



An
Bord
Pleanála

Inspector's Report PL06D.247702

Development	Demolition of office building and construction of five storey office building.
Location	Enterprise House, Frascati Road, Blackrock, Co. Dublin.
Planning Authority	Dún Laoghaire-Rathdown Co. Council
Planning Authority Reg. Ref.	D16A/0418
Applicant	Friends First Life Assurance Co. Ltd.
Type of Application	Permission.
Planning Authority Decision	Grant.
Type of Appeal	Third Party
Appellant	Musgrave Operating Partners Ireland
Observer	Cllr. Ossian Symth.
Date of Site Inspection	2/3/17
Inspector	Siobhan Carroll

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1.0 Site Location and Description

- 1.1. The appeal site is situated on the eastern side of Fracati Road in Blackrock, Co. Dublin. It comprises the plot of Enterprise House. Enterprise House is an office building constructed in the 1985. It contains four-storeys with undercroft car parking. The building is presently occupied by Zurich Life Assurance. It is located within the Blackrock Shopping Centre complex.
- 1.2. Blackrock Shopping Centre was built in 1984. It contains 40 no. retail/commercial units including the SuperValu supermarket which is the anchor tenant. Blackrock Shopping Centre complex including Enterprise House, the Shopping Centre and Trident House is served by 327 no. car parking spaces. Vehicular access to the car park is off Rock Hill road to the north. The car park is exited onto George's Avenue. The service yard of the Shopping Centre is access off George's Avenue.

2.0 Proposed Development

- 2.1. Permission is sought for the demolition of the four-storey office building and the construction of a five-storey office building for general office and/or science and technology with all associated site works.
- 2.2. Floor area proposed to be demolished – 9,723.20sq m
- 2.3. Floor area of proposed office building – 13,973.10sq m

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Permission was granted subject to 16 no. conditions.

3.2. Planning Authority Reports

- 3.2.1. Planning Reports

The Planning Authority sought further information on a number of mainly concerning access and parking. Following the submission of a response to the further information the Planning Authority were satisfied with the proposed scheme.

3.2.2. Other Technical Reports

Transportation Planning – following the submission of further information, no objections subject to conditions.

Parks and Landscape Services – following the submission of further information, no objections subject to conditions.

Drainage Planning – no objections subject to conditions.

Environmental Health Officer – no objections subject to conditions.

3.3. Prescribed Bodies

3.3.1. Transport Infrastructure Ireland – no objections

3.4. Third Party Observations

The Planning Authority received one third submission/observation. The main issues raised are similar to those set out in the appeal.

4.0 Planning History

None on site

Adjacent area

Reg. Ref D16A/0235 & PL06D.246810 – Permission was granted for modification to the development permitted under reg. ref. D14A/0134, which provides for the rejuvenation of the Frascati Shopping Centre with all associated site works.

Reg. Ref D14A/0134 – Permission was granted for part demolition and extension of the Frascati Shopping Centre to the north east and to the north west to provide for an expansion of the retail, retail services, restaurant/café and ancillary floor space at

lower ground, ground, first and second floor level, including a terrace for the second floor level and north west part of the site.

5.0 Policy Context

5.1. Development Plan

The site is governed by the provisions of the Dún Laoghaire – Rathdown County Development Plan 2016-2022.

- The site is zoned Objective 'DC' with a stated objective 'to protect, provide for and/or improve mixed-use district centre facilities'.
- Policy E11 – Office Development

It is Council policy to facilitate significant office development in commercial and employment centres. The appropriate locations for office development would generally be in Major Town Centres, District Centres, and Employment zoned areas.

5.2. Blackrock Local Area Plan 2015-2021

- Chapter 6 refers to Employment
- Objective E3 – It is an objective of the Council to encourage improvements to existing and the provision of additional, office floorspace where feasible.
- The Building height limit on the site is 5 storey as indicated on Map 12 of the Blackrock Local Area Plan.
- The site is within the Core retail area as indicated on Map 15 of the Blackrock Local Area Plan.

5.3. Natural Heritage Designations

- 5.3.1. The site is located approximately 130m from the South Dublin Bay and River Tolka Estuary SPA Site Code (004024).
- 5.3.2. The site is located approximately 140m from South Dublin Bay SAC Site Code (000210).

