



An
Bord
Pleanála

Inspector's Report ABP-304621-19

Development	Change of use of the 629m ² Level 4 plant room to office space and the relocation of plant to the roof, inclusive of an acoustic louvre around the relocated plant.
Location	Enterprise House, Blackrock Shopping Centre, Georges Avenue, Rock Hill & the Frascati Road (N31), Blackrock, Co. Dublin.
Planning Authority	Dún Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D18A/1127
Applicant(s)	Friends First Life Assurance Company Limited
Type of Application	Permission
Planning Authority Decision	Refusal
Type of Appeal	First Party v. Decision
Appellant(s)	Friends First Life Assurance Company Limited

Observer(s)

Conor McDermott

Christopher Terry

Date of Site Inspection

6th September, 2019

Inspector

Robert Speer

1.0 Site Location and Description

1.1. The proposed development site is located to the north of Frascati Road in the village of Blackrock, Co. Dublin, where it forms part of a wider 'District Centre' that includes the neighbouring Blackrock Shopping Centre (which is presently undergoing significant redevelopment / extension / refurbishment works). It has a stated site area of 0.51 hectares, is irregularly shaped, and comprises the property known as 'Enterprise House' which is also being redeveloped with a new five-storey over-basement office block at an advanced stage of construction.

2.0 Proposed Development

2.1. The proposed development involves the change of use of the plant room on Level 4 of the development previously permitted under PA Ref. No. D16A/0418 / ABP Ref. No. PL06D.247702 (as amended by PA Ref. No. D18A/0211) to use as office accommodation (additional floor area: 629m²) and the associated relocation of the plant area to a roof-top position with the erection of an acoustic louvre around same.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Following the receipt of a response to a request for further information, on 10th May, 2019 the Planning Authority issued a notification of a decision to refuse permission for the proposed development for the following single reason:

- The proposed development, by reason of the scale, design and visual prominence of the proposed enclosed plant room on the roof of the existing approved building will negatively impact on the visual amenity of the surrounding area and will significantly detract from the high quality of design and overall aesthetics of the office building originally approved under Reg. Ref. D16A/0418. The proposed development would be contrary to Policy BK05 of the Blackrock Local Area Plan, 2015-2021, would be seriously injurious to the visual amenities of the area and would set an undesirable precedent for similar development in the vicinity. The proposed development

would, therefore, be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports:

An initial report detailed the site context, planning history, and the applicable policy considerations before stating that the principle of the proposed development was acceptable given the site location within a defined 'District Centre'. It was further noted that there was no objection to the proposal from a traffic & transportation perspective and that it would not seriously injure the residential amenity of neighbouring properties by reason of overlooking, overshadowing, or an overbearing appearance. However, concerns were raised as regards the visual impact of the proposed development due to the increase in building height arising from the relocation of the plant area to a roof-top position. In particular, it was considered that the scale of the new plant area would be comparable to that of an additional storey which was a cause for concern in light of Section 3.4.2 of the Local Area Plan which prescribes a maximum building height of five storeys for the subject lands. It was further suggested that the relocation of the plant area from within the envelope of the building as was approved under PA Ref. No. D16A/0418 / ABP Ref. No. PL06D.247702 was regrettable given that this formed an important feature of the design as originally permitted.

Following the receipt of a response to a request for further information, which included the submission of revised proposals for the roof-top plant area in addition to amended photomontages, a final report was prepared which recommended that permission be refused for the reason stated.

3.2.2. Other Technical Reports:

Municipal Services Dept. (Drainage Planning): No objection, subject to conditions.

Transportation Planning: No objection, subject to conditions.

3.3. Prescribed Bodies

None.

3.4. **Third Party Observations**

- 3.4.1. A total 5 No. submissions were received from interested third parties, however, in the interests of conciseness, and in order to avoid unnecessary repetition, I would advise the Board that the principle grounds of objection / areas of concern contained therein can be derived from my summation of the contents of those observations lodged by the same parties in respect of the subject appeal.

