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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Dun Laoghaire Rathdown County Council**

**Planning Register Reference Number: D17A/0821**

**Appeal** by Frascati Park Residents Association care of William Killeen of 29 Frascati Park, Blackrock, County Dublin against the decision made on the 6<sup>th</sup> day of November, 2018 by Dun Laoghaire Rathdown County Council to grant subject to conditions a permission to Marks and Spencer Ireland Limited care of WDR and RT Taggart of 5 to 7 Westland Square, Pearse Street, Dublin in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** The installation of one number self-contained 20 foot (6,048 millimetres) length, eight foot (2,438 millimetres) width, 8.5 foot (2,591 millimetres) height frozen storage unit to be located in the goods delivery yard of the Marks and Spencer store, Frascati Shopping Centre annually from 30th October to 31st January, at Marks and Spencer, Frascati Shopping Centre, Frascati Road, Blackrock, County Dublin.

**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 amenities of the area or of property in the vicinity and 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. During the operational phase of the proposed development, the noise level at the nearest dwelling shall not exceed 55 dB(A) rated sound level (that is, corrected sound level for a tonal or impulsive component) during the period 0800 to 2000 hours Monday to Saturday inclusive, and shall not exceed 45 dB(A) at any other time. 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.

3. This permission shall be restricted to a period of three years from the date of commencement unless, prior to the end of this period, planning permission has been granted for its continuation.

**Reason:** In order to allow the planning authority to assess the impact of the proposed development on the residential amenities of property in the area over the period.

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

**Dated this            day of            2018.**