



An  
Bord  
Pleanála

**Board Direction**  
**BD-007147-20**  
**ABP-308046-20**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 10/12/2020.

The Board decided to make a split decision, to

- (1) grant permission, for the following reasons and considerations and subject to the following conditions for the proposed internal rationalisation of the 45 no. apartments permitted under Reg. Ref. D17A/0950 & ABP Ref. 300745, including changes in overall unit size and internal layouts, and associated external alterations including provision of winter gardens in accordance with the submitted plans and particulars,

and

- (2) refuse permission for permission for the remainder of the development

generally in accordance with the Inspector's recommendation, for the following reasons and considerations.

### **Reason and Considerations (1)**

In coming to its decision the Board had regard to the following:

- (a) the extant permission on the site under Reg. Ref. D17A/0950 & ABP Ref. 300745 and the extent of the alterations proposed,
- (b) the Chief Executive Opinion and associated appendices,
- (c) the pattern of existing and permitted development in the area, and

(d) the report of the Inspector and the submissions and observations received,

### **Appropriate Assessment**

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European sites, taking into account the nature, scale and location of the proposed development within a zoned and serviced urban site, the information for the Screening for Appropriate Assessment submitted with the application, the Inspector's Report, and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded 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 conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

### **Environmental Impact Assessment**

The Board completed an environmental impact assessment of the proposed development, taking into account:

- (a) the nature, scale, location and extent of the proposed development,
- (b) the environmental impact assessment report and associated documentation submitted with the application,
- (c) the submissions from the planning authority, the observers and the prescribed bodies in the course of the application, and
- (d) the Inspector's report.

The Board considered that the environmental impact assessment report, supported by the documentation submitted by the applicant, adequately identifies and describes the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

The Board agreed with the examination, set out in the Inspector's report, of the information contained in the environmental impact assessment report and associated

documentation submitted by the applicant and submissions made in the course of the planning application.

The Board considered and agreed with the Inspector's reasoned conclusions, that the main significant direct and indirect effects of the proposed development on the environment are, and would be mitigated, as follows:

- Significant direct positive effects with regard to population and material assets due to the increase in the housing stock in the area.
- Visual and landscape effects due to the change in scale close to existing 1-4 storey residential properties. Given the location of the site within the built-up area of Blackrock and on lands zoned District Centre the effects are considered to be generally positive and in line with national and local planning policy. The potential for effects on adjacent residential properties due to overbearance, are localised in nature and are not considered significant in the context of the wider environment.
- Potential effects arising from noise during construction which will be mitigated by appropriate management measures.
- Potential effects arising from daylight and sunlight impacts on neighboring residential properties are localised in nature and are not considered to be significant in the context of the wider environment.
- Potential indirect effects on surface water which will be mitigated during the phase construction by appropriate management measures to control emissions of sediment and pollutants to water and during the occupation phase by surface water management and attenuation and the drainage of foul effluent to the public foul sewerage system.

The Board completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures set out in Chapter 15 of the environmental impact assessment report, and subject to compliance with the conditions set out below, the effects on the environment of the proposed development, by itself and in combination with

other development in the vicinity, would be acceptable. In doing so, the Board adopted the report and conclusions of the Inspector.

### **Conclusions on Proper Planning and Sustainable Development:**

The Board considered that the proposed development would be compliant with the current Dun Laoghaire Rathdown County Development Plan 2016-2022 and the Blackrock Local Area Plan 2015-2020 and would therefore be in accordance with the proper planning and sustainable development of the area. Furthermore, the Board considered that, subject to compliance with the conditions set out below that the proposed development would constitute an acceptable form of development, would not seriously injure the residential or visual amenities of the area, and would be acceptable in terms of urban design. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **Conditions**

1. The 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, or as otherwise stipulated by conditions hereunder, and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

**Reason:** In the interest of clarity.

2. Apart from any departures specifically authorised by this permission, the development shall be carried out and completed in accordance with the terms and conditions of the permission granted by An Bord Pleanála on 29<sup>th</sup> May 2019, under planning register reference number ABP-300745-18, and any agreements entered into thereunder.

**Reason:** In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission(s).

3. All mitigation measures identified in Chapter 15 of the EIAR, shall be implemented in full by the applicant except as may otherwise be required in order to comply with the following conditions.

**Reason:** In the interest of clarity and to protect the environment during the construction and operational phases of the development.

## **Reason and Considerations (2)**

The Board considers that the proposed development would seriously injure the residential amenities and depreciate the value of neighbouring residential properties to the north in the Lisalea development by reason of significant daylight and sunlight impacts, coupled with overbearance impacts that arise from the height and scale of the proposed Block E and its close proximity to the neighbouring properties in the Lisalea development. Furthermore, the Board considers that the proposed development would seriously injure the residential amenities and depreciate the value of neighbouring residential properties to the west by reason of overbearance impacts, arising from the height scale and mass of proposed Blocks D and F and the close proximity of these blocks to neighbouring residential properties in Frascati Park to the west. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

In deciding not to include the Inspectors recommended second reason for refusal, the Board considered that circulation within the surface car park could be dealt with by compliance with conditions and as such, would not warrant a reason for refusal. Furthermore, it is considered that any future application for development on this site will need to clarify and address access to, and circulation within the site having regard to conflict between vehicular movements, pedestrian and cyclist movements.

**Board Member:**

**Date:** 11/12/2020

---

Michelle Fagan