6.0 The Appeal

6.1. Grounds of Appeal

A third party appeal was lodged by Tom Philips & Associates on behalf of Musgrave Operating Partners Ireland on the 8th of December 2016. The main issues raised are as follows;

- The appellants Musgrave Operating Partners Ireland own and operate Supervalu. Supervalu supermarket is the anchor tenant within the Blackrock Shopping Centre.
- The Shopping Centre, other structures and Enterprise House form a complex know as Blackrock Shopping Centre.
- It is contended that Enterprise House cannot be considered in isolation to the Blackrock Shopping Centre. The proposed works to the car park materially affect the Shopping Centre. The appellants therefore consider that the applicants should have based the application on the overall site of 1.27 hectares rather than the 0.51hectare site.
- It is argued that Enterprise House is not a standalone portion of the Blackrock Shopping Centre and that the proposal represents project-splitting.
- The appellants contend that the proposed development would have a materially detrimental effect on the operational viability of Blackrock Shopping Centre. The proposed development a non-retail use will reduce Blackrock Shopping Centre ability to compete within the retail core due to cumulative impacts during construction and post construction stages.
- The proposal would result in a decimating effect on the car parking provided at Blackrock Shopping Centre during the construction and operational stages. The appellants are concerned that a phase by phase examination of the proposal in relation to the impact on car parking was not carried out.
- The construction phase would take 130 weeks. The appellants estimate that 150 no car parking spaces which is 46% of the existing provision would be out

of bounds during the construction period. The loss of custom which would result would be difficult to recoup.

- There would be an overall reduction in car parking of 11% with an increase in gross floor area of 217.5% which represents a significant impact.
- The appellants consider that the response to the further information submitted does not satisfactorily detail the management arrangements of the car parking. The documents submitted do not specify how the reduction in car parking will be accommodated during the construction and operational phase without impact upon the operation and servicing of the Shopping Centre.
- The appellants state that the application site should include the exit at George's Avenue. They consider that the drawings indicating the proposed works at the exit are somewhat confusing.
- It is concluded that the operational needs of Blackrock Shopping Centre have not been satisfactorily considered including car parking provision at construction and operational stages as well as the ability to service the Shopping Centre post development.
- It is therefore requested that the Board refuse permission for the reasons set out in the appeal.

6.2. Applicant Response

A First Party response to the third party appeal was submitted by Cunnane Strattan Reynolds on behalf of the applicant Friends First Life Assurance Co. Ltd. on the 17th of January 2017. The main issues raised concern the following;

- The first party have queried the validity of the appeal based on the postal address provided by the third party appellants.
- The proposed demolition and replacement of the office building with a high quality modern office building would provide a positive outcome for Blackrock.
- Zurich represents a significant employer in Blackrock. The proposed development will facilitate the retention of Zurich at the same location.

- The appellants consider that the application site should have covered the entire shopping centre. The applicant also owns the other areas of the Blackrock Shopping Centre complex as indicated with the blue line area on the application drawings.
- The red line boundary indicates the location where development is proposed while the “blue” line indicates the overall landholding.
- It is noted that a copy of a drawing indicating the site location was submitted with the appeal. The copy of the drawing was cropped and omitted a section of the title block which refers to the red line and blue line boundaries.
- The red line boundary i.e. the application site is considered appropriate to the proposed development. No works are proposed over areas within the blue line boundary.
- The appellants raised the matter of the “Burdle Principle” in the appeal and cited the provisions of the second principle in Burdle as detailed in the publication “The Irish Planning Law and Procedure” by Eamonn Galligan SC.
- The applicant sought the advice of Eamonn Galligan SC in relation to the current proposal. Appendix B of the first party response details the advice of Eamonn Galligan SC. It advises that the third party appeal refers to the planning unit and project splitting, and the case is made that the works to the car park materially affect the Shopping Centre and therefore the application site should have cover the overall site of 1.27 hectares.
- This argument for the entire Blackrock Shopping Centre complex to be included in the application site is not based on development occurring outside the red line boundary but on the basis that the red line boundary but on the basis that the effects of the development would be felt outside the application site.
- Planning Law does not require that the area that is affected by the proposed must be included in the red line area or planning unit.
- The appeal refers to a previous application (Reg. Ref D15A/564) and states that the applicant recognises the overall complex as a single planning unit.

