

An  
Bord  
Pleanála

Board Order  
ABP-313240-22

**Planning and Development Acts 2000 to 2021**

**Planning Authority: Dún Laoghaire-Rathdown County Council**

**Planning Register Reference Number: D21A/0706**

**Appeal** by Willy Cingan and Brigid Sweeney of 37 Frascati Park, Blackrock, County Dublin and by Others against the decision made on the 15th day of March, 2022 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission to IMRF II Frascati Partnership Limited, Davy IMRF II GP care of John Spain Associates of 39 Fitzwilliam Place, Dublin in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Phase 2A residential development of 41 number apartments above the existing/permitted podium car park to the north-west of the centre. The proposal will be an extension of and includes alterations to elements of the Phase 1 residential permission (currently under construction), permitted under planning register reference number D17A/0950 and An Bord Pleanála appeal reference number ABP-300745-18. The Phase 2A proposal consists of 15 number studios, 18 number one beds and eight number two beds (41 number apartments) in a U-shaped residential block, arranged around a central communal courtyard space. The south-eastern block (Block D) is a part two to part four-storey block, the north-eastern block (Block E) is a part two to part four-storey block and

*ll*

the north-western block (Block F) is a part one and part two-storey block, all above three levels of car parking. Balconies/winter gardens are provided to all apartments (on the north-western, north-eastern, south-eastern elevations and into the communal courtyard). Access to the Phase 2A residential development is proposed from the permitted/under construction Phase 1 residential development via a link bridge and also via stair/lift cores from ground floor level and external walkways fronting the communal courtyard. The proposal includes alterations to the permitted car, cycle parking and waste storage areas at lower ground floor level associated with Phase 1 residential development. This includes the introduction of a barrier control system, allocation of a total of 60 number car parking spaces, 138 number cycle parking spaces (94 number secure and 44 number visitor spaces) and three number motorcycle parking spaces for the permitted Phase 1 residential units (45 number units) and the proposed Phase 2A residential units (41 number units). The proposal also includes alterations to the location of 110 number permitted cycle parking spaces associated with the rejuvenation of the Frascati Centre, under planning register reference number D14A/0134, as subsequently amended. The proposal includes alterations to the existing and permitted surface and podium car park level to provide additional landscape screening, a bin storage area, plant areas at lower ground, ground and first floor level and stair/lift cores providing access to the residential units above. The proposal includes PV solar panels at roof level and all associated ancillary site development works all at the Frascati Centre, Frascati Road, Blackrock, County Dublin, (Formerly known as Frascati Shopping Centre). The proposed development was revised by further public notices received by the planning authority on the 9th day of November, 2021.

## **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.**

## **Reasons and Considerations**

Having regard to the zoning of the site, the pattern of development in the vicinity of the site, the nature and extent of the proposed development, and the provisions of the Dún Laoghaire-Rathdown County Council Development Plan 2022-2028 and Blackrock Local Area Plan 2015, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of traffic safety and convenience and would not set an undesirable precedent for similar developments in the area. The Board had specific regard to the housing mix in the scheme hereby permitted; in the overall development including phase 1, and phase 3; to the nature and location of the scheme on a site primarily zoned 'district centre', and to the residential size and mix requirements as set out in section 12.3.31 of the development plan, and considered that the variety and choice of housing offered by the scheme and cumulatively by the development permitted and existing, including older housing stock, located within the immediate neighbourhood was such that the scheme was generally in accordance with the requirements of the development plan. 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, as amended by the further plans and particulars submitted to the planning authority on the 9<sup>th</sup> day of November, 2021 and the 24<sup>th</sup> day of January 2022 and by the further plans and particulars received by An Bord Pleanála on the 20<sup>th</sup> May, 2022 , 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. All environmental mitigation measures set out in the Environmental Impact Assessment Report (Chapter 15 of the EIAR) and associated documentation submitted by the developer with the application, by way of further information and response to the appeals shall be implemented in full except as may otherwise be required in order to comply with the conditions of this Order.

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

3. The proposed development shall be amended as follows:
- (a) At first floor level 1, unit 2A101 Type D 1 Bed Apartment shall be omitted and the podium level communal amenity space shall be extended along the western parapet wall to include screen planting in place of the unit hereby omitted. A suitable landscape strategy shall be devised that will maximise the screening potential of this extended amenity space.
  - (b) At second floor level, unit 2A201 Type D 1 Bed Apartment shall be omitted and the gantry access shall be removed and repositioned to take account of the unit hereby omitted.