4.0 **Planning History**

4.1. *On Site:*

PA Ref. No. D16A/0418 / ABP Ref. No. PL06D.247702. Was granted on appeal on 18th April, 2017 permitting Friends First Life Assurance Company Limited permission for a development consisting of the demolition of the existing Enterprise House, including the removal of existing landscaping and boundary treatments within their demise to the Frascati Road and George's Avenue, demolition of lower ground parking level and provision of a new lower parking level floor slab to provide for construction of five-storey office building over ground of 8,119.50m² gross floor area (GFA) providing for general offices and/or science and technology uses and/or office based industry uses and ancillary spaces; 179 No. car parking spaces; 48 No. cycle parking spaces at Enterprise House; balcony areas of 190.3m²; modifications to existing car parking layout externally (adjacent to existing entrance from Rock Hill) to provide revised car park layout and access provisions; new substation; closure/removal of existing pedestrian and vehicular egress to George's Avenue and provision of a new pedestrian and vehicular egress to George's Avenue to the north; revision of existing vehicular entrance from Rock Hill to provide for an in/out vehicle movements; provision of a new pedestrian entrance from Rock Hill; provision of a disabled access ramp to the lower ground level from Frascati Road; provision of a stairs access to Frascati Road; ancillary landscaping including 16 No. public cycle parking spaces and provision of a space to accommodate a bus shelter area adjacent to the Frascati Road (N31) all on a site of 0.51 hectares. The proposed office space will be designed to be suitable for a single user or multiple users with subdivisions.

PA Ref. No. D18A/0211 / ABP Ref. No. ABP-301751-18. Was granted on 1st May, 2018 permitting Friends First Life Assurance Co. DAC permission for modifications to existing Reg. Ref. D16A/0418, to include: A. Two extensions to permitted Enterprise House structure, comprising a total extension area of 438m² over 5 levels, providing 87.6m² per level. B. Modifications to permitted car parking layout internally including the reconfiguration of an area to facilitate the provision of additional motorcycle, e-car and bicycle spaces. C. Revisions to the location of permitted 'green roof'. D. Removal and reconfiguration of internal stairs. E. All associated site works (A third party appeal against this decision was withdrawn).

5.0 Policy and Context

5.1. National and Regional Policy:

- 5.1.1. The *'Urban Development and Building Height, Guidelines for Planning Authorities, 2018'* are intended to set out national planning policy guidance on building heights in relation to urban areas, as defined by the census, building from the strategic policy framework set out in Project Ireland 2040 and the National Planning Framework. They aim to put into practice key National Policy Objectives contained in the NPF in order to move away from unsustainable "business as usual" development patterns and towards a more compact and sustainable model of urban development.

5.2. Development Plan

5.2.1. ***Dún Laoghaire Rathdown County Development Plan, 2016-2022:***

Land Use Zoning:

The proposed development site is located in an area zoned as 'DC' with the stated land use zoning objective *'To protect, provide for and / or improve mixed-use district centre facilities'*.

Other Relevant Sections / Policies:

Chapter 3: Enterprise and Employment Strategy:

Section 3.1.2: Strategy, Policies and Objectives:

- *Policy E11: Office Development:*

It is Council policy to facilitate significant office development in commercial and employment centres. The appropriate locations for office development would generally be in Major Town Centres, District Centres, and Employment zoned areas.

Office developments will generally be considered appropriate in Major Town Centres, District Centres and Employment zones. In District Centre areas, office development will be assessed in accordance with relevant development management standards and on the size of the proposal in comparison to the size of the centre, the need to ensure a variety of uses in the centre to fully serve its catchment area and the capacity of the centre to absorb any such proposal. These locations should be well served by existing and/or proposed public transport facilities in line with the principles of sustainable development.

The Council will encourage the conversion of existing office stock, where appropriate, to be more receptive to the changing needs of employers and employees. In this regard, the establishment of high specification 'fourth generation' office accommodation will be especially encouraged.

Section 3.2: Retail and Major Town Centres:

- *Policy RET5: District Centres:*

It is Council policy to maintain the District Centres at Blackrock, Stillorgan, Nutgrove and Cornelscourt and to promote a mixed-use sustainable town centre in Cherrywood in accordance with the approved SDZ Planning Scheme.

Section 3.2.6: Specific Objectives: (ii) Blackrock District Centre (incl.):

- To promote the future redevelopment of Blackrock as a sustainable mixed-use District Centre having regard to the broad objectives of the proposed Blackrock Local Area Plan.

Chapter 8: Principles of Development:

Section 8.1: Urban Design:

- *Policy UD6: Building Height Strategy*

It is Council policy to adhere to the recommendations and guidance set out within the Building Height Strategy for the County.

Section 8.2: *Development Management:*

Section 8.2.5: *Enterprise and Employment*

Appendix 9: Building Heights Strategy

5.2.2. *Blackrock Local Area Plan, 2015-2021:*

Chapter 3: Urban Structure & Character

Section 3.4: *Scale & Building Height*

- *Policy BK05:*

It is Council Policy to ensure that Building Height within future developments in Blackrock makes a positive contribution to the built form of the area and does not adversely impact on local amenity.