- The entire complex is outlined in blue i.e. in the ownership of the applicant. The indication of the other land adjoining or abutting the application site in the ownership of the applicant enable the planning authority and the Board to attach conditions relating to the blue line area where appropriate.
- It is the opinion of Eamonn Galligan SC that the use of Enterprise House falls within the scope of the third Burdle principle for the determining of the planning unit. “it may frequently occur that within a single unit of occupation two or more physically separate and distinct areas are occupied for substantially different and unrelated purposes. In such cases, each are used for a different main purpose (together with its incidental and ancillary activities), ought to be considered to be a separate planning unit.”
- The use of Enterprise House for office/administrative purposes has a different main purpose than the retail units in the shopping centre and therefore the appropriate unit to be considered does not include the shopping centre.
- In relation to the matter of “project splitting” the argument made in the appeal would appear to suggest that the requirement for an EIS in respect of the proposed development. The term “project splitting” refers to the practice where developers seek to break up an overall development into a number of smaller developments with the view to avoiding the threshold for EIA. The current proposal relates only to Enterprise House and ancillary works and there are no other further proposals which would form part of an overall project.
- Eamonn Galligan, SC, concludes in his submission that it is his legal opinion that the legal arguments presented in the third party appeal are based on propositions and do not have any legal foundation.
- In relation to the matters of trading impact and the reduction in car parking the appellants refer to the impact the proposed development would have on the operational viability of the Blackrock Shopping Centre, a designated District Centre. The first party clarify that Blackrock Shopping Centre is not the district centre that Blackrock in its entirety is the designated District Centre. The primary concern of the appellant relates to commercial interests and the

impact of the temporary construction phase. The first party consider that this assertion is unsubstantiated in the appeal.

- The car park will be reduced in scale during the construction phase and this is outlined in the application. The demand for car parking by existing office users will be removed during the construction phase. The applicant who is the owner of Blackrock Shopping Centre are committed to minimising negative impacts to all traders.
- The first party note that Blackrock Shopping Centre is well served by public transport and that retailers will experience trade from a variety of shoppers including those undertaking weekly shops or smaller purchases. The appellant has not provided evidence based on trading patterns or volumes over the course of a day or a week that the temporary construction would prevent their supermarket from being competitive.
- The first party note that the car park is only fully occupied at peak times a couple of times per week. During the temporary construction phase customers will be made aware of the fact that the centre is still open with appropriate signage and hoardings.
- The car parking permitted under the current proposal satisfactorily accommodates the uses on site in accordance with the development plan requirements and is in keeping with the general policy to reduce car use.
- The appellant is a leaseholder and former part owner of the Shopping Centre. The appellant has signed a lease which provides for the owner to reduce the volume of car parking on site to no less than 270 no. spaces to allow for redevelopment. The lease agreement states that *“the Landlord shall endeavour to minimise the number of spaces which are temporarily unavailable and ensure that the spaces are reinstated as soon as practicable.”*
- The proposed development will provide improvements to the access and egress points, circulation through the car park and the redevelopment of a high quality architecturally designed office which will enhance the District Centre.

- It is stated in the appeal that the proposed development will result in a 217.5% increase in Gross Floor Area and that there would be a reduction in car parking by 11%.
- The figure of 217.5% has been incorrectly calculated. The existing floor area is 9,723.2sq m. The proposed floor area is 13,973.1sq m which provides an increase of 4,249.9sq m which represents an increase of 43%.
- In relation to the car parking provision, the Shopping Centre was developed at a time when different car parking standards applied. Changes and improvements to the car park have occurred over time including the provision disabled and child and parent spaces. The current provision of 327 no. spaces is proposed to be reduced to 291 no. spaces including disabled and child and parent spaces.
- The Traffic Engineering Report and Mobility Management Plan submitted with the application provides proposals to encourage a more appropriate modal choice.
- Regarding the issue of construction management the applicant provided a Construction Management Plan. The applicant has confirmed that they will endeavour to advance the construction in as expedient a manner as possible within clear timeframes and including traffic management proposals to be carried out with consultation with the Gardai and Statutory Authorities.
- There are surface car parking spaces located off Rock Hill Road entrance. The applicant has confirmed that construction will be managed to ensure the maximum number of spaces are available to customers.
- Regarding the appellants concerns regarding the exit onto George's Avenue, the first party note that there are complex ownership boundaries in this area. The exit is onto lands in the ownership of Dún Laoghaire-Rathdown Co. Council.
- The proposed new exit is located to the north of the existing exit and is on lands in the ownership of the applicant. The applicant proposes to provide landscaping at the location of the old exit. The Council have provided a letter of consent which allows the area to be landscaped. The applicant requests

that the Board ensure that the lands are landscaped as part of the scheme with a similarly worded condition to condition no. 10 issued by the Planning Authority.

