

Comhairle Chontae Atha Cliath Theas

PR/1385/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22A/0355 **Application Date:** 08-Sep-2022
Submission Type: New Application **Registration Date:** 08-Sep-2022

Correspondence Name and Address: OC Architects & Design 67, Ranelagh Village,
Dublin 6

Proposed Development: Works to previously granted planning application
Reg Ref: SD17A/0407; In Building C, the works include, the material change of use from previously granted ground floor car park to 2 one bed apartments and one 2 bed apartment, the re-organised bin and bike store arrangement, the removal of previously granted pitched roof to allow for the construction of two additional levels above the previously granted second floor level. On the proposed third floor, there will be 3 two bed apartments and 1 one bed apartment with balconies and the proposed fourth floor will act as a penthouse level, consisting of 3 one bed apartments and 1 two bed apartment with roof terrace balconies, Associated elevational changes throughout to include the provision of 2 windows to the north elevation, next to building B, and 2 windows to the south elevation, and new door to proposed bike storage at ground floor level; Further works include, the relocation of the existing water tank from the roof of building C to the North side of Building A next to the vehicular entrance to the site, and proposed new signage to be erected on the relocated water tank, associated localised additional landscaping work throughout, including the addition of a total of 24 new external surface parking spaces to the 19 external surface parking spaces previously granted, including 4 car charging spaces, 5 visitor bicycle spaces all associated site works at a Protected Structure.

Location: Edmondstown Mill, Edmondstown Road,
Rathfarnham, Dublin 16

Applicant Name: Relmont Limited

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Application Type: Permission

(CM)

Description of Site and Surroundings:

Site Description

The subject site is located along the Edmondstown Road. The M50 motorway is located in close proximity overhead to the south. Edmondstown golf course is located to the east of the site on the opposite side of the road. The industrial structures on site are generally in a poor state of repair. There is a dense cover of mature trees located to the rear of the site along the southwest, west and north-western boundaries. The Owendoher River runs along the length of the boundary to the rear (west). The structures are Protected Structures described as Victorian Style Industrial mill (Former Cloth Mill/Factory) (RPS Ref. 351)

Site Area: 0.63 Ha.

Proposal:

Works to previously granted planning application Reg Ref: SD17A/0407;

In Building C, the works include

- the **material change of use from previously granted ground floor car park to 2 one bed apartments and one 2 bed apartment,**
- the re-organised bin and bike store arrangement,
- the removal of previously granted pitched roof to allow for the construction of **two additional levels** above the previously granted second floor level.
- On the proposed third floor, there will be
 - 3 two bed apartments and
 - 1 one bed apartmentwith balconies and
- the proposed fourth floor will act as a penthouse level, consisting of
 - 3 one bed apartments and
 - 1 two bed apartmentwith roof terrace balconies.
- Associated elevational changes throughout to include:
 - the provision of 2 windows to the north elevation, next to building B, and
 - 2 windows to the south elevation,
 - and new door to proposed bike storage at ground floor level;

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Further works include

- the relocation of the existing water tank from the roof of building C to the North side of Building A next to the vehicular entrance to the site, and
- proposed new signage to be erected on the relocated water tank,
- associated localised additional landscaping work throughout, including the addition of a total of 24 new external surface parking spaces to the 19 external surface parking spaces previously granted, including 4 car charging spaces, 5 visitor bicycle spaces.
- all associated site works at a Protected Structure.

Zoning

The site is subject to land-use zoning objective 'OS' – "To preserve and provide for open space and recreational amenities".

Screening for Strategic Environmental Assessment

The application site overlaps with the following relevant layers:

- Riparian corridor of the Owendoher River;
- Protected Structure (Victorian Style Industrial Mill, Ref 351).

Consultations:

Architectural Conservation Officer	Refuse Permission.
Water Services	Requests Additional Information.
Public Realm	Requests Additional Information.
Roads	Requests Additional Information.

External

An Taisce	Objects.
Irish Water	Requests Additional Information.

Submissions/Observations /Representations

Ballyboden Tidy Towns have made an observation and object to the development. The issues raised are summarised as thus:

- Invalid due to site notice;
- Original permission is not compliant with EU law;
- Current application is being used to extend the lifetime of the permission;
- Seeks to rely on surveys and reports that are out of date;
- Contrary to County Development Plan, principles of proper planning and sustainable development, the Planning Act, the Water Framework Directive; EU Habitats Directive, EIA Directive, and Architectural Heritage Protection Guidelines;

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- Inadequate Archaeological Assessment;
- Impacts on otters, bats and badgers;
- Risk of pollution to the Owendoher River; pathways to SACs and SPAs via Ringsend WWTP;
- Cumulative impacts on river of this and other developments have not been taken in effect;
- No Construction Plan submitted;
- Height density and design are out of character with area.
- Design is poor and would impact residential amenity;
- Additional massing disrupts character of Edmondstown Road;
- Impact on green infrastructure, wildlife habitats and protected species;
- No bird survey;
- Poor boundary treatment;
- Inadequate Traffic Impact Assessment;
- Car dependent development due to inadequate public transport access;
- Inadequate open space
- No play space area
- Detrimental to watercourse and riparian buffer;
- Attenuation tank should be avoided; and
- No shadow surveys.