Section 3.4.2: *Future Building Height:*

(The proposed development is identified on Map 12: '*Existing & Proposed Building Heights*' as subject to a 'Building Height Limit' of 5-storeys).

- *Objective SH1: Scale & Building Height:*

It is an objective of the Council to ensure that building height in Blackrock is in accordance with the building height limits set out on Map 12, The Height Sensitive Areas (as identified on Map 12) and Objectives DS1 & DS2 and CS1 and CS2 (St Teresa's, Dunardagh and Cluain Mhuire Site Framework Strategies), Objective ES1 (Section 3.5.3 'Former Europa Garage Framework Strategy') and Objective FR7 (Section 7.7.1 'Redevelopment of Blackrock and Frascati Shopping Centres') and shall have regard to Development Guidance set out in Section 7.7.2.

Chapter 6: Employment:

Section 6.3: *Employment Development:*

Section 16.4: '*Enterprise and Employment*' of the current County Development Plan sets out the development standards for enterprise and employment development.

Any planning applications for new commercial/enterprise/office development in the Plan area must comply with the requirements set out in this section. Any new development relating to enterprise and employment should also be designed to strengthen and enhance the streetscape and public realm. A design statement and landscaping plan shall be required for commercial and enterprise developments with a minimum floor area of 1,000m². Where it is considered that a site has particular site sensitivities, the Planning Authority may request a design statement and landscaping plan for developments under the 1,000m² threshold. High quality materials and finishes should be used that are durable and low maintenance.

Chapter 7: Retail:

Section 7.7.1: Redevelopment of Blackrock & Frascati Shopping Centres

*Section 7.7.2: Blackrock & Frascati Shopping Centres: Development Guidance:
Height:*

- Guideline height of between two and five storeys.
- Height should graduate to a maximum of two-storeys along mutual boundaries with one and two-storey residential properties (See Map 12).
- The maximum height limits shall only be considered along the site frontage with Frascati Road.
- Reasonable setback to be achieved along southern, western and eastern boundaries that adjoin residential properties to secure residential amenity in conjunction with consideration of building height, scale and use.

5.3. Natural Heritage Designations

5.3.1. The following Natura 2000 sites are located in the general vicinity of the proposed development site:

- The South Dublin Bay and River Tolka Estuary Special Protection Area (Site Code: 004024), approximately 200m northeast of the site.
- The South Dublin Bay Special Area of Conservation (Site Code: 000210), approximately 200m northeast of the site.

5.4. EIA Screening

- 5.4.1. Having regard to the nature and scale of the development proposed, the site location outside of any protected site and the nature of the receiving environment, the limited ecological value of the lands in question, the availability of public services, and the separation distance from the nearest sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- The detailed visual assessment submitted with the subject application has concluded that the proposed development will only be appreciably visible from a minority of selected viewpoints and that the resulting visual impact will make little appreciable difference within those views when compared to the permitted development.
- The Planning Authority has not sought to challenge the conclusions of the applicant's landscape / visual impact assessment by way of any informed / professional opinion.
- The absence of any adverse commentary on the application by the County Architect would strongly suggest that they did not consider the proposal as giving rise to any significant concerns.
- Whilst it is the contention of the Planning Authority that the additional floor level proposed for plant would detract from the visual coherence and quality of the scheme as originally approved under PA Ref. No. D16AS/0418 / ABP Ref. No. PL06D.247702, it should be noted that the case planner has acknowledged that permission has already been granted under PA Ref. No. D18A/0211 for two extensions to the permitted scheme and thus the principle of amending the approved construction has been accepted. Accordingly, the key issue for consideration is whether the proposal detracts sufficiently from

what was originally approved in the first instance and if the additional floor level will be so visible from the public realm as to be visually intrusive.