- The first party request that the Board uphold the decision of the Planning Authority to grant permission for the redevelopment of the existing office building which is in accordance with the provisions of the Development Plan and the Blackrock Local Area Plan.

6.3. Planning Authority Response

The Board received a response to the third party appeal from the Planning Authority on the 11th of January 2017. The response can be summarised as follows;

- A principle underpinning the Dún Laoghaire-Rathdown County Development Plan 2016-2022 is to promote and facilitate employment growth.
- The proposed development accords with the 'DC' zoning objective of the site with a stated objective "to protect, provide for and/or improve mixed-use district centre facilities."
- The proposed redevelopment of the site is also in accordance with the policies and objectives contained in the Blackrock Local Area Plan, 2015-2021.
- Car parking was assessed as part of the determination of the application in consultation with the Transportation Department. Further information was requested in relation to car parking in order to address the concerns raised in the observation received by the third party.
- The second item in the further information request required that the applicant clarify the proposal for the management and operation of the car park. It was also required that the applicant clarify the allocation and availability of the 291 no. spaces for the office development and the shopping centre.
- The response provided by the applicant stated that the car park would remain accessible to customers of Blackrock Shopping Centre during the construction phase.

- In relation to the design of the new building it is considered of a high quality which will provide a building of high architectural merit. The proposed development will contribute positively to the views approaching Blackrock along Frascati Road.
- It is requested that the Board uphold the decision of the Planning Authority to grant permission for the redevelopment of Enterprise House.

6.4. **Observations**

An Observation to the appeal was received from Councillor Ossian Symth on the 13th of January 2017. The main issues raised concern the following;

- In relation to bicycle parking within the scheme, it is proposed to provide small wheel-only cycle parking stands which are not to Sheffield stand design.
- The Observer has concerns that such stands are not used by cyclists as they are insecure to theft and wheel damage.
- The submitted plans indicate that the proposed bicycle parking to the front of the shop appears compliant with the Cycle Parking Standards in the Development Plan. The two bicycle parking areas located closer to Enterprise House are not in compliance with the Cycle Parking Standards.
- The Observer has suggested that should the Board decide to grant permission for the proposal, that a condition be attached requiring that a number of car parking spaces be converted to cycle parking of Sheffield stand design.

7.0 **Assessment**

Having regard to the above, and having inspected the site and reviewed all documents on file, the following is my assessment of this case. Issues to be considered in the assessment of this case are as follows:

- Principle of proposed development
- Design and layout
- Car parking, Access and Traffic
- Appropriate Assessment

7.1. Principle of proposed development

- 7.1.1. The appeal site is on lands zoned 'DC' with a stated objective to 'protect, provide for and/or improve mixed use District Centre facilities'. The existing building on site Enterprise House is a four-storey office building located to north and north-east of Blackrock Shopping Centre. It is proposed to demolish Enterprise House and construct a new five-storey office building. The applicant confirms in the appeal that Zurich Ireland the current occupants of the building intend to occupy the proposed new building upon its completion. As indicated in the letter from the CEO of Zurich Ireland submitted with the appeal response, Zurich represents a significant employer in Blackrock. The office space in Enterprise House which was built in the 1985 now does not provide the company with the accommodation their operations and functions require. The proposed redevelopment of the office building will facilitate the retention of Zurich at the same location.
- 7.1.2. In relation to compliance with provision of the Development Plan and Local Area Plan Policy E11 of the Development Plan and Objective E3 of the Blackrock LAP are of relevance. Policy E11 of the Dún Laoghaire – Rathdown County Development Plan 2016-2022 refers to Office Development and states that it is Council policy to facilitate significant office development in commercial and employment centres. The appropriate locations for office development would generally be in Major Town Centres, District Centres, and Employment zoned areas.
- 7.1.3. Objective E3 of the Blackrock Local Area Plan 2015-2021 states that it is an objective of the Council to encourage improvements to existing and the provision of additional, office floorspace where feasible. The proposed scheme is accordance with these Plan provisions.
- 7.1.4. Under the provisions of District Centre zoning, offices of over 1,000sq m are open for consideration. The existing uses within District Centre zoning in the vicinity of the

