

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Dún Laoghaire-Rathdown County

Planning Register Reference Number: D16A/0271

An Bord Pleanála Reference Number: PL 06D.246832

APPEAL by CS Calzature Limited care of Eoin J. Carroll of First Floor, 1 Southern Cross, IDA Business Park, Bray, County Wicklow against the decision made on the 9th day of June, 2016 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission to Cavalli Investments Plc care of John Spain Associates of 39 Fitzwilliam Place, Dublin in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Amendments to the permitted development under planning register reference number D15A/0392 for the upgrade and refurbishment of Stillorgan Village Centre. The proposed amendments comprise of the following: (i) Repair and replacement where necessary of existing mall paving surface; (ii) Provision of door openings/fire escape stairs for fire escape purposes to the rear of a number of units at ground and first floor level and associated internal amendments; (iii) Omission of permitted first floor roof terrace and stair core for access to roof terrace at Unit 46; (iv) Replacement of permitted glass canopy with solid canopy to Old Dublin Road and part of Lower Kilmacud Road elevations; (v) Omission of permitted café/restaurant of 415 square metres above Units 47,48 and 49; (vi) Provision of minor extension of 55 square metres gross to Units 60-62 and provision of new shop front. This will result in the loss of two number existing car parking spaces; (vii) Provision of minor extension of 16 square metres to Unit 50 and provision of new shop front; (viii) Provision of new single storey sprinkler tank and pump house to the rear (north-east) of the Village Centre; (ix) Minor alteration of alignment to first floor walls to internal mall to accommodate

permitted canopy to internal mall; (x) Amendments to external facades, including amended cladding pattern, amendments to proportion of glazing to solid, provision of new metal reveals to mall entrance and amendments to levels of roof and parapet; (xi) Minor amendments to permitted lighting strategy for the Village Centre arising from the above proposed amendments. (xii) All associated and ancillary works. The permitted development provided an overall additional gross floor space of 443 square metres. The proposed amendments will result in a net reduction of 344 square metres and the development will therefore provide an overall additional gross floor space of 99 square metres, all on this 2.79 hectares site at Stillorgan Village Centre, (also known as Stillorgan Shopping Centre), Lower Kilmacud Road and Old Dublin Road, Stillorgan, County Dublin and associated overflow car park (Green Car Park) located on Lower Kilmacud Road.

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 provisions of the Dún Laoghaire-Rathdown County Development Plan 2016-2022, to the scale and nature of the proposed development and to the development permitted under planning register reference number D15A/0392, it is considered that, subject to compliance with the conditions set out below, the proposed development would be an acceptable form of development at this location and would not seriously injure the amenities of the area and of property in the vicinity. 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 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 the 6th day of August, 2015 under planning register reference number D15A/0392, and any agreements entered into thereunder. This permission shall expire on the expiry date of planning register reference number D15A/0392.

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

3. Details of all external shopfronts and signage shall be the subject of a separate planning application.

Reason: In the interest of the visual amenities of the area.

4. No advertisement or advertisement structure (other than those shown on the drawings submitted with the application and permitted under planning register reference number D15A/0392) shall be erected or displayed on the building or within the curtilage of the site in such a manner as to be visible from outside the building, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

5. No external security shutters shall be erected on any of the commercial premises unless authorised by a further grant of planning permission. Details of all internal shutters shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

6. Details (including samples) of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

7. The fire escapes hereby permitted and associated walkways shall be used solely for fire escape purposes.

Reason: In the interest of protecting residential amenity.

8. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: To ensure adequate servicing of the development, and to prevent pollution.

9. 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.