

David Mulcahy Planning Consultants Ltd
67, Old Mill Race
Athgarvan
Newbridge
Co. Kildare.

**NOTIFICATION OF DECISION TO REFUSE PERMISSION
PLANNING & DEVELOPMENT ACT 2000 (as amended) AND
PLANNING REGULATIONS THEREUNDER**

Decision Order No.	1235	Date of Decision	03-Oct-2022
Register Reference	SD22A/0322	Date	08-Aug-2022

Applicant:

Rathgearan Ltd

Development:

Demolition of all existing derelict structures on the site and the construction of 18 residential units provided in 2 separate blocks; Block 1 will be 3 storeys high and will contain 12 units; Block 2 will be two storeys high and will contain 6 units; The 18 units consist of 6 one bed apartments, 6 two bed apartments, 3 three bed duplexes and 3 three bed apartments; Ancillary development including reusing existing vehicular access/egress off Hazelhatch Road, providing a new vehicular egress (only) onto Main Street, car and cycle parking, open space, landscaping, boundary treatment (including existing stone wall at east side of the site to be partially removed, along with gates, with main portion of wall repaired and lowered), footpaths, circulation areas and all associated site works.

Location:

Lands at former McEvoy's Pub, Main Street, Newcastle, Co. Dublin

Time extension(s) up to and including:

Additional Information Requested/Received:

/

Clarification of Additional Information Requested/Received:

/

DECISION: Pursuant to the Planning and Development Act 2000 (as amended), dated as above a decision to **REFUSE PERMISSION** is hereby made for the said development for the reason(s) set out on the Schedule hereto.

REASON(S)

1. It is considered that the Applicant has failed to demonstrate compliance with the Zoning Objectives pertaining part of the subject site, having particular regard to the proposal for car parking and roads infrastructure on the portion of the subject site Zoned 'RU' where the stated objective in the South Dublin County Development Plan 2022-2028 is 'To protect and improve rural amenity and to provide for the development of agriculture'. Whilst residential development is 'open for consideration' on lands zoned 'RU', this is only where Council Policy for residential development in rural areas has been adhered to. The Applicant has not provided any evidence that any element of the proposed development would satisfy either the need for rural housing or the broader objective of the 'RU' zoning. The proposed development would therefore be contrary to the zoning objective of the subject site as outlined in Table 12.16 of the Development Plan and the relevant policy in relation to rural housing outlined in Section 12.6.9 of the Development Plan. It is therefore considered that the proposed development would be contrary to the proper planning and sustainable development of the area.
2. The subject development would, by reason of the proposed sitting and design, result in a significant and detrimental impact on the adjoining heritage asset, namely the recorded monuments RMP No. DU020-00301- Motte and RMP and RMP No. DU020-003--- Village, particularly the historic fair green which is an integral part of recorded monument. Accordingly, the proposed development would have an unacceptable level of impact on the archaeological and built heritage on the subject site and within the surrounding receiving context of the Newcastle Architectural Conservation Area, and would therefore be contrary to UC3 Objective 1, UC3 Objective 2, HCL Objective 2 and HCL Objective 3 of the South Dublin County Development Plan 2022-2028 and Objective LUD4, Objective GI20, GI21 and Objective LUD5 of the Newcastle Local Area Plan as well as the proper planning and sustainable development of the area.
3. The proposed development by reason of its height, massing, configuration, materiality and horizontal emphasis fails to make the most of this prominent corner site at the entrance to Newcastle Village and this visually dominant development would have serious adverse effects on the special character of the Newcastle Architectural Conservation Area. Furthermore it is considered that the overall design of the proposed new apartment blocks would be of insufficient architectural quality and would detract from the special character and setting of the adjoining Recorded Monuments and Protected Structure.
It is therefore considered that the proposed development would be contrary to Section 3.4.3, NCBH20 Objective 1, NCBH20 Objective 2, NCBH20 Objective 3 and NCBH20 Objective 8 of the South Dublin County Development Plan 2022-2028, as well as Section 6.3.4 and Objectives GI24, LUD5, BF8, BF10 and BF11 of the Newcastle Local Area Plan and would therefore be contrary to the proper planning and sustainable development of the area.
4. The proposed development by reason of its layout and configuration is deficient in terms of the provision of useable, accesible and safe public open space including play areas for children contrary to Section 8.7.3 of the South Dublin County Development Plan 2022-2028 and is

therefore contrary to the proper planning and sustainable development of the area.