site are predominantly centred around the provision of retailing this includes Blackrock Shopping Centre and Frascati Shopping Centre which has recently received permission for its rejuvenation involving a net increase of circa 6,600sq m of gross lettable retail and retail service area. In my opinion, having regard to the established office use of the site and given the existing and permitted provision of retailing within the District Centre zoned lands that the proposed office use in excess of 1,000sq m is appropriate for this location and is therefore acceptable within the District Centre zone.

- 7.1.5. The first party in response to the appeal has queried the validity of the appeal based on the postal address provided by the third party appellants. In response to this matter the Board issued a response to Cunnane Strattan Reynolds the Consultants acting for the applicant Friends First Life Assurance Co. Ltd., which states “the Board is satisfied that the appeal complies with Section 127 of the Planning and Development Act 2000, as amended.
- 7.1.6. The third party have raised the concern that the application site should cover the entire area of Blackrock Shopping Centre and not be limited to the existing red line boundary. They consider that the entire Blackrock Shopping Centre complex should be included in the application site based on the fact that the proposed development would affect the area outside the red line boundary. The appellants cited the “planning unit” and “burdler principle” to argue their case.
- 7.1.7. In response to these issues the first party stated that the red line boundary i.e. the application site is considered appropriate to the proposed development. The area in the ownership of the applicant Friends First Life Assurance Co. Ltd. which comprises the Blackrock Shopping Centre complex is indicated on the site location map outlined in blue. The first party confirmed that no works are proposed to take place over any area outside the redline boundary.
- 7.1.8. The first party sought the advice of Eamonn Galligan SC, in relation to the matters of the “planning unit” and “burdler principle” and how these matters apply to the proposed development. Appendix B of the first party response sets out advice of Eamonn Galligan SC.
- 7.1.9. Firstly, regarding the “planning unit” it is a distinct part of a building or land used solely for one specific purpose. The determination of the “planning unit” is based on

United Kingdom Planning Law from the case *Burdle v Secretary of State for the Environment (SSE)* [1972] 1 WLR 1207. In the case *Bridge J* identified three broad categories for determining the planning unit which are defined as “burdle principle”.

- 7.1.10. The first category is whenever it is possible to recognise a single main purpose of the occupier's use of his land to which secondary activities are incidental or ancillary, the whole unit of occupation should be considered.
- 7.1.11. The second category is whenever it is appropriate to consider the entire unit of occupation even though the occupier carries on a variety of activities and it is not possible to say that one is incidental or ancillary to another. This is well settled in the case of a composite use where the component activities fluctuate in their intensity from time to time, but the different activities are not confined within separate and physically distinct areas of land.
- 7.1.12. The third category which may frequently occur is where within a single unit of occupation two or more physically separate and distinct areas are occupied for substantially different and unrelated purposes. In such a case each area used for a different main purpose (together with its incidental and ancillary activities) ought to be considered as a separate planning unit.
- 7.1.13. The appellant considered that the second “burdle principle” appropriate to the current proposal. In contrast *Eamonn Galligan SC*, acting for the applicant considered that the use of Enterprise House falls within the scope of the third Burdle principle for the determining of the “planning unit”. Having regard to the definitions of the three categories I would concur with the assessment of *Eamonn Galligan SC*, that the use of Enterprise House for office/administration use in a physically separate building from the main Blackrock Shopping Centre while within a single unit of occupation would fall under the third “burdle principle”. Therefore, on that basis the “planning unit” comprising Enterprise House and the rest of the area within the redline boundary including the vehicular access and exit is appropriate to the current proposal.
- 7.1.14. The third party also argued that the proposal represented project splitting. This is not the case as the proposed development relates solely to Enterprise House and ancillary works and there are no other proposals relating to Blackrock Shopping Centre which would form part of an overall project.