Relevant Planning History

SD19A/0121: SDCC **refused permission** for conversion and extension of the original mill building into 2 two and three storey, two and three bedroom semi-detached houses; all associated site works including new pedestrian entrance from Edmondstown Road; all engineering and landscaping works including minor revisions required to Ref. SD17A/0407, including the allowance of 4 extra parking spaces for the new development and minor alterations to the river walk on site located adjacent to Edmondstown Golf Course and bounded to the west by the Owendoher River within the curtilage of a Protected Structure. **Decision was not appealed.**

The reasons for refusal were:

1. This parcel of land is currently designated as a greenspace/public open space for the permitted residential development of 25 apartments under Reg. Ref. SD17A/0407. Owing to the layout of the protected structures onsite, the majority of public space provided for within the permitted SD17A/0407 development is located around the site periphery in the form of a linear park along the Owendoher River with provision of

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access to and along the river bank. The subject application lands to the north of the site represent an important component of the public open space for the previously permitted development.

The proposed development would result in the loss of designated open space within the Edmondstown Mills residential scheme and would impact adversely on the residential amenity of future occupants. The development would contravene materially a condition attached to an existing permission for development, namely Conditions 1 and 14 of Reg. Ref. SD17A/0407, the latter which states that a minimum of 14% of public open space shall be allocated within the site.

Therefore, the proposed development would seriously injure the residential amenities of future occupants, would contravene the zoning objective 'OS' 'To preserve and provide for open space and recreational amenities' and would be contrary to the proper planning and sustainable development of the area.

2. The site is located immediately adjoining the Owendoher River which is the most important nursery and recruitment channel for salmonids in the Dodder catchment, which in turn flows into Dublin Bay which hosts a number of Natura 2000 sites. Fishery habitat is regarded as particularly good for all salmonid life stages throughout the Dodder system. The Owendoher River represents a valuable resource both in terms of biological diversity value and from a native fisheries perspective. The retention of a natural riparian vegetation zone is critical as the biological diversity in the riparian corridor must be protected.

It is Council policy to protect the county's watercourse network, biodiversity, aquatic habitats and the county's Green Infrastructure network. Notably, Policy IE2 of the South Dublin County Development Plan 2016-2022 states 'It is the policy of the Council to manage surface water and to protect and enhance ground and surface water quality to meet the requirements of the EU Water Framework Directive.'

Policy IE Objective 1 is 'To maintain, improve and enhance the environmental and ecological quality of our surface waters and groundwater by implementing the programme of measures set out in the Eastern River Basin District River Basin Management Plan' and Policy IE2 Objective 8 is 'To protect salmonid water courses, such as the Liffey and Dodder Rivers catchments (including Bohernabreena Reservoir), which are recognised to be exceptional in supporting salmonid fish species.'

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The proposed development would be located substantially within 5 metres of the Owendoher River bank (and notably substantially within the 10 metre biodiversity buffer zone required under G3 Objective 2). Ground preparation and associated construction works, including large-scale topographic alterations and stabilisation works and the construction of buildings and infrastructure would cause significant disturbance to the riverine and would have **significant potential to cause the release of sediments and pollutants into the adjoining Owendoher River.** Pollution of the adjacent freshwaters from poor onsite construction practices could have a significantly negative impact on the associated watercourses. This is of particular concern as the subject application would require significant ground works and construction works at the river bank level, and construction being within 5 metres of the riverbank.

Having regard to the above, the proposed development would be contrary to Policy IE 2 and Policy IE2 Objective 8 of the South Dublin County Development Plan 2016-2022 and would be contrary to the proper planning and sustainable development of the area.

3. The proposed development would **materially affect the Protected Structure, namely, the visual cohesiveness and setting of the Protected Structure** and its curtilage.
4. The proposed development would result in **adverse impacts on the environment, including flora and fauna,** arising from the loss of vegetation and biodiversity and would **impact negatively on the Green Infrastructure network** of the immediate area and downstream watercourses. Thus, the development would be contrary to the policies and objectives contained within the Green Infrastructure Chapter of the South Dublin County Development Plan 2016-2022, where it is the policy of the County Policy [Policy G2] to:
 - Secure and enhance biodiversity
 - Restrict development that would fragment or prejudice the Green Infrastructure Network.
 - Strengthen ecological links between urban areas (Greater Dublin Water Scheme) and the wider regional Green Infrastructure network.
 - Protect and enhance the biodiversity value and ecological function of the Green Infrastructure Network.
 - Promote the natural, historical and amenity value of the County's watercourses; to address the long term management and protection of these corridors and to strengthen links at a regional level, by restricting the impact of development on watercourses, and provide for protection measures to watercourses and their banks, including but not limited to: the prevention of pollution of the watercourse, the retention and/or provision of wildlife corridors and the protection from light spill in sensitive locations, including during construction of permitted development.