- With regard to the overall principle of the proposed development (i.e. the additional office floorspace), whilst the Planning Authority has not undertaken an assessment of the capacity of this 'District Centre' to absorb the subject proposal as per the Development Plan, it is clear that it has no concerns as regards the scale of the office development proposed other than the fact that it will necessitate the relocation of the plant area to form what has been deemed to be an additional floor level.
- The proposed development is consistent with the relevant land use zoning objective.
- Whilst the report of the case planner refers to Section 3.4.2 of the Blackrock Local Area Plan, 2015, which prescribes a maximum building height of five storeys, and proceeds to state that this limit will be exceeded in the subject case as the proposed development is the equivalent in height terms of providing an additional storey, nowhere in the report is it suggested that the proposal is contrary to the height policy of the Local Area Plan or that it should be refused permission on that basis. Instead, the applicant was required by way of a request for further information to submit photomontages of the proposal in order to allow for a complete visual assessment of same (in addition to the provision of details / samples of the acoustic louvres).
- The Planning Authority has determined that the proposed development will not unreasonably compromise the residential amenity of properties in the vicinity by way of overlooking, overshadowing or a visually overbearing appearance.
- Although the proposed plant room may be legible from various vantage points, this does not necessarily equate to visual obtrusiveness.
- The scale, design and prominence of the proposed development will not negatively impact on the visual amenity of the surrounding area.
- The Landscape and Visual Impact Assessment submitted in response to the request for further information has established that the impact of the proposed

development can be considered to be neutral at worst and is in no way negative. Furthermore, whilst the LVIA has acknowledged that the difference between the permitted scheme and the subject proposal will be appreciable from three of the viewpoints examined, within each of these views the proposed amendments have been well considered as part of the final construction with *'any potential negative attributes . . . satisfactorily mitigated by the design'*.

- A key point raised in the LVIA is that the former building on site with its extremely prominent rooftop plant must provide some context / baseline for the assessment of the subject proposal.
- Neither the height nor the footprint of the roof plant can be further reduced and the attached Design Statement explains that *'the extent of the roof-top plant has been reduced to the minimum by repurposing existing plant space in the basement'*. In support of the foregoing, the Board is advised that Axiseng Engineers (on behalf of the applicant) has investigated the plant equipment available which is capable of delivering the systems required by the tenant and has determined that the submitted proposal is the least invasive solution.
- The development provides for the minimum plant required for the state-of-the-art offices proposed and there is no more room other than on the roof where the necessary plant can be accommodated.
- Whilst it is an established positive attribute of contemporary building design to locate plant within the envelope of modern office construction, it is not normally an absolute requirement.
- The materials of the outer enclosure have been reconsidered in the context of the refusal of permission and the 'louvre system' now proposed provides for a high quality anodized aluminium treatment. In this regard, the Design Statement states the following:

'Anodizing gives aluminium a high quality, lighter metallic appearance. The metal will reflect and defuse the sky to reduce the visual impact of the enclosure. This is a similar effect to that of the brise soleil which is installed to the front façade and acts as a light veil to diffuse the ambient light'.

This modification further reduces the visual impact of the proposal and enhances the development thereby reducing any gap between the design quality of the original scheme and the proposed roof-top plant (as detailed in the accompanying updated photomontages).

- The revised design of the proposed development, in respect of changes in material and thus the colour of the plant enclosure, has been reassessed in the *'Response in respect of Landscape and Visual Impact'*. This report concludes that the latest design amendments provided with the grounds of appeal are effective in further reducing the visual prominence of the proposed works.
- The scale, design, and visual prominence of the proposed development will not significantly detract from the high quality design and overall aesthetic of the building originally approved under PA Ref. No. D16A/0418.
- The addendum to the LVIA has concluded that the proposed development is *'positive and preferable'* when compared to the original 'Enterprise House'. In addition, it is stated that whilst the subject proposal could be considered to detract from the high quality of the design and overall aesthetic of the building originally permitted, any such impact is not considered to be of significant severity. Furthermore, even if the permitted construction is preferable to the proposed scheme, that does not relegate the subject proposal (particularly as proposed to be modified in the grounds of appeal), to an unacceptable standard. The submitted design is still of a high quality and will make a positive contribution to the built environment of Blackrock.
- The proposed development is consistent with Policy BK05 of the Blackrock Local Area Plan which states:

'It is Council policy to ensure that Building Height within future developments in Blackrock makes a positive contribution to the built form of the area and does not adversely impact on local amenity'.
- It is not accepted that the surrounding area will be adversely affected by the proposed development given that the landscape and visual analysis has established that any impact will be neutral to moderate at worst (notwithstanding the revised design detailed in the grounds of appeal) and

that in only two of the eight representative viewpoints can the impact be considered in any way significant.

