



An  
Bord  
Pleanála

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

## **Inspector's Report ABP-312262-21**

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### **Strategic Housing Development**

Alterations to Block 1 to 6 of  
previously permitted ABP-307656-20.

### **Location**

Rathbourne, Pelletstown, Dublin 15.

### **Planning Authority**

Dublin City Council.

### **Applicant**

Ruirside Developments Limited.

### **Inspector**

Stephen Rhys Thomas.

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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-307656-20 describes the site as follows:
- 2.2. *The site is located in Pelletstown, Ashtown, approximately 5.5 kilometres north-west of Dublin City Centre. Pelletstown is a new outer-city mixed-use neighbourhood located between the Royal Canal and Tolka Valley Park. The area is characterised by residential and commercial development, with apartment and duplex development forming the dominant character for the area. To the south, the site bounds the Royal Canal, with playing fields located on the opposite side of the canal, beyond a railway line. To the west of the site is a six storey apartment block and the commercial centre of Ashtown with blocks up to eight storeys. Ashtown Rail Station is situated to the south of this commercial centre. To the east, apartment blocks range in height between four and six/seven storeys in height, with five storeys focused on the canal edge. To the north of the site there are three and four / five storey duplex and apartment blocks on Rathborne Avenue.*
- 2.3. *The overall site is 5.26 ha and is formed out of a large undeveloped site fronting directly onto the Royal Canal. Part of the site comprises a permitted housing development, the portion that relates to this SHD application amounts to 3.07 ha. The site is formed of two sections that are subject to a comprehensive extant planning permission for redevelopment (DCC Reg. Ref. 366/15, ABP Ref. PL29N.246373). The northern component of the site will provide for 92 houses and features two small shed structures associated with previous construction works. The southern component of the site delivers a significant change of scale to that already permitted for the lands.*
- 2.4. *The site slopes upwards from north to south creating a level change that equates to approximately a storey difference in height, with Rathborne Avenue being at the*

*lowest point and the Royal Canal towpath being at the upper level. A significant length of mature hedge runs the length of the southern boundary of the site with the Royal Canal. Beyond the canal lies the Dublin to Sligo railway line, a dense amount of vegetation divides the rail line from the canal.*

### 3.0 Planning History

**ABP-307656-21-** Permission was granted by the Board for the construction of 725 apartments, crèche, café, foodstore, and associated site works. The proposed development on a site of 3.07 hectares would consist of apartment units in six blocks ranging in height from 2 to 14 storeys, detail as follows:

<b>Site Area</b>	5.26 ha red line boundary; 3.07 ha development site area (comprising southern portion of the site).
<b>No. of units</b>	725 apartments.
<b>Density</b>	236 units/ha (based on 3.07 ha site).
<b>Plot Ratio</b>	2.19 (based on 3.07 ha site).
<b>Site Coverage</b>	35% (based on 3.07 ha site).
<b>Height</b>	Between 2 and 14 storeys over basement;  Block 1: 2-7 storeys;  Block 2: 6-12 storeys;  Block 3: 6-14 storeys;  Block 4: 6-14 storeys;  Block 5: 6-12 storeys;  Block 6: 6 storeys.
<b>Dual Aspect</b>	56%
<b>Commercial Floorspace</b>	199 sqm café 2,549 sqm retail / foodstore

	(3,472 sqm total).
<b>Communal Amenity Space</b>	5,480 sqm internal courtyards.
<b>Part V</b>	73 units (10%).
<b>Vehicular Access</b>	From Royal Canal Way to the east, Rathborne Avenue to the west and via internal road network from the north under an extant permission.
<b>Car Parking</b>	419 (0.41 spaces per unit).
<b>Bicycle Parking</b>	811.
<b>Creche</b>	724 sqm. 129 child spaces.

<b>Unit Mix</b>					
<b>Apartment Type</b>	<b>Studio</b>	<b>1 bed</b>	<b>2 bed</b>	<b>3 bed</b>	<b>Total</b>
<b>No. of Apartments</b>	107	226	376	16	725
<b>As % of Total</b>	14.75%	31.17%	51.86%	2.20%	100%

- 3.1. The submitted request is for elevation and configuration changes to levels 00 and 01 block 1, dwelling mix changes, basement configuration changes to blocks 2-6, external finish changes, some repositioned windows block 2-6 and some landscaping changes.
- 3.2. Permission was granted by the Board, subject to 28 conditions, on the 10 November 2020 under the Strategic Housing Development provisions. The permission was granted after the Board concluded that the environmental impact assessment report, supported by the documentation submitted by the applicant, identified and described adequately the direct, indirect and cumulative effects of the proposed development

on the environment, and that after screening for appropriate assessment concluded that a Stage 2 Appropriate Assessment was not required.