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The proposed development would therefore materially contravene the Green Infrastructure policy G2 and its association objectives, specifically: G2 Objective 2, G2 Objective 3 and G2 Objective 9 contained within the South Dublin County Council Development Plan 2016-2022 and would be contrary to the proper planning and sustainable development of the area.

5. **Insufficient quantum and quality of private amenity space** has been provided within the proposed development. The proposal states that 60sq.m of private amenity space is provided for House 1 and 80sq.m for House 2. Having regard to the site plans and drawings submitted, the private amenity space pertaining to House 1 which would be at lower ground floor level would comprise part of a previously permitted linear walkway along the riverbank and would thereby directly abut the public pathway. There is no privacy strip proposed and no boundary delineated between proposed private amenity space and the public open space or riverbank. The Planning Authority does not consider the proposed 'private amenity space' to be of sufficient quality and would oppose the reduction of previously permitted public open space to accommodate the proposed private amenity space. Having regard to the substandard quantum and quality of private amenity space and the proposed loss of previously permitted public open space to accommodate the subject development application, the proposal is considered significant overdevelopment of the site and would adversely impact on the residential amenity of future occupants of the proposed dwellings and the Edmondstown Mills scheme and would be contrary to the proper planning and sustainable development of the area.

SD17A/0407: SDCC granted permission (final grant date 16th July 2018) (for a material change of use from industrial to residential and the proposed development of the Edmondstown Mill (Protected Structure) currently occupied by Chemserve Limited and adjacent to Edmondstown Golf Course and bounded to the west by the Owendoher River. Conservation, extension and modification of the existing structures and Protected Structures for conversion into a residential development comprising of 4 buildings (A to D respectively) consisting of 25 residential units total. The development will also include the demolition of storage sheds and other minor structures and walls and the proposed relocation of the existing vehicular entrance from the Edmondstown Road. Works to Building A will consist of the conversion, conservation and modification of an existing 3 storey original building ancillary to the Mill to provide 3 residential units comprising of: 2 no. 2 bed apartments and 1 no. 1 bed apartment. There are some alterations proposed to the eastern elevation and it is proposed to demolish adjoining 20th century single storey plant room and provide 2 storey extension on footprint of demolished structure. Works to Building B will consist of the conversion, conservation and modification of an existing 2 storey industrial/office building to provide 2 no. 1 bed apartments. Works to Building C will consist of the partial demolition of an existing 2 storey 20th Century storage

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building to include the retention of the existing primary concrete structure with extensive elevational changes and the proposed construction of an additional storey, all consisting of entrance/circulation lobby, 10 private garages, bicycle parking, plant storage and bin storage at ground floor level, 3 no. 2 bed apartments and 1 no. 1 bed apartment and landscaped courtyard (roadside) with pedestrian access to Edmondstown Road at first floor level and 3 no. 2 bed apartments and 1 no. 1 bed apartment at second floor level. All 8 apartments feature balconies, and it is proposed to facilitate PV panels on the pitched section of the proposed roof. Works to Building D will consist of the conversion, conservation and modification of an existing 3 storey over basement mill to provide 12 no. 2 bed apartments. There are 4 balconies proposed. The proposed development is site extensive and will include all associated engineering and landscaping works, requisite car parking spaces, cycle parking, new boundary treatments, relocation of the vehicular entrance, a new pedestrian entrance footpath, associated infrastructural site works and a pedestrian pathway along the Owendoher River.

SD07A/0793: SDCC **refused permission** for preservation and refurbishment of the significant existing protected structures and site features for conversion into a residential development comprising of 4 buildings (a to D inclusive) containing **31 no. residential units** over basement car parking

The reasons for refusal were:

1. The proposed development would materially contravene Specific Local Objective 111 of the South Dublin County Development Plan 2004 – 2010 by failing to facilitate sensitive development within the site of Edmondstown Mill. In particular the proposed development would adversely impact the Owendoher River, and the roadside elevation, bulk and height of Building B would be visually obtrusive in this High Amenity zoning.
2. The proposed development would materially contravene Specific Local Objective 103 of the South Dublin County Development Plan 2004 – 2010 by failing to provide an acceptable riverside path with adequate permeability and connectivity to the surrounding public footpath network. The proposed pedestrian bridge at the southern end of the walkway links to a very steep river bank and no rationale has been given for the provision of this bridge.
3. The proposed development would contravene materially a development objective indicated in the Development Plan for the zoning of the land for high amenity, due to the removal of a significant amount of the riverside vegetation to facilitate the proposed development of the underground car park and pedestrian walkway, the significant impact on the Owendoher river, the narrowing of the river bank, and the unacceptably narrow riverside path proposed.
4. The proposed development fails to provide adequate parking. Furthermore, by failing to provide adequate sight lines the proposed development would endanger public safety by reason of traffic hazard.