- The proposal accords with Objective UDS1 of the Local Area Plan which seeks *'to strengthen the urban structure of Blackrock by ensuring that any new development incorporates a coherent, legible and permeable urban form that protects and compliments the character of the street or area in which it is set – in terms of proportion, enclosure, building line, design and by the marrying of new modern architecture with historic structures'*.
- In accordance with Objective SH1 of the Local Area Plan, the proposed development site is located in an area which is subject to a building height limit of five storeys. If this height restriction is to be applied rigidly then it would presuppose that office floorspace should be maximised within that 5-storey limit with any plant effectively deferred to roof level. In the subject case, the plant area will be located in a recessed position at roof level with the proposed conversion of office floorspace to occur within the 5-storey height limit.
- An analysis of the impact of the building height in accordance with Objective SH2 of the Local Area Plan has established the following:
 - There will be no negative impact on the streetscape or historic character of Blackrock consequent on the proposed development. The site in question is not located in close proximity to any protected structure nor is it within an Architectural Conservation Area.
 - The proposal will not result in any adverse impact on adjoining structures.
 - There will be no negative impact on any open space or the public realm. The remainder of the permitted office block will not be altered in terms of its enhancement of the public realm.
 - There are no protected views or vistas impacted by the proposed development.

Accordingly, the proposal is consistent with Objective SH1 of the Plan.

- The proposal accords with Objectives CS2 & SH2 of the Plan in that it does not affect any protected structure.

- The Board is requested to consider any absolute height restrictions imposed in the Local Area Plan having regard to the *'Urban Development and Building Heights, Guidelines for Planning Authorities, 2018'*.

Paragraph 2.6 of these Guidelines states that statutory plans, including Local Area Plans, have tended to *'set out overly restrictive maximum height limits in certain locations and crucially without the proper consideration of the wider planning potential of development sites and wider implications of not maximising those opportunities by displacing development that our wider society and economy needs to other locations that may not be best placed to accommodate it'*.

It is submitted that the subject proposal is consistent with the foregoing provision in that it is highly desirable that 'Zurich Assurance' be accommodated within a district centre in Blackrock where it has an established presence.

- Paragraph 2.7 of the *'Urban Development and Building Height, Guidelines for Planning Authorities, 2018'* recognises that if development plans are to be consistent with growth targets and the strategic objectives of the National Planning Framework, whilst maximising the sustainable use of existing infrastructure and planned investment, then they must *'become more proactive and more flexible in securing compact urban growth through a combination of both facilitating increased densities and building heights, whilst also being mindful of the quality of development and balancing amenity and environmental considerations'*. It is further stated that in such locations *'increased building height is not only desirable but is a fundamental policy requirement'*.

In the absence of any significant negative impact, it is considered that the increased height sought in the subject application accords with the guidelines.

- Having regard to the site location within the centre of Blackrock and within a defined District Centre, it is considered that the proposal is entirely consistent with the Blackrock Local Area Plan and the *'Urban Development and Building Height, Guidelines for Planning Authorities, 2018'*.

- The proposal is consistent with various existing development within the Local Authority area and does not set an undesirable precedent.
- The siting of plant on office roof-tops is a well-established engineering practice and in this regard the Board is referred to the examples of same detailed in the accompanying Design Statement, including PA Ref. Nos. D09A/0175 & D06A/0459.
- Following the grant of permission issued for PA Ref. No. D16A/0418 / ABP Ref. No. PL06D.247702, it was identified that the accommodation requirements of the tenant had increased. Accordingly, a solution was devised to relocate the plant area from Level 4 in order to provide for additional office space with the submitted design aiming to minimise the quantum and visibility of the relocated plant on the roofscape.
- In the absence of any significant landscape / visual (or other) impacts consequent on the proposed development, and in light of the enhancement of the area in question as an employment centre and the revitalisation of the Blackrock District Centre in accordance with local planning policy, the subject proposal is consistent with the proper planning and sustainable development of the area.
- The benefits for the local and wider economy consequent on the proposed development are material considerations in the determination of the appeal.
- It is entirely reasonable to vertically separate high-quality office accommodation from plant and services. The additional office space will offer the potential for a higher degree of occupancy and will also provide for the improved well-being of its occupants when compared to the scheme as originally granted permission.
- The enhancement of office services and the facilitation of strategic employment growth in designated centres such as Blackrock is supported in the National Planning Framework.
- The incoming tenant has indicated a desire for enhanced views towards the Wicklow Mountains which will also serve to improve the well-being of the occupants of the development.

- The use of the permitted plant area as office accommodation represents a more sustainable use of this space and utilises the built environment to its full potential.

6.2. Planning Authority Response

- States that the grounds of appeal do not raise any new matter which, in the opinion of the Planning Authority, would justify a change of attitude to the proposed development.