## **4.0 Proposed Changes**

The changes proposed by the requester as part of the subject request are as follows:

1. Block 1: (Levels 00 and 01): changes to the retail, café, residential entrances with associated elevational changes and reconfigured car parking, loading, plant and ancillary room layouts.
2. Block 1: residential floors revised (massing similar to permitted block, same number of units retained); studios and 3-bed unit omitted and replaced with 1-bed units; en-suites removed from 2-bed apartments; associated minor level changes. Revisions to the unit mix in Block 1 are to meet the Housing Department of Dublin City Council Part V requirements.
3. Blocks 2-6: Revised Level 00 layout for blocks 2-6 involving amendments to basement layout car parking configuration, revised levels, reconfiguration of plant and plant rooms, bin and bike stores, management room, omission of second entrance to phase 2 carpark; revised external parking layout and loading bay entrances.
4. Blocks 1-6: Revised elevation treatment to Blocks 1-6 involving an increase in the extent of brick to the street facing elevation of Block 1 and full brick facades to all faces of the taller blocks including north-facing elevation. Render façade treatment to courtyard elevations generally. Removal of render from difficult to access areas and a change of balcony material from glass to metal generally to improve robustness and ongoing visual quality of the building; omission of isolated regions of different materials on the facades for a cleaner aesthetic.
5. Block 2 – 6: Minor revisions to window locations and apartment layouts in Blocks 2-6 resulting from fire safety and ESB substation separation requirements.
6. Relocation of plant at level -01 to level 00 – there is now no development at this lower level proposed.

7. Alterations to Landscaping resulting from proposed amendments.

## **5.0 Requester's Submission**

Section 5 of the requester's submission can be summarised as follows:

### **Block 1 – Commercial Floor Area Decreases**

The proposal is to make elevational changes to the retail, café and residential entrances. These changes are necessitated because the retail area has decreased from 2,549sq.m to 2,468sq.m while the café area has decreased from 199sq.m. to 162sq.m. This results in an overall decrease in non-residential area by 118sq.m. There are also changes in the configuration of the undercroft parking area (level 00) alterations to car parking, loading, plant and ancillary room layouts but amendments result in no change to the permitted number of car parking spaces which provided 419 in total under the permitted scheme.

### **Block 1 – Dwelling Mix Changes**

In a response to the requirements of the Housing Department of Dublin City Council with regard to Part V units, the unit mix and configuration has changed but the number of units remains the same. Residential floors are revised (massing similar to permitted block, same number of units retained); studios and 3-bed unit omitted and replaced with 1-bed units; en-suites removed from 2-bed apartments; and some associated minor level changes.

### **Blocks 2 – 6 Basement Changes**

Basement car parking and plant allocation will change throughout blocks 2-6. There will be a revised car parking configuration, revised levels, reconfiguration of plant and plant rooms, bin and bike stores, management room, omission of a second entrance to the phase 2 carpark; and associated minor alterations.

### **Blocks 1-6 Building Finish and Materials**

Revised elevation treatment to Blocks 1-6 will involve a significant increase in the extent of brick generally to the street facing elevation of Block 1 and full brick facades to all faces of the taller blocks including north-facing elevation. Clearer articulation of block volumes through the use of materials – the main bodies of the blocks are clad in buff and light coloured brick, while the linking elements on to the

street are clad in red brick. Render façade treatment to courtyard elevations generally. Removal of render from difficult to access areas and a change of balcony material from glass to metal generally to improve robustness and the ongoing visual quality of the building, omission of isolated regions of different materials on the facades for a cleaner aesthetic.

#### Block 2-6 Window Relocation due to Substations

Due to ESB and Fire Safety requirements, minor revisions to window locations and apartment layouts in Blocks 2-6 are required.

#### Basement Plant

All plant is omitted from the basement level across the site, no development will take place at this level.

