



An
Bord
Pleanála

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

Inspector's Report ABP-312264-21

Strategic Housing Development

Amendments to previously permitted ABP-310077-21 to reduce the number of apartments from 260 no. to 258 no. to facilitate increased provision of residential amenity facilities.

Location

Belmayne P4, at the corner of Churchwell Road and Churchwell Crescent, Belmayne, Dublin 13.

Planning Authority

Dublin City Council.

Applicant

Belmayne Development Company 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-310077-21 describes the site as follows:

- 2.2. *The development site is an undeveloped flat, rectangular plot located at the south western corner of the Belmayne urban district, identified as 'P4'. It is accessed via Belmayne Avenue, off a roundabout on the R139. The R107/Malahide Road/R139 junction is nearby to the southwest. The Mayne River is located c. 400m to the north.*

The site is bound as follows:

- *Belmayne Main Street along the southern site boundary. Undeveloped lands to the south and west. There is a proposed Bus Connects corridor linking Clongriffin and the city centre along Main Street.*
 - *Churchwell Avenue/Road to the north (Block P3). A 3 storey building with own door duplex units at ground floor level and apartments overhead with 4 storey bookend apartment elements.*
 - *Churchwell Crescent to the east (Block P5). A 5 storey over basement apartment block. Belmayne Main Street is further to the east of the site, with 6 storey frontages and some commercial units at ground floor level.*
 - *Existing pedestrian/cycle route along the western site boundary.*
- 2.3. *The site is relatively level with some overgrown earthen mounds, there are no significant stands of trees or hedgerows. The site is characteristic of a brownfield urban plot, with disturbed ground the result of recent construction active. For the most part development in the vicinity is complete, but there are other large construction sites at work in the area. The site is well connected with existing pedestrian and cycle networks radiating outwards and the large commercial centre of Clarehall and Northern Cross very close by.*

3.0 Planning History

ABP-310077-21- Permission was granted by the Board for the construction of 260 apartments and associated site works. The proposed development on a site of 1.31 hectares would consist of apartment units in two blocks ranging in height from 2 to 7 storeys, the detail is as follows:

Parameter	Site Proposal
Application Site	1.31 hectares
No. of Units	260 units (apartments units)
Density	198 units per hectare
Dual Aspect	136 units (52.3%)
Other Uses	0 sqm
Private Communal Space	2,945 sqm Podium level
Public Open Space	0 sqm
Residential Amenity Space	314 sqm
Height	2-7 storeys
Parking	199 car spaces (19 surface and 180 undercroft) 400 bicycle spaces (16 surface and 384 undercroft).
Vehicular Access	Vehicular access to the undercroft parking from Churchwell Crescent.
Part V	26 (10 one bed/2P, 1 two bed/3P, 14 two bed/4P and 1 three bed/5P)

Housing Mix

Unit Type	1 bed	2 bed	3 bed	Total
Apartments	108	132	17	260
% of Total	41.5%	50%	8.5%	100%

- 3.1. The submitted request is for the reduction of the overall scheme by two units, new residential amenity facilities in place of said units, some elevational changes and signage, increased bin capacity at basement level, substation/switch room changes, gates to undercroft, car and cycle parking reduced, PV panel and sprinkler tank provision and some landscaping changes.
- 3.2. Permission was granted by the Board, subject to 23 conditions, on the 17th August 2021 under the Strategic Housing Development provisions. The permission was granted after the Board concluded that an environmental impact assessment report for the proposed development was not necessary, and that after screening for appropriate assessment concluded that a Stage 2 Appropriate Assessment was not required.

4.0 Proposed Changes

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

1. A reduction in apartment numbers from 260 units to 258 units. The two units to be removed comprise one bedroom units located at the south western internal corner of the first floor (podium level), drawing number PL101 refers.
2. The provision of additional residential amenity facilities at the location where two units are to be removed, drawing number PL101 refers. The residential amenity faculties will increase from 314 sqm to 458.5 sqm and comprise a meeting room and reception area with terrace onto podium level open space.
3. Elevational changes as a result of 1 and 2 above. Also, a repositioned own door access to apartment 105 (ground floor), and signage on the western elevation over the entrance to residential amenity facilities.
4. Increased bin storage capacity at basement level, beneath residential amenity facilities, southern western corner.