Revised drawings, to include detailed cross sections and landscape plan, showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interests of residential amenity and sustainable development.

4. Details of the materials, colours and textures of all the external finishes to the proposed development shall be as submitted with the application, unless otherwise agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity

5. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development/installation of lighting. Such lighting shall be provided prior to the making available for occupation of any unit.

**Reason:** In the interests of amenity and public safety.

6. Proposals for a street, building and public space naming scheme, apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs and apartment numbers, shall be provided in accordance with the agreed scheme. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed names.

**Reason:** In the interest of urban legibility.

7. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health.

8. The developer shall enter into water and wastewater connection agreements with Uisce Eireann (formerly Irish Water), prior to commencement of development.

**Reason:** In the interest of public health.

9. (a) The site shall be landscaped, and paving and earthworks carried out, in accordance with the detailed comprehensive scheme of landscaping, which accompanied the application, unless otherwise agreed in writing with, the planning authority prior to commencement of development.
- (b) The palette of materials to be used, including street furniture and paving to be used in public spaces, shall be agreed in writing with the planning authority prior to commencement of development.

**Reason:** In the interest of residential and visual amenity.

10. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development.

**Reason:** To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

11. Prior to the occupation of the development, a Parking Management Plan shall be prepared for the development and shall be submitted to and agreed in writing with the planning authority. This plan shall provide for the permanent retention of the designated residential parking spaces and shall indicate how these and other spaces within the development shall be assigned, segregated by use and how the car park shall be continually managed.

**Reason:** To ensure that adequate parking facilities are permanently available to serve the proposed residential units.

12. Final design details in respect of surface level visitor/short-term bicycle parking, shall be submitted to and agreed in writing with the planning authority prior to commencement of development. Details to be agreed shall include the proportion and location of cycle parking spaces to be provided as covered spaces and the design of parking structures.

**Reason:** To ensure that a satisfactory quality of bicycle parking is available to encourage sustainable travel patterns.

13. Prior to the opening/occupation of the development, a Mobility Management Strategy shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and carpooling by residents/ occupants/staff employed in the development and to reduce and regulate the extent of parking. The mobility strategy shall be prepared and implemented by the management company for all units within the development.



**Reason:** In the interest of encouraging the use of sustainable modes of transport.

14. A minimum of 10% of all communal car parking spaces should be provided with functioning EV charging stations/points, and ducting shall be provided for all remaining car parking spaces, facilitating the installation of EV charging points/stations at a later date. Where proposals relating to the installation of EV ducting and charging stations/points has not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the planning authority prior to occupation of the development.

**Reason:** To provide for and/or future proof the development such as would facilitate the use of Electric Vehicles.

15. (a) A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities for each apartment unit shall be submitted to and agreed in writing with the planning authority not later than six months from the commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.
- (b) This plan shall provide for screened communal bin stores, the locations and designs of which shall be included in the details to be submitted.

**Reason:** In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

16. The construction of the development shall be managed in accordance with a Construction and Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:

- (a) Location of the site and materials compounds including areas identified for the storage of construction refuse.
- (b) Location of areas for construction site offices and staff facilities.
- (c) Details of site security fencing and hoardings.
- (d) Details of on-site car parking facilities for site workers during construction.
- (e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site.
- (f) Measures to obviate queuing of construction traffic on the adjoining road network.
- (g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network.
- (h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works.



- (i) Details of appropriate mitigation measures for noise, dust and vibration, and the location and frequency of monitoring of such levels.
- (j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater.
- (k) Means to ensure that surface water run-off is controlled such that no silt or other pollutants / contaminants enter local surface water sewers or drains.
- (l) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.
- (m) Measure to fully remediate the site in accordance with a Construction Stage Invasive Plant Species Management plan, in advance of the commencement of construction activities.

**Reason:** In the interest of amenities, public health and safety.

17. A suitably qualified/experienced Ecologist shall be appointed in the role of Ecological Clerk of Works, who shall be responsible for the implementation, management and monitoring of the identified construction mitigation measures, and the Construction and Environmental Management Plan.

**Reason:** In the interest of amenities, public health and safety.

18. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

**Reason:** In the interest of sustainable waste management.

19. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.



**Reason:** To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

20. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** To ensure the satisfactory completion of the development.

21. 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.

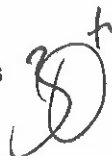



---

**Una Crosse**

**Member of An Bord Pleanála**

**duly authorised to authenticate  
the seal of the Board.**

Dated this  day of  2023.