#### Landscape Strategy

Due to changes outlined above the following amendments to the landscape element of the proposed development will result:

- Block 1 Level 00, amendment to the landscape layout to the surround of the Block in line with the alterations to the building layout, including a revisions in the landscape at the north western entrance, and southern surround of the Block.
- Block 1 Roof Terrace, amendment to the landscape layout in line with the increased area of the terrace
- Block 1 and 2 Courtyard. Reconfiguration to the landscape layout of the courtyard to accommodate the revisions to the locations of the ventilation openings from the basement carpark and the omission of the loading bay.
- Block 2 and 3 Courtyard. Reconfiguration to the landscape layout of the courtyard to accommodate the revisions to the location of the ventilation openings from the basement.
- Canal Edge. Revisions to the landscape treatment between the southern building lines and the canal towpath to include a maintenance and fire access route to each courtyard and the public open space.



- Block 6 Creche. Revision to the landscape to include an access gate to the eastern boundary of the creche play area.
- Minor associated Landscape alterations at the interface with amended buildings.

## 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-307656-20 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 a small proportion of commercial development, the provision of a combination of different apartment sizes based around central courtyard areas, residential amenity facilities and undercroft car and cycle parking. There will be no change to the overall scheme layout, it remains as an open perimeter block apartment scheme and most changes happen within the envelope of the buildings or undercroft levels. Taking each change in turn:

1. The requester has sought to reconfigure the commercial element of the proposal and these changes will occur at Block 1. Essentially, the retail/café floor areas decrease by 118 sqm or approximately 4%. This is a minor change that still provides commercial offering as originally proposed. The minor drop in commercial floor area changes little in relation to the achievement of mixed use development and still meets the aims and the provision of additional facilities in the area. I also note that observers on the original application

showed concern that the introduction of more retail space is not necessary as there is sufficient retail premises already. The planning authority had no concerns in relation to the proposed commercial elements of the scheme and I anticipate that a 4% drop in commercial floor space would not change their perspective on the proposed development.

Changes are also proposed to level 00 of Block 1 and these include changes needed to incorporate the changes at level 01. Car parking spaces remain the same but lifts and travelators show minor changes in location and position (compare RBNB1-OMP-B1-00-DR-A-1000 with 19016A-OMP-AB01-00-DR-A-1000). A loading bay on the northern elevation will change access arrangements and will not require a truck delivery area. All of these changes occur within the envelope of the original building and landscape and public realm amendments have been incorporated to ensure better integration at street level.

2. The requirements of the Housing Department of Dublin City Council have necessitated a slightly different mix of units. Studio units and the single three bed unit will no longer form part of the proposed development, they are now omitted. In the place of these 24 units to be omitted, there will now be more one bed units and more two bed units (3 person) and slightly less two bed units (4 person), however, the number of apartment units in block 1 remain the same. Summary tables prepared by the requester in section 5 of their report details the exact changes requested. In addition, the majority of the units are at least 10% greater than the minimum size required in line with the specifications of current Guidelines, the revised HQA (dated 01/12/21) prepared by the requester illustrates this to be the case.

I note that the planning authority raised no adverse issues in relation to the dwelling mix originally proposed. However, the applicant and the Board agreed that the original proposal would not materially contravene a zoning objective of the statutory plans for the area but could materially contravene the Ashtown-Pelletstown Local Area Plan in relation to dwelling unit mix and the Dublin City Development Plan 2016-2022. The amendments proposed have been dictated by the Housing Department of Dublin City Council and remove an apartment configuration that does not fit their needs. The overall

provision of units remains the same and so the development as permitted remains the same, that is 725 apartment units. The changes are minor and the terms of the permission remain the same, I do not consider that the particular requirements of the Council with regards to Part V significantly or materially amend the terms of the permission granted.

The requester has prepared an overview sunlight/daylight assessment to see what impact a change from studio units to one bedroom units would entail.

The study selected a number of worst case scenario rooms across floor 02 block 1 and table 1 displays the results. All rooms tested achieve results at or above the BRE Guide. Given that access to sunlight and daylight was considered acceptable in the originally proposed development and that the changes proposed are to upper floors I accept the analysis prepared by the requester and I am satisfied that the residential amenity associated with the proposed amendments are not diminished in any way and are in fact improved. I also note that the requester states that there is a slight increase in the dual aspect ratio from 56% to 57% and I accept that this is the case.

Finally, the requester states that the proposed mix has been approved in principle by Ms L. Gaughran of the Dublin City Council Housing Department and though there is no documentary proof on file, I accept the rationale advanced by the requester for the changes sought, as the units the subject of the request were always intended to meet the developer's Part V obligations.