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5. The proposed roadside elevation, height and bulk of Building B is considered visually obtrusive and would adversely impact the character of the Protected Structure. Thus, the proposed development would seriously injure the amenities of property in the vicinity.
6. The proposed development would materially contravene policy WD7 of the County Development Plan to protect, improve and enhance the natural and organic character of an important salmonid watercourse in the County and would therefore be contrary to the proper planning and sustainable development of the area.

Relevant Enforcement History

None.

Pre-Planning Consultation

None.

Relevant Policy in South Dublin County Development Plan (2022 - 2028)

South Dublin County Development Plan 2022 – 2028

Chapter 2 Core Strategy and Settlement Strategy

Policy CS1 Strategic Development Areas

Section 2.6 Total Land Capacity within Strategic Development Areas

Table 2.8 Total Land Capacity within Strategic Development Areas

Table 2.9 Capacity of undeveloped lands within South Dublin

Policy CS5 Lands for Employment

Section 2.7 Settlement Strategy

Policy CS6 Settlement Strategies – Strategic Planning Principles

Section 2.7.1 Dublin City and Suburbs

Policy CS7 Promote the consolidation and sustainable intensification of development within the Dublin City and Suburban settlement boundary.

Chapter 3 Natural, Cultural and Built Heritage

Policy NCBH1 Overarching

Policy NCBH2 Biodiversity

Policy NCBH5 Protection of habitats and species outside of designated areas.

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Section 3.4.5 Industrial Heritage
Policy NCBH16: Industrial Heritage

Policy NCBH19 Protected Structures
NCBH19 Special Local Objective 3: "To protect Glebe House RPS Ref. 313 (Former Mary Mercer Trust Charter School for Girls), Rathcoole"

Policy NCBH21 Vernacular / Traditional and Older Buildings, Estates and Streetscapes
Policy NCBH22 Features of Interest
Section 3.6 Architectural Conservation, Adaptability and Placemaking
Policy NCBH23 Architectural Conservation and Design
NCBH23 Objective 3
NCBH Objective 4
NCBH23 Objective 7
Policy NCBH24 Adapting and Reusing Historic Buildings
Policy NCBH25: Placemaking and the Historic Built Environment
NCBH25 Objective 3: To support certain appropriate backland development in villages
Policy NCBH26: Climate Change, Adaptation and Energy Efficiency in Tradition and Historic Buildings

Chapter 4 Green Infrastructure
Policy GI1 Overarching
Policy GI2 Biodiversity

Section 4.2.2 Sustainable Water Management
"Riparian vegetation is a key source of beneficial in-stream nutrients and carbon, provides shade aiding thermally sensitive species, for example salmonids, and directly influences channel morphology (bank stabilisation, source of large woody debris)."

Policy GI3 Objective 4
To uncover existing culverts where appropriate and in accordance with relevant river catchment proposals to restore the watercourse to acceptable ecological standards for biodiversity wherever possible improving habitat connection and strengthening the County's GI network.
Policy GI4 Sustainable Drainage Systems
Require the provision of Sustainable Drainage Systems (SuDS) in the County and maximise the amenity and biodiversity value of these systems.
GI4 Objective 3:
To require multifunctional open space provision within new developments to include provision for ecology and sustainable water management.

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GI4 Objective 4:

To require that all SuDS measures are completed to a taking in charge standard.

Section 4.3.1 Components of the GI Network

Figure 4.4. Green Infrastructure Strategy Map

Chapter 5 Quality Design and Healthy Placemaking

Policy QDP1 Successful and Sustainable Neighbourhoods

Policy QDP2 Overarching – Successful and Sustainable Neighbourhoods

Policy QDP3 Neighbourhood Context

Policy QDP4 Healthy Placemaking

Policy QDP5 Connected Neighbourhoods

Policy QDP6 Public Realm

QDP6 Objective 2: public realm improvements in villages (SDCC initiatives)

QDP6 Objective 3: public realm improvements in villages

Policy QDP7 High Quality Design

Policy QDP8 High Quality Design – Building Height and Density

Policy QDP8 Objective 2

Policy QDP9 High Quality Design - Building Height and Density

Policy QDP10 Mix of Dwelling Types

Chapter 6 Housing

Policy H1 Housing Strategy and Interim Housing Need and Demand Assessment

Section 6.3.1 Housing for Older People

Section 6.3.2 Housing for Persons with Disabilities and/or Mental Health Issues

Policy H3 Housing for All

Support the provision of accommodation for older people and people with disabilities and / or mental health issues within established residential and mixed use areas offering a choice and mix of accommodation types within their communities and at locations that are proximate to services and amenities.