Please note that upon receipt of this document you are obliged to remove the planning site notice in compliance with Article 20 of the Planning and Development Regulations 2001 (as amended). Please note that any valid submissions or observations received in accordance with the provisions of the Planning and Development Regulations 2001 (as amended), have been considered in the determination of this application.

Register Reference: SD22A/0322

Signed on behalf of the South Dublin County Council.

Yours faithfully,

Pamela Hughes 05-Oct-2022
for **Senior Planner**

NOTES

(A) REFUND OF FEES SUBMITTED WITH A PLANNING APPLICATION

Provision is made for a partial refund of fees in the case of certain repeat applications submitted within a period of twelve months where the full standard fee was paid in respect of the first application and where both applications related to developments of the same character or description and to the same site. An application for a refund must be made in writing to the Planning Authority and received by them within a period of two months beginning on the date of the Planning Authority's decision on the second application. For full details of fees, refunds and exemptions the Planning & Development Regulations, 2001 should be consulted.

(A) APPEALS

1. An appeal against the decision may be made to An Bord Pleanála. The applicant or ANY OTHER PERSON who made submissions or observations to the Local Authority may appeal within FOUR WEEKS beginning on the date of this decision. (N.B. Not the date on which the decision is sent or received).
1. Every appeal must be made in writing and must state the subject matter and full grounds of appeal. It must be fully complete from the start. In the case of a third party appeal it must be accompanied by the acknowledgement by the Planning Authority of receipt of the submissions/observations. Appeals should be sent to:
 2. The Secretary, An Bord Pleanála, 64 Marlborough Street, Dublin 1.
 3. An Appeal lodged by an applicant/ agent or by a third party with An Bord Pleanála will be invalid unless accompanied by the prescribed fee. A schedule of fees is at 7 below.
 4. A party to an appeal making a request to An Bord Pleanála for an Oral Hearing of an appeal must, in addition to the prescribed fee, pay to An Bord Pleanála a further fee (see 7 (g) below).
 5. A person who is not a party to an appeal must pay a fee to An Bord Pleanála when making submissions or observations to An Bord Pleanála in relation to an appeal.
 6. If the Council makes a decision to grant permission/grant permission consequent on a grant of outline permission and there is no appeal to An Bord Pleanála against this decision, PERMISSION/PERMISSION CONSEQUENT ON A GRANT OF OUTLINE PERMISSION will be granted by the Council as soon as may be after the expiration of the period for the taking of such an appeal. If any appeal made in accordance with the Acts has been withdrawn, the Council will grant the PERMISSION/PERMISSION CONSEQUENT ON A GRANT OF OUTLINE PERMISSION/RETENTION as soon as may be after the withdrawal.
 7. Fees payable to An Bord Pleanála from 10th December 2007 are as follows:
 - (a) Appeal against a decision of a Planning Authority on a planning application relating to commercial development made by the person by whom the planning application was made. where the application relates to unauthorised development€4.500.00 or €9.000 if an E.I.A.R. is involved
 - (b) Appeal against a decision of a planning authority on a planning application relating to commercial development made by the person by whom the planning application was made. other than an appeal mentioned at (a)..... €1.500.00 or €3,000.00 if an E.I.A.R. is involved
 - (c) Appeal made by the person by whom the planning application was made, where the application relates to unauthorised development other than an appeal mentioned at (a) or (b)€660.00
 - (d) Appeal other than an appeal mentioned at (a). (b), (c) or (f)€220.00
 - (e) Application for leave to appeal.....€110.00
 - (f) Appeal following a grant of leave to appeal€110.00
 - (g) Referral€220.00
 - (h) Reduced fee (payable by specified bodies).....€110.00
 - (i) Submission or observations (by observer).....€50.00
 - (j) Request from a party for an Oral Hearing€50.00

If in doubt regarding any of the above appeal matters, you should contact An Bord Pleanála for clarification at

Telephone 01-858 8100