3. The basement level car park will change throughout blocks 2-6 this is because of revised levels, reconfiguration of plant and plant rooms, bin and bike stores, management room, omission of the second entrance to the phase 2 carpark (eastern end); and associated minor alterations. The most useful drawing to show these changes is drawing number RBN-OMP-ZZ-ST-DR-A-1001. For example, the omission of a vehicular entrance to car park 2 renders more space to the public footpath and this is welcomed. All of the other changes occur within the envelope of the permitted blocks and do alter the way the buildings will be used or how they operate. No clear explanation is provided for these changes, but it is common practice that detailed design matters only become clear once on site. I am satisfied that the changes proposed at the basement level of blocks 2-6 will not have any knock-on

effects on the operation of the buildings permitted or the residential amenities that will be enjoyed by future occupants.

4. The requester has suggested a change to the external building finishes, removing large areas of render and replacement with a variety of robust brick finishes, this is acceptable. In this regard, I do not anticipate that such changes could be considered material because I note that condition 5 of the grant of permission directs the applicant to agree the materials, colours and textures of all the external finishes with the planning authority. I am satisfied that the proposals advanced by the requester are not changes per se, but details required by a condition of a grant of permission.
5. The requester seeks to amend window locations and apartment layouts in blocks 2-6 because of fire safety and ESB substation separation locations. The detail of the changes required at shown on the following elevation drawings:

- RBNB2-OMP-B2-ZZ-DR-A-2001 – Block 2 Elevations
- RBNB3-OMP-B3-ZZ-DR-A-2001 – Block 3 Elevations
- RBNB4-OMP-B4-ZZ-DR-A-2001 – Block 4 Elevations
- RBNB5-OMP-B5-ZZ-DR-A-2001 – Block 5 Elevations
- RBNB6-OMP-B6-ZZ-DR-A-2001 – Block 6 Elevations

For example, and when comparing permitted floorplan 19016A-OMP-AB05-00-DR-A-1000 with amended RBNB5-OMP-B5-00-DR-A-1000, in terms of block 5, substation and meter access doorways have been slightly repositioned adjacent to unit B5.0001. There will no projections to interfere with access to sunlight/daylight and I do not anticipate any changes to residential amenity as a result of these changes. I am satisfied that ESB substation and fire safety requirements have necessitated slightly different access points/doorways and I do not see these changes as material in terms of the overall development.

6. The overall basement plan will change, this will entail the removal of sprinklers and domestic hot water. The removal of these elements is a very small proportion of the basement level and the entire development site,

drawing 19016A-OMP-ZZ-B2-DR-A-1005 of the originally permitted scheme refers. I view the omission of the basement plant infrastructure as a very minor change in the overall scheme of the proposed development, these are not significant changes and nor are they material.

7. The landscape strategy for the proposed development will remain largely the same. Changes have resulted from fire safety requirements to provide access and where a vehicular entrances or loading bays have been altered the public realm has been amended and improved to the benefit of the pedestrian. I consider that such changes are necessary to take account of amendments within the envelope of the buildings already permitted. The landscape changes do not significantly amend the overall layout, it remains the same, the areas of public open space are either enhanced or the public realm improved by such changes. In the case of the communal open space associated with the development, I note a slight increase in area from 5,480 sqm to 5,509 sqm. I do not consider landscapes changes to be either significant or material.

- 7.1.2. The level of change in terms of dwelling mix will alter very marginally and in my view such an alteration cannot be seen as material, the overall number of units remains the same. Commercial floorspace has been reduced by 4%, barely noticeable. Car and cycle parking remains the same. Advice contained within the Apartment Guidelines and development plan standards will still be met. The overall design of the proposed units will not change to any great extent, with the most notable change being the omission of studio apartments. Apartment units still meet or exceed guideline standards in relation to floorspace, aspect and amenity. I do not consider these changes to be material changes, as the overall building type and design will, on the whole, remain the same. The rearrangement of plant and infrastructure has been necessitated by the requirements of the ESB, fire safety certification and for the most part these changes occur at basement and undercroft level out of public view. There will be no material reduction in open space, in addition communal open space will be increased and residential amenity will actually be enhanced by the proposed changes. The alterations will not involve any significant change to the general appearance of the development such that there would be any significant impact on visual or residential amenities. The proposed amendments to the external finishes

are in response to the requirement of a planning condition for robust and durable elements. I am satisfied that the requested alterations will not result in any substantive change to impacts on residential or visual amenities from those of the permitted development. The alterations do not involve any changes to the permitted road layout, surface water treatment, foul drainage or water supply and a submission from Waterman Moylan Engineering Consultants confirms this.