5. Relocation and possible new locations for additional ESB substations and switchrooms, drawing PL100 refers.
6. New security gates to undercroft parking area, eastern elevation. Car parking reduced by 2 spaces (now 178) and cycle parking reduced by 4 spaces (now 396).
7. New PV panels at roof level over core 1, 2 and 3.
8. Landscaping changes.

5.0 Requester's Submission

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

Unit Reduction

The proposal is to remove 2 one bedroom units and replace them with additional residential amenity facilities. The residential density drops to 216.8 dwellings per hectare (dph) from 218.5 dph, a minor decrease, the percentage of one bedroom units drops by 0.5% to 41%.

Residential Amenity Facilities

In a response to expert advice on letting and management of large-scale apartment blocks it has been decided to increase the overall floor area and location of such facilities. There will now be an additional meeting room and reception area. An additional stair well and lift will provide access to these new facilities and make it easier for residents to avail of them.

Elevation Changes

Changes to windows and doors along the internal courtyard elevation and western streetscape elevation will result from the changes above and the provision of new signage. Changes to do with undercroft parking and ESB substations means that unit 105 is accessed from the street and a new door provides this.

Undercroft Parking

Changes are necessary within the undercroft area due to ESB substation and switchroom provision, fire safety, waste management and residential amenity services, car and cycle parking has been reduced. This is considered acceptable

because two apartment units have been removed and so demand is lessened. The mobility management plan and strategy has been prepared and responds to parts a) and b) of condition 10. EV parking provision is greater than required.

A new security gate has been designed for the entrance to the undercroft car parking area.

Energy and Electrical Supply

One ESB substation and switchroom was permitted as part of the original proposal (close to core 4), however, two more are needed. This new infrastructure will be located at ground floor/undercroft level at core 1 and near core 4 (subject to requirements). New ESB infrastructure will require changes to the elevation and provision of external doors on the northern and southern elevation.

Changes to the heating design have meant the provision of exhaust air heat pumps, PV panels at roof level and a condenser unit at roof level and two split air condition units. An underground sprinkler tank had been added to comply with fire safety requirements.

Waste management

An Operational Waste Management Plan was prepared in response to condition 19 of the permission. The plan highlighted a deficiency in storage areas and these have been increased from 125 sqm to 131 sqm. This has resulted in changes in the layout of the car parking and cycle parking spaces in the undercroft parking area.

Landscape Strategy

Due to changes in the construction method at podium level, some landscape changes are necessary, the area of communal open space remains the same at 2,945 sqm. The area in front of the new residential amenity facilities will further enhance the space. Landscape changes have been necessary to allow vehicular access to ESB substations along the northern and southern elevations.

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-310077-21 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 a combination of different apartment sizes based around two 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 a perimeter block apartment scheme and most changes happen within the envelope of the buildings at ground and first floor.

Taking each change in turn:

1. A reduction in apartment numbers from 260 units to 258 units will result in a very marginal reduction in overall residential density, a drop to 216.8 dwellings per hectare (dph) from 218.5 dph. The residential density remains high and meets the requirements of the City Development Plan where section 16.4 of the plan states that proposals for higher densities must demonstrate how the proposal contributes to place-making and the identity of an area, as well as the provision of community facilities and/or social infrastructure to facilitate the creation of sustainable neighbourhoods. The minor drop in density changes little in relation to the achievement of these aims and the provision of additional residential amenity facilities further enhances the development.

In terms of dwelling mix the percentage of one bedroom units drops by 0.5% to 41%, The proposed development now provides 108 one bed units (41%), 135 two bed units (52%) and 17 three bed units (7%). The amount of one bed units is significantly below the upward amount of 50% allowed for in the apartment guidelines, with 41% of the total proposed development as one bed

units. Such changes are very minor and the proposed development will still meet the desirability of providing for a range of dwelling types/sizes, having regard to the character of and existing mix of dwelling types in the area.

The units to be removed comprise one bedroom units located at the south western corner of the first floor, drawing number PL101 refers. These units are located at a position where sunlight/daylight results may have been slightly below optimal and therefore the loss of such units is acceptable.