6.3. Observations

6.3.1. Christopher Terry:

- No justification has been provided in support of the additional floorspace proposed and the proposal amounts to an unwarranted attempt to increase the bulk and intensity of the permitted development in contravention of the building height guidelines set out in the Blackrock Local Area Plan.
- The proposed development will result in an increase of c. 8.73% in the net floor area (over that previously approved) in the absence of any additional car or cycle parking facilities.
- The overall bulk of the proposed development is illustrated by the c. 25% increase in the height of the construction (25.34m) when compared to the original building (20.4m).
- The proposed development will have a detrimental impact on the residential amenity of the observer's property by reason of overlooking with a loss of privacy and visual intrusion.
- The applicant's response to the request for further information is deficient and does not provide for a complete assessment of the visual impact of the proposed development.

6.3.2. Conor McDermott:

- The subject proposal should be considered in light of the multiple concurrent applications for the redevelopment of the wider site, including the Blackrock

Shopping Centre and Trident House. When taken in combination with these development proposals, the overall impact of the proposed works on the amenities of local residents and their properties is more apparent, with particular reference to the issues of noise and building height where the effects are cumulative and have not been given adequate consideration in the applicant's submissions.

- Given the scale and height of the deviation from the permitted development (through the provision of 629m² of additional office space), the overall scheme should be reviewed in full.
- The amended proposal will significantly exacerbate the impact of the permitted development on the residential amenity of neighbouring dwelling houses within Brusna Cottages.
- The proposed development will have a detrimental impact on the residential amenity of the surrounding properties by reason of overlooking with a loss of privacy and overshadowing / loss of light.
- There are serious concerns as regards the potential noise impact of the relocated plant on the amenity of neighbouring properties.
- The proposed development will further impact on the usage of the shared outdoor amenity space that fronts onto properties within Brusna Cottages.
- Brusna Cottages has been identified as a 'Proposed Candidate for Architectural Conservation Area' in the Blackrock Local Area Plan, 2015 given its unique character and the positive contribution it makes to Blackrock Village. It is considered that the proposed development would have a severe negative impact on the Cottages and would be counterproductive to the preservation of the integrity, character, and appearance of a candidate Architectural Conservation Area.
- The applicant's response to the request for further information is deficient / inadequate.

6.4. Further Responses

None.

7.0 Assessment

7.1. From my reading of the file, inspection of the site and assessment of the relevant local, regional and national policies, I conclude that the key issues raised by the appeal are

- The principle of the proposed development
- Overall design / building height / visual impact
- Impact on residential amenity
- Traffic considerations
- Appropriate assessment

These are assessed as follows:

7.2. The Principle of the Proposed Development:

7.2.1. Having regard to the site location within a defined '*District Centre*' on lands with the stated land use zoning objective '*to protect, provide for and / or improve mixed-use district centre facilities*', the wider strategic objectives set out in the County Development Plan and the Blackrock Local Area Plan, 2015 in support of office development within District Centres (including Policy E11: '*Office Development*' of the Development Plan which states that office development is generally appropriate within District Centres), the established and permitted use of the site for office purposes, the planning history of the site, and the limited nature and scale of the development proposed, in my opinion, the overall principle of the subject proposal is acceptable.

7.3. Overall Design / Building Height / Visual Impact:

7.3.1. The principle issue for consideration in the assessment of the subject appeal derives from the proposal to relocate the air handling / plant area from its position as approved under PA Ref. No. D16A/0418 / ABP Ref. No. PL06D.247702 (i.e. on the uppermost (fifth storey) floor level and within the envelope of the building) to a new roof-top location. In this regard it has been asserted in the decision to refuse permission that the scale, design and visual prominence of the newly located enclosed plant room will have a negative impact on the visual amenity of the surrounding area and that it will significantly detract from the high quality of the

design and overall aesthetics of the office building as originally approved under ABP Ref. No. PL06D.247702. It has also been asserted that the proposal is contrary to Policy BK05 of the Blackrock Local Area Plan which aims to ensure that the building heights of future development in Blackrock make a positive contribution to the built form of the area and do not adversely impact on local amenity.

