

An
Bord
Pleanála

Board Order
ABP-308878-20

Planning and Development Acts 2000 to 2020

Planning Authority: Dún Laoghaire-Rathdown County Council

Associated Reference Number: ABP-301614-18

REQUEST received by An Bord Pleanála on the 11th day of December 2020 from Viscount Securities care of John Spain Associates, 39 Fitzwilliam Place, Dublin under section 146B of the Planning and Development Act 2000, as amended, to alter the terms of a permitted Strategic Housing Development the subject of a permission under An Bord Pleanála Reference Number ABP-301614-18 as amended by ABP-304726-19 and ABP-306218-19.

WHEREAS the Board made a decision to grant permission, subject to 25 conditions, for the above-mentioned development by Order dated the 31st day of August 2018,

AND WHEREAS the Board has received a request to alter the terms of the development, the subject of the permission,

AND WHEREAS the proposed alteration is described as follows:

- (a) The replacement of permitted childcare facility (gross floor area 195 square metres) and outdoor play area on the ground floor of Block 1 with a communal amenity space for residents (gross floor area 195 square metres) and associated external terrace area. The proposed communal amenity space will include a concierge desk, a relaxation space, a kitchen and dining area, a gym studio room and an office and meeting room.
- (b) Reallocation of two number creche car parking spaces at basement level to car parking for the communal amenity space for residents.
- (c) Landscaping alterations to the adjacent outdoor terrace.

AND WHEREAS the Board decided, in accordance with section 146B(2)(a) of the Planning and Development Act 2000, as amended, that the proposed alterations would result in a material alteration to the terms of the development, the subject of the permission,

AND WHEREAS the Board decided, in accordance with section 146B(3)(b)(i) of the Planning and Development Act 2000, as amended, to require the submitted information to be placed on public display and submissions sought, prescribed bodies to be issued a copy of the proposal and additional drawings to be submitted,

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 the Board on the 11th day of December 2020.

REASONS AND CONSIDERATIONS

Having regards to:

- (a) The policies and objectives as set out in the Dún Laoghaire-Rathdown County Development Plan 2016-2022,
- (b) the provisions of the Childcare Facilities Guidelines for Planning Authorities 2001,
- (c) the provisions of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in December 2020,
- (d) the nature and scale of the Strategic Housing Development, permitted under An Bord Pleanála Reference Number ABP-301614-18, in respect of 136 number residential units (98 number apartments and 38 number houses), creche facility, works to Brennanstown Road, alterations to the Brennanstown Road, Glenamuck Road North, Brighton Road and Claremont junction, connections to and through Cabinteely Park and associated site works at a site at Brennanstown Road, Dublin 18, the subject of a permission under An Bord Pleanála Reference Number ABP-301614-18 as amended by ABP-304726-19 and ABP-306218-19,
- (e) the appropriate assessment and environmental impact assessment carried out in the course of this application,
- (f) the limited nature and scale of the alterations,
- (g) the absence of any significant new or additional environmental concerns including in relation to European Sites arising as a result of the proposed alterations,
- (h) the absence of any new or significant issues relating to the proper planning and sustainable development of the area arising from the proposed alterations, and

- (i) the report of the Board's Inspector.

Appropriate Assessment Screening

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 Screening for Appropriate Assessment submitted with the application and the Inspector's Report. 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 screening of the proposed development and considered that the Environmental Impact Assessment Screening Report submitted by the applicant, identifies and describes adequately the direct, indirect, secondary, and cumulative effects of the proposed development on the environment.

Having regard to:

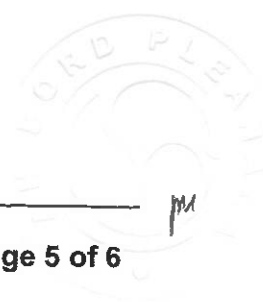
- (a) The nature and scale of the proposed development, which is below the threshold in respect of Class 10(b)(i) and (iv) of Part 5 of Schedule 5 of the Planning and Development Regulations, 2001, as amended,
- (b) the location of the site on land zoned "A" in the Dún Laoghaire-Rathdown County Development Plan 2016-2022, with the objective "to protect and or improve residential amenity" and the compliance of the proposed development with the policies, objectives and development management,
- (c) the pattern of development on the lands in the surrounding area,

- (d) the availability of mains water and wastewater services to serve the development,
- (e) the location of the development outside any sensitive location specified in Article 299(C)(1)(v) of the Planning and Development Regulations, 2001, as amended,
- (f) the guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-Threshold Development” issued by the Department of the Environment, Heritage and Local Government (2003),
- (g) the criteria set out in Schedule 7 of the Planning and Development Regulations, 2001, as amended,
- (h) the features and measures proposed by the applicant to avoid or prevent what might otherwise be significant effects on the environment,

It is considered that the proposed development, by reason of the nature, scale and location of the subject site, would not be likely to have significant effects on the environment and the preparation and submission of an Environmental Impact Assessment Report would not, therefore, be required.

Conclusions on Proper Planning and Sustainable Development:

The Board considers that the proposed alterations would be material and would be generally in accordance with the provisions of the of the Dún Laoghaire-Rathdown County Development Plan 2016-2022, would not be likely to give rise to impacts on the surrounding area that significantly differed from those that were considered before permission was granted and would not injure the character of the permitted development or the level of amenity that it would afford its occupants. The proposed alterations would, therefore, be in keeping with the proper planning and sustainable development of the area.

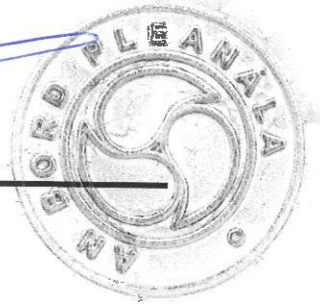


It is considered that the proposed alterations would not be material. In accordance with section 146B(3)(a) of the Planning and Development Act 2000, as amended, the Board hereby makes the said alterations.



Paul Hyde

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**



Dated this 22ND day of SEPTEMBER 2021