- 7.2. Design and layout
- 7.2.1. It is proposed to demolish Enterprise House a 9,723.20sq m four-storey office building. The building was constructed in 1985 and has a poor BER rating of E2. The existing long-term tenant Zurich require a modern office building to fulfil their current requirements.
- 7.2.2. The existing building has a ridge height of 17.7m to the highest point on the parapet of the building and 20.4m to the top of the plant room. The building has frontage of 68m along the N31 Frascati Road. The elevational treatment features a mix of brick and rendered finishes and separate sections of fenestration. The building includes a plant room on the rooftop which is highly visible from the public realm. The design while it integrates with that of Blackrock Shopping Centre, it is of its time.
- 7.2.3. The proposed scheme comprises the development of a five-storey office building for general office and/or science and technology with all associated site works. The building has been ergonomically designed to cater for modern office requirements with the provision of a flexible layout including raised access flooring and a service void to the ceiling to facilitate services and technology fit-out.
- 7.2.4. The proposal is in accordance with the building height limit of five storey as indicated on Map 12 of the Blackrock Local Area Plan. The proposed front building line would be set forward 6m from the existing building line, this would serve to improve the relationship between the building and the public realm from that which current situation.
- 7.2.5. The building has contemporary appearance with a maximum ridge height 22.15m and frontage of approximately 85m along Frascati Road. The front (south-west) elevation which addresses Frascati Road will feature a mix of brick and stone clad finishes with aluminium cladding to the roof. Double glazed curtain wall fenestration is proposed to this elevation with an aluminium brise soleil system to reduce heat gain to the building by deflecting sunlight. The elevational treatment provides a more cohesive built form than the existing building. The design has addressed the matter of the undercroft parking. A landscaping strip including trees and hedging is proposed along Frascati Road. This will serve to integrate the building with the public realm and will screen the surface car park.

- 7.2.6. The south-east side elevation and north-west side elevation feature a brick finishes with a mix of fenestration including four vertical slot sections and smaller double glazed window openings which match the portions of surrounding buildings. This elevational treatment does in my opinion provide enough variety which would provide a sleek contemporary addition to the streetscape.
- 7.2.7. The north east rear elevation of building addresses a section of Blackrock Shopping Centre which does not itself include windows. The rear elevation also addresses Blackrock Village. This elevation features a predominantly brick finish. The fenestration follows a design whereby alternate floors have the opes aligning. This provides a contemporary design with the use of rhythmic spacing of the windows and with the windows having portions which match those of the surrounding buildings and which I consider would continue the aesthetic of the streetscape in Blackrock.
- 7.2.8. With respect to the overall visual impact of the proposal an Architectural Visual Assessment was produced by 3D Design Bureau and submitted with the application. The assessment provides 8 no. views towards the site. The closer range views from Frascati Road and George's Avenue would be subject to the most change. Having regard to the overall the high quality of design and the proposed quality of materials and finishes I consider that the proposal a contemporary office block on this visually prominent site within Blackrock will create a positive visual impression.
- 7.2.9. A landscape planning report was prepared by Mitchell & Associates and is accompanied by a Landscape Masterplan and planting plans. The details provided indicate that it is proposed to consolidate and increase the level of landscaping particularly to the front of the building. This will provide a positive visual effect by integrating the building with the public realm. The proposals include additional landscaping immediately to the south-east of the site. This area is outside the ownership of the applicant and is owned by Dún Laoghaire-Rathdown County Council. In relation to this matter, I note that this is the location of the existing vehicular exit which it is proposed to relocate. Dún Laoghaire-Rathdown County Council have provided a letter of consent to allow for the area to be landscaped as indicated on the Landscape Masterplan drawing no: 100. The landscaping proposals will enhance to area and serve to integrate the building into the streetscape. The Planning Authority were generally satisfied with the landscaping proposals however they conditioned that the applicant should submit revised tree

planting proposals for the western boundary to be submitted for written agreement. I consider that a similarly worded condition would be appropriate should the Board decide to grant permission for the scheme.