- 7.1.3. The amendments are not, in my opinion, material, in that they do not affect the overall usable floor space of the development, car parking spaces will not be lost, open space will remain the same, housing mix effectively remains the same. Furthermore, I am of the opinion that the relevant planning issues would not be considered differently to any material extent with the marginal reduction in commercial floorspace, minor changes to unit mix, elevational changes in terms of building finish/materials, ESB/Fire safety requirements, plant changes and landscape changes as now proposed, and it is considered that no other planning issues would arise, had the changes (marginal reduction in commercial floorspace, minor changes to unit mix, elevational changes in terms of building finish/materials, ESB/Fire safety requirements, plant changes and landscape changes) 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-307656-20, I consider that the Board would not have determined ABP-307656-20 differently had the marginal reduction in commercial floorspace, minor changes to unit mix, elevational changes in terms of building finish/materials, ESB/Fire safety requirements, plant changes and landscape changes if the alterations had formed part of ABP-307656-20 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-307656-20. 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-307656-20, and the information on ABP-307656-20 including the submissions from the public I am of the opinion that the requested 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.
- 7.2.3. I am of the opinion, having fully considered the proposed alterations and the development as granted under ABP-307656-20, that the Board would not have determined the proposal differently had the proposed amendments formed part of the said application. In that 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-307656-20.

### **7.3. Environmental Impact Assessment**

- 7.3.1. As I outlined 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. As such there is no requirement for EIAR Screening, as there is no material alteration to the scheme and as a result its impact upon the surrounding environment remain unchanged. I note the original planning application was accompanied by an EIAR and the Board concluded the proposed development would be unlikely to have significant impacts on the environment. The Applicant has however included an Environmental Assessment (section 12 of the requester's report), to be relied upon in the event that the Board determines the proposed alteration to be material. This concludes that the proposal would not be likely to have significant effects on the environment and therefore submission of an Environmental Impact Assessment Report is not required, and I agree.

### **7.4. Appropriate Assessment**

- 7.4.1. Under ABP-307656-20 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-307656-20 section 12.0 of the Inspector's Report on ABP-307656-20, the nature, scale and extent of the proposed alterations relative to the development subject of and approved under ABP-307656-20 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-307656-20 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 16 December 2021 from Ruirside Developments Limited under section 146B of the Planning and Development Act, 2000, as amended, to alter the terms of the Strategic Housing Development at Rathborne Avenue, Pelletstown, Ashtown, Dublin 15, which is the subject of a permission under An Bord Pleanála reference number ABP-307656-20.

**WHEREAS** the Board made a decision to grant permission, subject to conditions, for the above-mentioned development by order dated the 10 November 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:

Amendments to previously permitted ABP-307656-20 to include:

1. Block 1 (Levels 00 and 01): changes to the retail, café, residential entrances with associated elevational changes and reconfigured car parking, loading, plant and ancillary room layouts.
2. Block 1: residential floors revised (massing similar to permitted block, same number of units retained); studios and 3-bed unit omitted and replaced with 1-bed units; en-suites removed from 2-bed apartments; associated minor level changes. Revisions to the unit mix in Block 1 are to meet the Housing Department of Dublin City Council Part V requirements.
3. Blocks 2-6: Revised Level 00 layout for blocks 2-6 involving amendments to basement layout car parking configuration, revised levels, reconfiguration of plant and plant rooms, bin and bike stores, management room, omission of second entrance to phase 2 carpark; revised external parking layout and loading bay entrances.

4. Blocks 1-6: Revised elevation treatment to Blocks 1-6 involving an increase in the extent of brick to the street facing elevation of Block 1 and full brick facades to all faces of the taller blocks including north-facing elevation. Render façade treatment to courtyard elevations generally. Removal of render from difficult to access areas and a change of balcony material from glass to metal generally to improve robustness and ongoing visual quality of the building..
5. Block 2 – 6: Minor revisions to window locations and apartment layouts in Blocks 2-6 resulting from fire safety and ESB substation separation requirements.
6. Relocation of plant at level -01 to level 00 – there is no development at this lower level.
7. Alterations to Landscaping resulting from proposed amendments.

**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 16 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-307656-20 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.

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Stephen Rhys Thomas  
Senior Planning Inspector

14 March 2022