are subject of this request do not constitute the making of a material alteration of the terms of the development as granted permission under ABP-305267-19 and that it makes the alterations under section 146B(3)(a) of the Planning and Development Act, as amended.

DRAFT ORDER

REQUEST received by An Bord Pleanála on the 15th December 2021 from Adwood Limited under section 146B of the Planning and Development Act, 2000, as amended, to alter the terms of the Strategic Housing Development at the Townlands of Kilcarbery, Corkagh Demesne, Deansrath and Nangor, Co. Dublin, which is the subject of a permission under An Bord Pleanála reference number ABP-305267-19.

WHEREAS the Board made a decision to grant permission, subject to conditions, for the above-mentioned development by order dated the 5th December 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:

- Inclusion for the option of House Type A3 (four-bed with study) whereby the attic space of 30 number permitted House Type A2 is provided as habitable space comprising a study and an additional bedroom.
- Alteration to 42 number House Type F to include two number additional gable windows. Revised House Type F to be called F2.
- Alteration to 16 number House Type F1 to include two number additional gable windows. Revised House Type F1 to be called F3.
- Increased in the size of the bin stores associated with Apartment Blocks 1 and 8 to accommodate a water tank for each respective Block.
- Addition of a water tank structure to the southern elevation of Apartment Block 2.

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 15th December 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-305267-19 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.

Sarah Moran
Senior Planning Inspector
2nd April 2022