Policy H7 Residential Design and Layout

Policy H8 Public Open Space

Policy H9 Private and Semi-Private Open Space

Policy H10 Internal Residential Accommodation

Chapter 7 Transport and Movement

Policy SM1 Overarching – Transport and Movement

Table 1 7.1 Cycle South Dublin Routes and Projects

Policy SM2 Walking and Cycling

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SM2 Objective 12: Signage in villages
SM2 Objective 17: Cycling facilities in villages
Policy SM3 Public Transport – General
Policy SM3 Public Transport – Bus
Policy SM3 Public Transport – Rail, Transport Interchange and Park and Ride
Policy SM5 Street and Road Design
Section 7.9 Transport Studies and Traffic Management
Policy SM6 Traffic and Transport Management

Policy SM7 Car Parking and EV Charging
SM7 Objective 7: Nature of parking and parking restrictions in village centres

Chapter 8 Community Infrastructure & Open Space
Policy COS1 Social Inclusion and Community Development
Section 8.4.1 Social / Community Infrastructure Audit
Section 8.4.3 Universally Accessible Social / Community Facilities
Policy COS2 Social / Community Infrastructure
Policy COS5 Parks and Public Open Space – Overarching
Section 8.7.3 Quantity of Public Open Space
Policy COS7 Childcare Facilities

Chapter 9 Tourism and Leisure
Policy EDE21 Tourism and Leisure Activities
EDE21 Objective 2: To promote the development of outdoor leisure activities on lands that are designated with Zoning Objective Open Space 'OS' (to preserve and provide for open space and recreational amenities), having regard to South Dublin County's Parks and Open Space Strategy.

Chapter 10 Energy
Policy E3 Energy Performance in Existing and New Buildings
Policy E4 Electric Vehicles
Policy E5 Low Carbon District Heating Networks

Chapter 11 Infrastructure and Environmental Services
Policy IE3 Surface Water and Groundwater
IE3 Objective 6: Protect Salmonid water courses.
Policy IE8 Environmental Quality

Chapter 12 Implementation and Monitoring
Section 12.3.6 Industrial Heritage

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Relevant Government Policy

Ministerial Guidelines and Policy

Project Ireland 2040 National Planning Framework, Government of Ireland (2018).

Regional, Spatial & Economic Strategy 2020-2032 (RSES), Eastern & Midlands Regional Assembly (2019)

Section 5 – Dublin Metropolitan Area Strategic Plan, in Regional, Spatial and Economic Strategy 2019 – 2031.

Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities, Department of the Environment, Heritage and Local Government, (2009).

The Planning System and Flood Risk Management - Guidelines for Planning Authorities, Department of the Environment, Heritage and Local Government & OPW, (2009).

Departmental Circulars, Department of Housing, Planning and Local Government (2020) – as listed:

PL02/2020: Covid-19 Measures

PL03/2020: Planning Time Periods

PL04/2020: Event Licensing

PL05/2020: Planning Time Periods

PL06/2020: Working Hours Planning Conditions

PL07/2020: Public Access to Scanned Documents

PL08/2020: Vacant Site Levy

Circular NRUP 02/2021 - Residential Densities in Towns and Villages

Other Documents of Note

South Dublin County Industrial Heritage Survey (2012)

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Assessment

The main issues for consideration are:

- Principle of Development
 - Previous Permission
 - Zoning and Council Policy
 - Re-use of a Protected Structure
- Architectural Conservation
- Residential Amenity
 - Unit Size
 - Unit Mix
 - Aspect and Daylight
 - Social Housing / Part V
- Quality Design and Healthy Placemaking
 - Noise
 - Building Height
- Open Space, Green Infrastructure and Natural Heritage
 - SUDs
 - Open Space Provision
 - Riparian Corridor and Land-Use
 - Updated Ecological Surveys
- Sustainable Movement
 - Car Parking
 - Traffic Hazard
- Infrastructure and Environmental Services
 - Water
- Screening for Environmental Impact Assessment
- Screening for Appropriate Assessment

Principle of Development

Previous Permission

The applicant has applied for alterations to the existing permission, SD17A/0407. A new County Development Plan has been adopted in the intervening period.

Prior to assessment, it is important to note that the assessment of this application should focus on the alterations proposed, and that any grant of permission under this application should be limited to the time period of the original application.

The **original application is set to expire on 16th October 2023**, when covid measures and Christmas periods are taken into account. Works have not commenced.

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Zoning and Council Policy

The site is subject to land-use zoning objective 'OS' – "To preserve and provide for open space and recreational amenities."

Residential development is open to consideration under the County Development Plan, but only in cases where the development would comply with Policy H3 Objective 4 of the Plan, which reads:

"To support community led housing developments for older persons and social and Council affordable housing in established areas on lands designated with Zoning Objective "OS" (To preserve and provide for open space and recreational amenities), only where the quality and quantum of remaining public open space is deemed to be adequate, and the amenities of the area are preserved."

This is a private development which would not target older persons or social/affordable housing and does not therefore comply with Policy H3 Objective 4.

