

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Dún Laoghaire-Rathdown County

Planning Register Reference Number: D16A/0235

An Bord Pleanála Reference Number: PL 06D.246810

APPEAL by Catherine Sampson of 1 Lisalea, Frascati Park, Blackrock, County Dublin against the decision made on the 31st day of May, 2016 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission to IMRF II Frascati Limited Partnership acting through its general partner Davy IMRF II GP Limited care of John Spain Associates of 39 Fitzwilliam Place, Dublin in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Modifications to the development permitted under planning register reference number D14A/0134 (which provides for the rejuvenation of Frascati Shopping Centre). The proposed modifications to the permitted scheme (planning register reference number D14A/0134) consist of the following:

- Lower Ground Floor Plan - Reconfiguration of the lower ground floor level, including increase in car parking area, relocation of back of house areas to first and second floor level, revised circulation, and alterations to the car park layout. There is a proposed net increase in the permitted gross floor area at lower ground floor level of 210 square metres.

- Ground Floor Plan - Alterations to the configuration of the mall and units, including revisions to the internal circulation, provision of a colonnade access to the podium car park and revisions to access from podium car park to the mall. Extension of the retail floorspace into the colonnade area fronting Frascati Road and associated alterations to the landscape arrangement. Permitted extension to Anchor 2 reconfigured and allocated as a new retail unit including an extension of the retail floorspace onto part of the previously approved podium car park and associated alterations to the car park layout. There is a proposed net increase in the permitted gross floor area at ground floor level of 745 square metres.
- First Floor Plan - Alterations to the configuration of units, including reduction and reallocation of floor area previously permitted for Anchor 2, provision of mall circulation area, reduction in width of mall void, provision of additional restaurant/café floorspace (replace retail/retail service floorspace), and provision of public toilets, showers and locker facilities (previously permitted at lower ground floor level). A new mezzanine level management suite (relocated from lower ground floor level) is provided at this level with a gross floor area of 222 square metres. There is a proposed net reduction in the permitted gross floor area at first floor level, including the mezzanine level, of 88 square metres.
- Second Floor Plan - Reconfiguration of restaurant unit and circulation, including omission of one number terrace area, provision of lock-up area for retail/restaurants, new glazed roof structure over mall, new boiler house/plant room, and minor revisions to roof layout including additional plant room enclosures. There is a proposed net increase in the permitted gross floor area at second floor level of 539 square metres.
- The proposed modifications result in associated consequential alterations to elevations, including a new roof profile over the mall.
- The proposals also provide for relocation of external electrical rooms from the rear of the centre to the north west of the podium car park, alterations to the landscape area fronting Frascati Road as a result of the partial infill and infill of the colonnade area, and minor alterations to the layout and configuration of the surface level car park.

The proposed amendments result in an overall net increase in the gross floorspace of 1,406 square metres from the permitted development (including lower ground floor level), as a result of an increase in floor area of the lower ground floor car park, back of house areas at all levels and of the mall area at ground and first floor level. There is no increase proposed to the total lettable retail, retail services and restaurant/café floorspace which remains at 16,020 square metres. The restaurant/café floorspace is proposed to increase from 1,507 square metres to 1,971 square metres gross floor area and there is a consequential reduction in retail/retail services floorspace. No overall reduction to the permitted car parking (556 number permitted) or cycle parking (170 number permitted) numbers is proposed, all at Frascati Shopping Centre, Frascati Road (N31), Blackrock, County Dublin. The application site comprises of 2.67 hectares and is bound by the N31 Frascati Road to the north-east, the rear of properties on George's Avenue to the south-east, the rear of properties on Frascati Park to the west and south-west and the rear of Lisalea Apartments to the north and adjacent terrace of houses on Mount Merrion Avenue to the north-west.

DECISION

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

Having regard to the established retail 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.

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 and the development shall be carried out and completed out in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Save for revisions granted on foot of this permission, the development shall otherwise be carried out in accordance with the terms and conditions of planning register reference number D14A/0134, save as may be required by the other conditions attached hereto.

Reason: In the interest of clarity.

3. The noise level shall not exceed 55 dB(A) rated sound level, as measured at any point along the boundary of the site. Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To protect the residential amenities of property in the vicinity of the site.

4. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interests of residential and visual amenity.

5. 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.

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

Dated this day of 2016.