2. The provision of additional residential amenity facilities at the location where two units are to be removed is noted, drawing number PL101 refers. The residential amenity facilities will increase from 314 sqm to 458.5 sqm and comprise a meeting room and reception area with a terrace onto the podium level communal open space. The proposed development is not classed as build to rent and so there was no requirement to provide residential amenity facilities. However, the applicant did initially provide some amenities at ground floor level at the south western corner of the site. This permitted portion of the development will enliven the street at this corner and is welcomed, nothing changes and this aspect of the scheme remains. The provision of additional amenity space at an upper level provides greater accessibility for occupants to such services and the provision of a new stair/lift core will also assist. The provision of such amenities will not place added demands on infrastructure and will enhance the residential amenities for future occupants. All of these changes occur within the envelope of the building and meet the wider residential amenities on offer to future occupants.
3. Minor elevational changes will be needed to take into account the provision of residential amenity facilities and these changes will not be visible from the street. A new own door access will result to unit 105 because of changes within the undercroft area. This is a minor change but will enhance the street as well as unit 105 that will now benefit from a new hallway. There will be changes to the ground elevation to provide access to ESB substations and switchrooms but these are well designed and not easily noticeable.
4. Increased bin storage capacity at basement level, beneath residential amenity facilities at the south western corner are all changes that occur within an area

that cannot be viewed from public areas. New security gates to the undercroft parking area, will formalise the private entrance arrangement at the eastern elevation. Car parking will be reduced by 2 spaces (now 178) and cycle parking reduced by 4 spaces (now 396) and this takes account of additional service infrastructure at undercroft level and the removal of two residential units and so the demand for resident's parking has been reduced.

5. New PV panels at roof level over core 1, 2 and 3, will not be visible from street level and landscaping changes to accommodate all of the elements above do not reduce or increase communal open space.

7.1.2. The level of change in terms of residential density and dwelling mix will change very marginally and in my view such a reduction cannot be seen as material. Car and cycle parking will slightly reduce in tandem with the total number of units. SPPRs contained within the Apartment Guidelines and development plan standards will still be met. The overall design of the proposed units will not change, with the most notable change being the provision of signage above residential amenity facilities on the western elevation and some internal courtyard changes at podium level. 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 planning conditions, the requirements of the ESB, fire safety certification and for the most part these changes occur at undercroft level out of public view. There will be no material reduction in open space 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. 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 surface water treatment, foul drainage or water supply.

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, residential density remains similar, 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

reduction of units, additional residential amenity space, elevational changes, increased bin storage, substation/switchroom provision/location, security gates to undercroft, PV panels and landscape changes as now proposed, and it is considered that no other planning issues would arise, had the changes (reduction of units, additional residential amenity space, elevational changes, increased bin storage, substation/switchroom provision/location, security gates to undercroft, PV panels 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-310077-21, I consider that the Board would not have determined ABP-310077-21 differently had the slight reduction of units, additional residential amenity space, elevational changes, increased bin storage, substation/switchroom provision/location, security gates to undercroft, PV panels and landscape changes if the alterations had formed part of ABP-310077-21 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-310077-21. 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-310077-21, and the information on ABP-310077-21 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-310077-21, 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-310077-21.

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-310077-21 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-310077-21 section 12.0 of the Inspector's Report on ABP-310077-21, the nature, scale and extent of the proposed alterations relative to the development subject of and approved under ABP-310077-21 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-310077-21 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 17th December 2021 from Belmayne Development Company Limited under section 146B of the Planning and Development Act, 2000, as amended, to alter the terms of the Strategic Housing Development at Lands Belmayne P4, at the corner of Churchwell Road and Churchwell Crescent, Belmayne, Dublin 13, which is the subject of a permission under An Bord Pleanála reference number ABP-310077-21.

WHEREAS the Board made a decision to grant permission, subject to conditions, for the above-mentioned development by order dated the 17th August 2021,

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-310077-21 to reduce the number of apartments from 260 no. to 258 no. to facilitate increased provision of residential amenity facilities.

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 17th 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-310077-21 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

31 January 2022