The permission was granted under the South Dublin County Development Plan 2016 – 2022. County Development Plan policy at the time categorised 'residential' development as being 'open for consideration' on 'OS' zoned lands without the caveats attached in the new Plan. The development would not now be considered 'open to consideration' under the new plan.

The intensification of (permitted or existing) residential use on the site would be contrary to the 'OS' land-use zoning objective, with particular reference to the land-use matrix (Table 12.15) and Policy H3 Objective 4. Permission should be **refused** on this basis.

Section 12.2.1 (vi) of the Development Plan related to Non-Conforming Uses and recognises that there are instances throughout the County where land uses do not conform with the zoning objective of a site. In certain instances, the Development Plan facilitates proposals that would intensify non-conforming uses, will be permitted only where the proposed development would not be detrimental to the amenities of the surrounding area and would accord with the principles of proper planning and sustainable development. As the Parent Permission has not been implemented, it is not considered that the applicant can take advantage of these provisions.

Re-Use of a Protected Structure

As per Policy NCBH19 Objective 3, the council encourages and supports the rehabilitation, renovation, appropriate use and sensitive re-use of protected structures. The South Dublin County Development Plan 2022 – 2028 provides for a number of uses on 'OS' zoned lands which are compatible with existing buildings and could be pursued on this site – however, general residential is not among them. They are community centre, cultural use, recreational

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facility, sports club / facility, bed & breakfast, childcare facilities, education, garden centre, hotel / hostel, guest house, housing for older people, place of worship, public services, recycling facility, restaurant/café, shop (local), and traveller accommodation. It is considered that the appropriate re-use of these buildings within the scope of the 'OS' zoning objective would be supported as per the South Dublin County Development Plan 2022 – 2028 objective for appropriate re-use of protected structures.

Architectural Conservation

The existing permission and proposed development comprise works to a protected structure and significant works within the curtilage of a protected structure, on a site with industrial heritage. The SDCC Architectural Conservation Officer has recommend that permission be **refused** as per the following report:

Record of Protected Structures

Edmonstown Mill is referred to in the Council's Record of Protected Structures - Schedule 2 of the South Dublin County Development Plan 2022-2028 under Map Ref. No. 351. Under Section 2 of the Planning and Development Act 2000, the term 'structure' means "any building, structure, excavation, or other thing constructed or made on, in, or under any land, or any part of a structure so defined, (a) where the context so admits, includes the land on, in or under which the structure is situate, and (b) in relation to a protected structure or proposed protected structure, includes (i) the interior of the structure, (ii) the land lying within the curtilage of the structure, (iii) any other structures lying within that curtilage and their interiors, and (iv) all fixtures and features which form part of the interior or exterior of any structure or structures". Therefore, the entire site is a protected structure, including all existing buildings on site including their exteriors, interiors, fixtures and fittings. The Protection also extends to the lands of the site and as such come under the provisions of the Planning and Development Act 2000.

Appraisal

This is an application for amendments and changes to a previous grant of permission under SD17A/0407. The current application seeks to apply for a material change of use from previously granted GF car part to one-bed and two-bed apartments. The removal of previously granted pitched roof to allow for the construction of two additional levels above the previously granted second floor level. On the proposed third floor there will be 3 two-bed apartments and 1 one-bed apartment with balconies and the proposed fourth floor will act as a penthouse level, consisting of 3 one-bed apartments and one two-bed apartment with roof terrace balconies. Associated elevational changes throughout to include the provision of 2 windows to the north elevation and south elevation and new door to proposed bike storage at GF level. Further works include

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the relocation of the existing water tank from the roof of building C to the North side of Building A next to the vehicular entrance to the site and proposed new signage to be erected on the relocated water tank. In addition, it is proposed to provide an extra 24 new external surface parking spaces to the already granted 19 surface parking.

Under the previous application granted under SD17A/0407 the overall application presented a high quality and sensitive adaptive reuse of the existing Industrial Buildings which are Protected Structures. The previous application allowed for the proposed to restoration, conversion and extension of the main buildings which make up the Mill complex, into residential use containing a total of 25 apartment units. The proposed development consisted of the change of use to residential, renovation and conversion of existing buildings with 4 no. apartment units being proposed outside the footprint of the existing structures within the site.

Under the previous application a very comprehensive conservation report was provided which allowed a full and proper assessment of the architecture and original built fabric of the Protected Structures. An overall impact assessment was also provided with regard to the proposed conversion, modifications and re-use of the existing structures detailed within a Schedule of Work in summarising proposed works for each building.

It should be noted the applicant has failed to submit a Conservation Report to reflect the proposal under the current application. Although an Architectural Impact Assessment has been submitted with the current planning application, it does not provide and include for the proposed changes required to the existing building with regard to overall interventions and requirements to allow for a significant new addition to the existing building.

