



An  
Bord  
Pleanála

Board Order  
ABP-314429-22

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**Planning and Development Acts 2000 to 2021**

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

**Planning Register Reference Number: D21A/0996**

**Appeal** by Mary Brennan of 12 Frascati Park, Blackrock, County Dublin and by Martin Farrelly and Eithne O'Dea of 32 Frascati Park, Blackrock, County Dublin and by others against the decision made on the 29<sup>th</sup> day of July, 2022 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission to IMRF II Frascati Limited Partnership care of John Spain Associates of 39 Fitzwilliam Place, Dublin in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Phase 3 residential development of 98 number apartments on the south and south-western part of the Frascati Centre site which includes the following development: The demolition of 2,405 square metres (gross floor area) of floorspace at ground, first and second floor level of the Centre, including part of existing Anchor Unit 1. Significant alteration works are required to Units G28 and G29 to facilitate the proposed development (these retail units will be reinstated upon completion of the proposed works). The proposal consists of a U-shaped residential block consisting of five number studios, 42 number one beds and 51 number two beds (98 number apartments), with the proposed heights ranging from part

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two- to part six storeys above the existing ground floor level and surface car park of the Centre (three to seven storeys overall in height). The proposal includes alterations to the existing access road, to provide traffic calming measures, and provision of a residential entrance from the south-east of the Centre. The ground floor level includes a reception/concierge area, postal rooms, bin storage, and a secure bicycle storage area for 152 number spaces. A residential communal amenity area is proposed at first floor level. A communal courtyard area is proposed at first floor level and communal roof terraces are proposed at third and fifth floor level. Access to the residential units is to be provided via stair/lift cores to external walkways fronting the communal courtyard. Balconies are provided to all apartments and are located on the south-western, south-eastern, north-western and internal courtyard elevations. The proposal includes the allocation of 58 number car parking spaces and three number motorcycle spaces for the proposed residential units within the permitted podium car park level to the north of the Centre. Access from the allocated car parking at podium level is provided via a raised pedestrian walkway to a residential stair/lift core which connects to the external walkways fronting the communal courtyard. The development proposes alterations, removal and addition of parking spaces within the existing surface car park to the rear of the Centre, including extension into the former garden centre area, and results in the net loss of 19 number existing surface car parking spaces to accommodate the two number new stair and lift cores, the ESB substation, the structure for the residential development above and the revised access road layout required to facilitate the entrance to the Phase 3 residential development. In addition, the proposal includes the provision of 22 number motorcycle parking spaces within the surface car park area for the Centre. The proposal includes an ESB substation and switchroom, 20 number visitor cycle spaces, all associated landscaping, including additional landscaping screening, PV solar panels at roof level, drainage infrastructure works and all associated ancillary site development works, all at Frascati Centre, Frascati Road, Blackrock, County Dublin (formerly known as Frascati Shopping Centre).

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## **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 material on file regarding the height and scale of development in relation to section 3.2 of the Urban Development and Building Height Guidelines issued by the Department of Housing, Planning and Local Government in December 2018, and accepted the assessment of the local authority, taking account of the wider strategic and national policy parameters set out in the National Planning Framework and the guidelines contained in the Building Height Guidelines, and considered the proposed height of the development to be appropriate to the location. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

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## Conditions

1. The proposed 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 received by the planning authority on the 7<sup>th</sup> day of June, 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 proposed 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 with the planning application, by way of further information, and the appeal, shall be implemented in full, 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 proposed development.

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

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

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4. 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 interest of amenity and public safety.

5. Proposals for a street, building and public space naming scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all street signs and dwelling 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 name(s).

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

6. Water supply and 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.

7. 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.

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8. (a) The site shall be landscaped and paving and earthworks carried out in accordance with the detailed comprehensive scheme of landscaping which accompanied the planning 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.

9. All trees within and on the boundaries of the site shall be retained and maintained, with the exception of the following:
- (a) Specific trees, the removal of which is authorised in writing by the planning authority to facilitate the proposed development.
- (b) Trees which are agreed in writing by the planning authority to be dead, dying or dangerous through disease or storm damage, following submission of a qualified tree surgeon's report, and which shall be replaced with agreed specimens.

Retained trees shall be protected from damage during construction works. Within a period of six months following the substantial completion of the proposed development, any planting which is damaged or dies shall be replaced with others of similar size and species, together with replacement planting required under paragraph (b) of this condition.

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

10. No trench, embankment or pipe run shall be located within three metres of any trees which are to be retained on the site.

**Reason:** To prevent damage to the root systems of trees.

11. All planting/landscaping required to comply with the specifications of the landscaping scheme submitted to the planning authority shall be maintained, and if any tree or plant dies or is otherwise lost within a period of five years, it shall be replaced by a plant of the same species, variety and size within the planting season following such loss.

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

12. 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 the development in the interest of residential amenity.

13. 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.

14. 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.

15. 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.



16. A minimum of 10% of all communal car parking spaces shall be provided with functioning EV charging stations/points, and ducting shall be provided for all remaining car parking spaces, including in-curtilage 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 planning application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the planning authority prior to the occupation of the development.

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

17. (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 residential unit shall be submitted to, and agreed in writing with, the planning authority not later than six months from the date of commencement of the 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.

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18. The construction of the proposed 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. The plan shall provide details of intended construction practice for the proposed 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) Measures 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.

19. 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.

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20. 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.

21. 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.

22. 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 and maintenance until taken in charge by the planning authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion or maintenance 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 and maintenance of the development until taken in charge.

23. 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*

Una Crosse

Member of An Bord Pleanála

duly authorised to authenticate  
the seal of the Board.



Dated this 30<sup>th</sup> day of May 2023.