- 7.3.2. In assessing the visual impact of the proposed development it is of relevance in the first instance to consider the overall building height consequent on same and in this respect I would advise the Board that the site in question is located in an area identified on Map 12: '*Existing & Proposed Building Heights*' of the Local Area Plan as being subject to a 'Building Height Limit' of 5-storeys in accordance with the requirements of Objective SH1: '*Scale & Building Height*'. The structure presently under construction on site pursuant to PA Ref. No. D16A/0418 / ABP Ref. No. PL06D.247702 (as amended by PA Ref. No. D18A/0211) comprises a five-storey over basement office block and thus accords with the aforementioned policy provision, however, the Planning Authority has sought to draw parallels between the proposed erection of the new roof-top plant area and the provision of an additional 'sixth' storey. Whilst I would acknowledge that the proposed development will indeed result in an increase in the height of the building in question, in my opinion, it is of note that the Local Area Plan has not imposed any specific upper limit on the overall building height but has instead placed a reliance on restricting the number of building storeys which would not seem to exclude the consideration of roof-top plant. Although the visual impact of some plant areas could perhaps be comparable to an additional storey of accommodation, in the subject instance I would not consider this to be the case. Furthermore, the attachment of Condition No. 4 of the grant of permission issued in respect of ABP Ref. No. PL06D.247702, which prohibits any additional development (including air handling equipment, storage tanks, ducts or other external plant) from taking place above roof parapet level unless authorised by a grant of planning permission, does not outrightly exclude the erection of roof-top plant but rather requires an assessment of the potential impact of same on the visual amenity of the area and the residential amenities of property in the vicinity.

- 7.3.3. It is of further relevance to note that whilst the case planner has referenced the building height limit of five storeys set out in the Local Area Plan and has stated that '*the scale of the proposed plant room is similar to that of an additional storey*' atop

the approved five-storey construction, permission was not refused by reference to the 'Building Height Limit' set out in Objective SH1: '*Scale & Building Height*' (and the associated Map No. 12) but instead derives from the more general policy position contained in Policy BK05 which aims to ensure that building heights within future developments in Blackrock make a positive contribution to the built form of the area and do not adversely impact on local amenity.

- 7.3.4. Accordingly, on the basis of the foregoing, I would suggest that there is no express policy provision at a local level which would specifically prohibit the erection of roof-top plant at the location proposed.
- 7.3.5. The practice of siting of external plant such as air handling units etc. on roof-tops is commonplace and is not an unusual sight, particularly within business / commercial / mixed-use districts. The subject proposal includes for the erection of a roof-top plant area measuring 7.6m x 37.5m which will extend to a height of approximately 3m over the permitted roof level (alongside Frascati Road) with the construction occupying a central position within the roof area that will be recessed from the roof edge on all sides with a setback of 7.2m and 7.7m from the south-western and north-eastern facades respectively. The perimeter of the plant area is to be enclosed by 50mm rigid acoustic panelling set within a louvred outer skin, however, in order to further mitigate the visual impact of the construction, the grounds of appeal have been accompanied by amended proposals which include for a high-quality anodized aluminium treatment / finish to the proposed 'louvre system' that will provide for a lighter metallic mid-grey appearance thereby reflecting and defusing the sky to reduce the visual impact of the enclosure.
- 7.3.6. In support of the proposal, the planning application has been accompanied by a Landscape and Visual Impact Assessment which is further supplemented by a series of photomontages taken from representative viewpoints within the surrounding area that purport to detail the original building on site (since demolished), the permitted scheme, and the proposed development (for comparison purposes). Similarly, the grounds of appeal include an analysis of the landscape / visual impact of the modified proposal and a 'Design Statement' which asserts that the plant area cannot be reduced in size further (due to tenant / office space requirements) in addition to an updated set of photomontages.

- 7.3.7. In summary, the applicant has asserted that the visual impact of the proposed development will be neither significant nor negative with the result that there will be little appreciable difference when viewed from within the surrounding area and compared to the permitted scheme. It has been further submitted that although the roof-top plant may be legible from certain selected vantage points, this legibility / visibility does not equate to the construction being overtly prominent or visually obtrusive.
- 7.3.8. On balance, having conducted a site inspection, and following a review of the submitted information, I am inclined to concur with the applicant that whilst the proposed roof-top plant area (as modified in the grounds of appeal) will result in an increase in the overall building height and will be visible to some extent from within the wider area, the magnitude of the additional visual impact consequent on same is within tolerable limits and would not detract to an unacceptable extent from the visual amenity of the surrounding area
- 7.3.9. In terms of the impact of the proposed development on the overall design quality and aesthetics of the office building as originally approved under PA Ref. No. D16A/0418 / ABP Ref. No. PL06D.247702, whilst I would accept that the initial proposal to incorporate the plant area into the envelope of the structure was a welcome feature, I am not satisfied that the subject works would undermine the overall ethos of the building design as to warrant a refusal of permission. In this regard, I would reiterate that the placement of external plant on roof-tops is common practice and that the visual impact of the proposal has been mitigated to within acceptable limits (through the recessing of the construction from the roof edge / building facades and the use of perimeter screening), whilst I also note the applicant's submission that if the building height limit set out in the Local Area Plan is to be rigidly applied then it would presuppose that office floorspace should be maximised within that 5-storey limit with any plant effectively deferred to roof level. Although the original design concept for the siting of the plant area is perhaps preferable, in my opinion, this would not in itself justify a refusal of permission and I am inclined to conclude that the revisions proposed do not unduly compromise the merits of the wider building design.
- 7.3.10. Therefore, in light of the foregoing, I am satisfied that the proposed development will not give rise to an unacceptable impact on the visual amenity of the surrounding area, will not significantly detract from the design quality of the permitted