The Architectural Impact Assessment includes excerpt taken from the Molloy Associates original Architectural Impact Assessment with regard to proposed works to Building C, however it is considered as the proposal has now changed with regard to Building C in allowing for a Change of Use and additional floors therefore a new Conservation Report to include a full Schedule of Works and assessment of impacts based on the works required to facilitate the proposed development is required. The applicant has failed to provide the level of detail and assessment required for development of a Protected Structure and within a Protected Structure site.

As part of the development previously granted at Edmondstown Mill Complex the works described for Building C also included for the repair and retention of the existing Water Tower. Under the current application it is proposed to relocate the existing water tower from the roof of Building C to the North side of Building A next to the vehicular entrance to the site.

It is considered that the overall design proposed for the new façade of Building C fails to provide a sensitive design allowing the rejuvenation of the existing building. The overall design, use of materials and additional height along Edmondstown Road has moved completely away from the original design previous granted under SD17A/0407.

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The form and design now proposed under the current application fails to meet the high design standards and architectural interest of the previous application. The proposed development detracts from the overall quality and architectural character and industrial style of the Protected Structures. The increased height of Building C to accommodate additional floors and the treatment of the new proposed front elevation does not reflect the architectural quality of the existing buildings and does not represent the high-quality design and building type which was previously granted permission.

The previous proposal for Building C, proposed a new façade remodelled to provide balconies, energy efficient windows, high thermal performance cladding and to accommodate photovoltaic panels on the inclined roofs. The original design of the modified façade took cognisance of the industrial setting incorporating a saw-tooth roof profile and retaining the water tank as a feature overhead. The current application fails to deliver on the above items and the proposal allows the existing Protected Structure to be compromised. The overall design which provides a block with set back at penthouse level and proposed height allows a negative impact on the existing building and the existing streetscape setting.

The proposed re-location of the existing Water Tower which has been identified as a landmark feature is completely unacceptable. The previously granted application under SD17A/0407 allowed for the repair and retention of the water tower in its original position and was incorporated into the overall design of the new elements which is not the case under the current application.

It is considered that the proposed revisions to Building C including additional floors results in a block form which is not in keeping with the existing Industrial buildings. The design, quality and use of materials fails to achieve the overall requirements that were sought and presented in the previous granted permission. The proposed design for this element has not been achieved in a clear and appropriate manner in providing a high-quality design which reflects the site context within the curtilage of Protected Structures and their Industrial quality and architectural style.

The visual impact on the existing Building C and adjacent to the other earlier Industrial Buildings (Protected Structures) fails to minimise the overall visual impact and provide architectural interest through good quality contemporary additions and interventions, as such the proposals has a negative overall impact on the character of the existing protected structures and streetscape setting.

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Recommendation

It is considered that the proposed development is unacceptable for the following reasons:

- 1. The form and design now proposed under the current application fails to meet the high design standards and architectural interest of the previous granted of permission SD17A/0407. **The proposed development detracts from the overall quality and architectural character and industrial style of the Protected Structures.** The increased height of Building C to accommodate additional floors and the treatment of the new proposed front elevation does not reflect the architectural quality of the existing buildings and does not represent the high-quality design and building type which was previously granted.*
- 2. It is considered that the proposed current revisions to Building C, including additional floors, results in **a heavy generic block form which is not in keeping with the existing Industrial buildings.** The design, quality and use of materials fails to achieve the overall requirements that were sought and presented in the previous granted permission. The proposed design for this element has not been achieved in a clear and appropriate manner in providing a high-quality design which reflects the site context and their Industrial quality and architectural style.*

The visual impact on the existing Building C and adjacent to the other earlier Industrial Buildings (Protected Structures) fails to minimise the overall impact and provide architectural interest through good quality contemporary additions and interventions, as such the proposals has a negative overall impact on the character of the existing structures and streetscape setting.

- 3. It is considered that the overall design proposed for **the new facade of Building C fails to provide a sensitive design allowing the rejuvenation of the existing building.** The overall design, use of materials and additional height along Edmondstown Road has moved completely away from the original design previous granted under SD17A/0407.*
- 4. The applicant has failed to submit a **Conservation Report** to reflect the proposal under the current application. Although an Architectural Impact Assessment has been submitted with the current planning application, it does not provide and include for the proposed changes required to the existing building with regard to overall interventions and requirements to allow for a significant new addition to the existing building. **An assessment of the relocation of the***

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existing Water Tower has not been included in the Impact Assessment which is considered to be a landmark and integral feature within the existing Industrial Complex.

5. *The proposed re-location of the existing Water Tower which has been identified as a landmark feature is completely unacceptable. The previously granted application under SD17A/0407 allowed for the repair and retention of the water tower in its original position and was incorporated into the overall design of the new elements, which is not the case under the current application.*

Planning Department's Conclusion

In the context of the previous residential development being 'open for consideration', and that permission being subject to a condition relating to architectural conservation as per the original proposals and conservation report, it is considered that the proposed development would be unacceptable on the grounds of architectural conservation and specifically that it would have a detrimental impact on a protected structure with industrial heritage. The development would not be sympathetic to the special character and integrity of the structure and the site. In particular, the application would be contrary to:

- Policy NCBH 16 of the South Dublin County Development Plan 2022 – 2028, in particular objective 1;
- Policy NCBH 19 and in particular objective 2; and
- condition 15 of the parent permission.