7.3. Car parking, Access and Traffic

- 7.3.1. The main issue of concern as set out in the appeal refer to the matters of access and parking and the impacts of the proposed development on Blackrock Shopping Centre particularly during the construction phase. Specific concern is expressed in relation to vehicular access arrangements, the reduction in car parking which would occur and the potential impacts on trading.
- 7.3.2. The Blackrock Shopping Centre including Enterprise House is served by a surface and underground car park. In the appeal response the applicant has confirmed that the current provision is 327 no. car parking spaces. They also stated that the third party appellant has signed a lease agreement which allows the owners of Blackrock Shopping Centre to reduce the volume of car parking on site to no less than 270 spaces to facilitate the redevelopment of the site.
- 7.3.3. The appellant set out in the appeal that the proposed development would result in an increase in gross floor area by 217.5% and that there would be a reduction in car parking by 11%. The applicant has clarified the matter in their response which confirms that the existing floor area of Enterprise House is 9,723.2sq m and the proposed floor area of the new building is 13,973.1sq m. This would result in a 43.7% increase in floor area and not 217.5% as stated in the appeal.
- 7.3.4. The applicant confirmed in the appeal that the number of car parking spaces available to serve the entire Shopping Centre post development would be 291 spaces which includes provision for EV, Parent and Child and Disabled spaces. The applicant has stated that the total number of spaces which will be provided for the new office building is 40. Table 8.2.4 in the Dún Laoghaire – Rathdown County Development Plan 2016-2022 sets out maximum car parking standards for non-residential land use. In relation to office, business, professional use in areas along public transport corridors one car parking space per 100sq m gross floor area to include parking for visitors is required.

- 7.3.5. The gross floor area of the building is 13,973.1sq m and on the basis of one car parking space per 100sq m gross floor area it would generate the requirement for 139 spaces. The existing floor area of the building at 9,723.20 would generate the requirement for 97 spaces.
- 7.3.6. In relation to car parking considerations it is stated in the Development Plan that reduced car parking standards for any development may be acceptable dependant on the location of the proposed development and specifically its proximity to District Centres and the proximity of the proposed development to public transport and the implementation of a Travel Plan for the proposed development where a significant modal shift towards sustainable travel modes can be achieved. The site located within Blackrock is served by the following Dublin bus routes 4,7/A, 17, 84/A & 114. Blackrock Dart Station is circa 350m from the site. Therefore, having regard to the district centre location the site it is well served by high quality public transport.
- 7.3.7. A Traffic Engineering Report and Mobility Management Plan was submitted with the application which provides proposals to encourage a more appropriate modal choice including the promotion of walking, cycling, car sharing and public transport usage. The limiting of provision of car parking assigned to the new office building to a maximum of 40 no. spaces will therefore necessitate the use of alternative means of transport to work by staff. Having regard to the district centre location of the site and the proximity of public transport, I am satisfied that a Mobility Management Strategy can be successfully instigated and operated.
- 7.3.8. The Observer to the appeal raised the matter of adequate cycle parking provision. In relation to this I note that the availability of appropriate cycle parking facilities will heavily influence decisions to travel to work by bicycle. The applicant proposes to provide a total of 90 no. bicycle parking spaces which will represent a significant provision as an alternative to car travel. The matter of the design and layout of these bicycle parking spaces including the bicycle stand design can be addressed by condition.
- 7.3.9. In relation to the appellant's concern regarding the operation of the Shopping Centre car park during the construction phase and the impact on trading the applicant has responded that while the existing car park will be reduced in scale during the construction phase it will remain in operation. They have confirmed that they will

endeavour to minimise negative impact to the Shopping Centre as they are the owners of the Centre. This includes proposals to provide appropriate signage and hoardings to advise customers of the temporary changes to the car parking, access and circulation arrangements. The applicant is also bound to the terms of the lease agreement which states that “the Landlord shall endeavour to minimise the number of spaces which are temporarily unavailable and ensure that the spaces are reinstated as soon as practicable.”