construction, and will not contravene the policy provisions of the Blackrock Local Area Plan, 2015.

7.4. Impact on Residential Amenity:

- 7.4.1. Concerns have been raised that the proposed development will have a detrimental impact on the residential of nearby properties (with specific reference to those residences within Brusna Cottages) by reason of overlooking / loss of privacy, overshadowing / loss of light, increased noise, and visual intrusion.
- 7.4.2. Having regard to the limited scale, nature and design of the proposed development, with particular reference to its recessed position within the roof area and the proposal to provide an acoustic enclosure around the external plant, in addition to the site context within a built-up urban area and the planning history of the site, I am satisfied that the subject proposal will not give rise to any significant additional impact on the residential amenity of neighbouring properties.

7.5. Traffic Considerations:

- 7.5.1. The proposed development involves the provision of 629m² of additional office floorspace in the absence of any further on-site car parking, however, Section 8.2.4.5 of the Development Plan states that reduced car parking standards for any form of development may be acceptable dependant on a number of factors, including the location of the proposed development (with specific reference to the proximity of the proposal to a District Centre or a high density commercial / business area), the proximity / availability of public transport, the mix of land uses within and surrounding the proposed development, and any proposals for the implementation of a Travel Plan for the development where a significant modal shift towards sustainable travel modes can be achieved. In this regard, it is of relevance to note that the subject site is located within a defined 'District Centre' and is well served by high quality public transport links, including Dublin Bus and DART services. Moreover, I would advise the Board that the original development as permitted under ABP Ref. No. PL06D.247702 was accompanied by a Traffic Engineering Report and a Mobility Management Plan which sought to encourage a more appropriate transportation modal choice through the promotion of walking, cycling, car sharing and public transport usage. Notably, in their assessment of that case the reporting inspector was satisfied that a Mobility Management Strategy could be successfully instigated

and operated for the development given the site location within a district centre and the proximity of public transport. That conclusion was subsequently accepted by the Board which imposed a condition requiring the submission of a Mobility Management Strategy that would include incentives to encourage the use of public transport, cycling, walking and car pooling by staff employed in the development and to reduce and regulate the extent of staff parking.

7.5.2. Therefore, on the basis of the foregoing, with particular reference to the site location within a district centre and the proximity of public transport, and noting that the subject proposal will be required to comply with the terms and conditions of the parent grant of permission (i.e. the requirement to submit a Mobility Management Strategy), I am amenable to a relaxation in the applicable parking standards in this instance.

7.6. Appropriate Assessment:

7.6.1. Having regard to the minor nature and scale of the proposed development, the availability of public services, the nature of the receiving environment, and the proximity of the lands in question to the nearest European site, it is my opinion that no appropriate assessment issues arise and that the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

8.0 Recommendation

8.1. Having regard to the foregoing, I recommend that the decision of the Planning Authority be overturned in this instance and that permission be granted for the proposed development for the reasons and considerations and subject to the conditions set out below:

9.0 Reasons and Considerations

9.1. Having regard to the established office use of the site, the zoning objective for the area, the planning history of the site, and the nature and scale of the proposed development, it is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the residential or visual

amenities of the area or of property in the vicinity, would respect the existing character of the area and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 15th day of April, 2019 and by the further plans and particulars received by An Bord Pleanála on the 6th day of June, 2019, 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 and the development shall be carried out and completed in accordance with the agreed particulars.

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 on 18/04/2017 under appeal reference number PL06D.247702, planning register reference number D16A/0418, 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.

3. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation

provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Robert Speer
Planning Inspector

17th September, 2019