



An
Bord
Pleanála

Board Order ABP-308046-20

Planning and Development Acts 2000 to 2020

Planning Authority: Dún Laoghaire-Rathdown County Council

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 28th day of August 2020 by IMRF II Frascati Limited Partnership care of John Spain and Associates of 39 Fitzwilliam Place, Dublin 2.

Proposed Development comprises of the following:

Alterations to the Phase 1 permission for 45 number apartments under planning register reference number D17A/0950 and An Bord Pleanála reference number ABP-300745-18, from second to fourth floor level of the rejuvenated Frascati Centre. The proposed development also includes the provision of 57 number additional apartments, as an extension of the Phase 1 permission, located above the existing or permitted podium car park to the north west of the centre, as a Phase 2 residential development. The subject application, therefore, relates to a total of 102 number residential units.

Phase 1

Alterations to the Phase 1 permission for 45 number apartments (Block A and B) and associated development, permitted under the Phase One residential development, includes the following:

- (a) Internal rationalisation of the permitted units, including changes in overall unit size and internal layouts, and associated external alterations including the provision of winter gardens.
- (b) Provision of an external walkway connection between Phase 1 and Phase 2 residential blocks at second floor level.
- (c) Refuse, car and cycle parking facilities permitted at lower ground floor level will be altered to cater for the additional residential units, including the introduction of a barrier control system.
- (d) The main entrance to the Phase 1 residential scheme from Frascati Road will serve both the permitted and proposed units.
- (e) A concierge facility room to serve the overall residential development is proposed at second floor level near the main core of Phase 1, with an associated minor reduction in the area of the permitted communal terrace at second floor level.
- (f) The communal open space for Phase 1 and 2 will be accessible to all residents.
- (g) Alterations to the cycle parking provision at lower ground floor or basement level and at the first-floor level podium car park.

Phase 2

The Phase 2 proposal consists of 20 number studios, 22 number one-bedrooms and 15 number two-bedrooms (57 number apartments) in three number blocks (Block D, E and F), arranged around a central communal courtyard space, above the existing and permitted podium car park to the north west of the centre. Block D is a five storey block, Block E is a part two to part four storey block and Block F is a part two to part three storey block, all above three levels of podium or basement car park. Balconies or winter gardens are provided to all apartments (on the north western, north eastern, south western elevations and into the internal courtyard) and access to the blocks is via stair or lift cores and an external walkway fronting the communal courtyard. A roof terrace is also proposed at fifth floor level of Block E.

The proposal includes the allocation of 57 number car parking spaces at lower ground floor level and 214 number bicycle parking spaces at lower ground and surface level for the 102 number residential units. The proposal includes alterations to existing surface car parking to provide additional landscaping and bicycle spaces, a bin storage area and stair or lift cores are proposed within the existing or permitted basement or podium car parks below the Phase 2 residential units, and the proposal includes all associated ancillary site development works. The proposal also includes alterations to the location of 30 number permitted cycle parking spaces associated with the rejuvenation of the Frascati Centre, planning register reference number D14A/0134, as amended all located at the Frascati Centre, Frascati Road, Blackrock, Co. Dublin (formerly known as Frascati Shopping Centre).

Decision

GRANT permission for the alterations to Phase 1 for the following reasons and considerations and subject to the following conditions for the proposed internal rationalisation of the 45 number apartments permitted under planning register reference number D17A/0950 and An Bord Pleanála Reference ABP-300745-18, including changes in overall unit size and internal layouts, and associated external alterations including the provision of winter gardens in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below.

REFUSE permission for Phase 2 of the proposed development based on the reasons and considerations marked (2) under.

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 (1)

In coming to its decision, the Board had regard to the following:

- (a) the extant permission on the site under planning register reference number D17A/0950 and An Bord Pleanála reference number ABP-300745-18 and the extent of the alterations proposed,
- (b) the Chief Executives Report of Dún Laoghaire-Rathdown County Council and associated appendices,
- (c) the pattern of existing and permitted development in the area,
- (d) the submissions and observations received, and
- (e) the report of the 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 area, the Appropriate Assessment Screening Report submitted with the application, the Inspector's report, and submissions on file. 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 Screening

The Board completed an environmental impact assessment screening of the proposed development.

Having regard to:

- (a) the nature, scale, location and extent of the proposed development,
- (b) the environmental impact assessment report and associated documentation submitted with the application,
- (c) the submissions from the planning authority, the observers and the prescribed bodies received in the course of the application, and
- (d) the Inspector's report.

The Board considered that the environmental impact report, supported by the documentation submitted by the applicant, adequately identifies and describes the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

The Board agreed with the examination, set out in the Inspector's report, of the information contained in the environmental impact assessment report and associated documentation submitted by the applicant and submissions made in the course of the planning application.

The Board considered and agreed with the Inspector's reasoned conclusions, that the main significant direct and indirect effects of the proposed development on the environment are, and would be mitigated as follows:

- Significant direct positive effects with regard to population and material assets due to the increase in the housing stock in the area.
- Visual and landscape effects due to the change in scale close to the existing one to four-storey residential properties. Given the location of the site within the built-up area of Blackrock and on lands zoned Direct Centre the effects are considered to be generally positive and in line with national and local planning policy. The potential for effects on adjacent residential properties due to overbearance, are localised in nature and are not considered significant in the context of the wider environment.
- Potential effects arising from noise during construction will be mitigated by appropriate management measures.
- Potential effects arising from daylight and sunlight impacts on neighbouring residential properties are localised in nature and are not considered to be significant in the context of the wider environment.
- Potential indirect effects on surface water which will be mitigated during the construction phase by appropriate management measures to control emissions of sediment and pollutants to water and during the occupation phase by surface water management and attenuation and the drainage of foul effluent to the public foul sewerage system.

The Board completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures set out in Chapter 15 of the environmental impact assessment report, and subject to compliance with the conditions set out below, the effects on the environment of the proposed development, by itself and in combination with other development in the vicinity, would be acceptable. In doing so, the Board adopted the report and conclusions of the Inspector.

Conclusions on Proper Planning and Sustainable Development

The Board considers that the proposed development would comply with the provisions of the current Dún Laoghaire-Rathdown County Development Plan 2016-2022 and the Blackrock Local Area Plan 2015-2020 and would, therefore, be in accordance with the proper planning and sustainable development of the area. Furthermore, the Board considered that, subject to compliance with the conditions set out below that the proposed development would constitute an acceptable form of development, would not seriously injure the residential or visual amenities of the area, and would be acceptable in terms of urban design. The proposed development would, therefore, be in accordance with the proper planning and sustainable development in 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, or as otherwise stipulated by conditions hereunder, and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

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 by An Bord Pleanála on 29th May 2019, under An Bord Pleanála reference number ABP-300745-18, and any agreements entered into hereunder.

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

3. All mitigation measures identified in Chapter 15 of the Environmental Impact Assessment Report, shall be implemented in full by the applicant except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity and to protect the environment during the construction and operational phases of the development.