- 7.3.10. Regarding access arrangements to the site and the Shopping Centre during the construction phase it is proposed that customer vehicles will access and exit via Rock Hill. Construction traffic will access the site from George’s Avenue. The details of these temporary access and circulation arrangements are indicated on the drawings contained in the submitted “Preliminary Demolition and Construction Management Plan”.
- 7.3.11. In terms of the operation of the car park when the development has been carried out it is proposed that the barrier entry system will be maintained. The car park will be accessed and exited from Rock Hill with 2 no. entry barriers and 1 no. exit barrier. The exit point onto George’s Avenue will be relocated and reduced from a double exit barrier to a single exit barrier. The Transportation Planning Section of the Council are satisfied with the proposed development subject to conditions.
- 7.3.12. Returning to the issue of the potential impacts on trading during the construction phase, as set out above the applicant has confirmed that they will make every effort to ensure that construction is carried out in as expedient a manner as possible. While, I would acknowledge that the proposed works on site during the construction phase would result in changes to the vehicular access, circulation and parking arrangements at Blackrock Shopping Centre, these changes would only be temporary and when the scheme is completed the access and parking arrangements will be upgraded and improved. There is on-going construction works on the site of the Frascati Shopping Centre located on the opposite side of Frascati Road. The works have resulted in a large section of the original car park being closed with alterations to the layout and circulation with the remaining area. Frascati Shopping Centre remains open and is functioning with customers adapting to those changes. I consider having regard to the details provided with the application and appeal, that

Blackrock Shopping Centre will be able to operate in a similar manner during the temporary construction phase.

- 7.3.13. Having regard to the details submitted with the application and appeal and having inspected the site, I consider that the proposed development is acceptable from a traffic and transport perspective.

7.4. Appropriate Assessment

- 7.4.1. The appeal site is situated circa 130m from the South Dublin Bay and River Tolka Estuary SPA and 140m from South Dublin Bay SAC the closest European sites. The application was accompanied by an Appropriate Assessment screening report prepared by Scott Cawley, Ecology Consultant. The report concluded that during the construction or operation phase of the proposed development that there would be no likelihood of significant effects on any European Sites arising from the proposed development alone or in combination with other plans or projects direct or indirect impact on any Natura 2000 site.
- 7.4.2. It is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on South Dublin Bay and River Tolka Estuary SPA and South Dublin Bay SAC or any other European sites, in view of the sites Conservation Objectives, and a Stage 2 Appropriate Assessment is not therefore required.

8.0 Recommendation

- 8.1. I have read the submissions on file, visited the site, and had due regard to the provisions of the Development Plan and all other matters arising. In the light of this and the assessment above, I recommend that permission be granted for the reasons and considerations set out below.

9.0 Reasons and Considerations

Having regard to the established office 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 or visual amenities of the area or of property in the vicinity, would respect the existing character of the area and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 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 on the 17th day of October 2016, 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. Details including samples of the materials, colours and textures of all the external finishes to the proposed buildings and surfaces shall be submitted

to, and agreed in writing with, the planning authority prior to commencement of development.

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

3. No advertisement or advertisement structure 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.

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

Reason: In the interest of public health.

5. The vehicular access arrangements and internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, and the underground car park shall be in accordance with the detailed standards of the planning authority for such works.

Reason: In the interest of amenity and of traffic and pedestrian safety.

6. Prior to the opening 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 car pooling by staff employed in the development and to reduce and regulate the extent of staff parking. The mobility strategy shall be prepared and implemented by the management company for the development. Details to be agreed with the planning authority shall include the provision of centralised facilities within the development for bicycle

parking, shower and changing facilities associated with the policies set out in the strategy.

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

7. 90. number bicycle parking spaces shall be provided within the site. The layout, demarcation of these spaces and the proposed bicycle stand design shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.

8. The construction of the development shall be managed in accordance with a Construction 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 compound including an area 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 the course of construction.
 - (e) Measures to obviate queuing of construction traffic on the adjoining road network.

- (f) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network.
- (g) 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.
- (h) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels.
- (i) 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.
- (j) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil.
- (k) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

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.

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

9.

- (a) Prior to the commencement of development, the applicant shall submit revised tree planting proposals for the western boundary of the site for the written agreement of the planning authority.
- (b) The site shall be landscaped in accordance plans submitted to the planning authority on the 17th of October 2016. Landscaping shall be

carried out within the first planting season following substantial completion of external construction works.

- (c) The applicant shall retain the services of a suitably qualified Landscape Architect (or suitably qualified Landscape Designer) throughout the life of the site development works. A Practical Completion Certificate is to be signed off by the Landscape Architect when all landscape works are completed to the satisfaction of the Planning Authority in consultation with the Parks and Landscape Services Department; and in accordance with the permitted landscape proposals.

Reason: In the interest of the proper planning and the sustainable development of the area.

10. 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.

Siobhan Carroll
Planning Inspector

24th March 2017