Permission should be **refused** on this basis.

Residential Amenity

Notwithstanding that this is an alteration to an existing permission, the proposed new units should comply with those standards now applying under the South Dublin County Development Plan 2022 – 2028 and the 'Sustainable Urban Housing: Design Standards for New Apartments' (2020).

Unit Size

The applicant has not supplied a Housing Quality Assessment to display compliance with the 'Sustainable Urban Housing: Design Standards for New Apartments' (2020) with regards to the new units. The plans appear to show that some units would not meet the storage requirements of those guidelines. The applicant should have provided a Housing Quality Assessment of the entire development as per the requirements of the guidelines, and to demonstrate compliance with section 3.18, 'Safeguarding Higher Standards', of those guidelines.

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Unit Mix

No 3-bed units were provided in the original application. No 3-bed units have been proposed in the new application. As per the South Dublin County Development Plan 2022 – 2028, all developments should contain 30% 3-bed units except where certain conditions are met. It is reasonable under the new Plan that additional units being added to an existing scheme should be at least 30% 3-bed. No such units have been provided, and in the context of other issues with the development, this can be listed as a **reason to refuse permission**.

Aspect and Daylight

The proposed ground floor units would be single-aspect, with a west-facing orientation. Proposed units on upper floors would be dual aspect. Due to the layout of units 1 and 2, there are concerns about light levels in the kitchen/dining areas. The layouts of these units would need to be reconsidered, or subjected to daylight analysis, prior to a grant of permission. As there are other issues with the development, this can be listed as a **reason to refuse permission**.

Social Housing / Part V

The Housing Department has provided a report. The following section of the report is of particular importance:

It is noted that a Part V condition did not apply to SD17A/0407 by virtue of Section 96 (14) (b) of the Planning and Development Act which states that Part V will not apply to “the conversion of an existing building or the reconstruction of a building to create one or more dwellings, provided that 50 per cent or more of the existing external fabric of the building is retained.

Should this exemption no longer apply, in the event of the amendment being applied for being granted, then a Part V condition should be attached to this permission.”

The report goes on to state that the Housing Authority's preference is to acquire units on-site.

Quality Design and Healthy Placemaking

The proposed development includes a few changes in relation to urban design / placemaking within the scheme. They are the 24 additional parking spaces at surface level, introduction of some short-stay cycle parking spaces, and removal and relocation of the water tower to the vehicular entrance.

The additional car parking increases the hard surfacing and encroaches on the permitted public and communal open space. Despite this, the applicant has not provided a breakdown of open space or a schedule of accommodation. It is considered that the altered layout is dominated by

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surface car parking and would detract from the residential amenity of the proposed development. Noting that there are other issues relating to this development, this issue can be listed as another **reason for refusal**.

Noise

The proposed development is located close to the M50 motorway. The previous permission was granted subject to certain conditions including mitigation measures. The proposed development would increase the height of residential development, exposing proposed units to increased noise levels from the M50. A revised noise impact assessment and potentially, mitigation measures, should have formed part of the application. Noting that there are other issues relating to this development, this issue can be listed as another **reason for refusal**.

Building Height

The proposed **building height is increasing by 2 storeys to 4 storeys in height**, as compared to the permitted scheme. The primary consideration on this site is the protected structure's unique character, and the industrial heritage and character of the site. As per the conservation officer's report,

“the proposed development detracts from the overall quality and architectural character and industrial style of the Protected Structures. The increased height of Building C to accommodate additional floors and the treatment of the new proposed front elevation does not reflect the architectural quality of the existing buildings and does not represent the high-quality design and building type which was previously granted permission.”

It is considered that the proposed height of block C would not be in keeping with the character of the site, and that the height, massing and material treatment of block C would detract from the setting and character of the protected structure. **This is a reason for refusal.**

Open Space, Green Infrastructure and Natural Heritage

The application site is located within the riparian buffer proposed for the Owendoher River. As noted in previous applications, the Owendoher is an important salmonid watercourse, and the integrity of the riparian buffer is crucial in protecting this aspect of the river (as per section 4.2.2 of the Plan).

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The Parks Department report notes the following main concerns:

- The applicant is required to ensure a minimum 10m vegetated riparian buffer from the top of the riverbank is maintained. It is unlikely that this is currently being achieved therefore the applicant is contravening GI3 Objective 3 of the CDP 2022-2028.
- Lack of SuDS (Sustainable Drainage System) shown for the proposed development
- Requirement for a Green Infrastructure Strategy and Green Infrastructure Plan.
- Requirement to achieve the appropriate Green Space Factor as determined by the relevant land using zoning objective. For this site the minimum GSF to be achieved is 0.7.
- Up to date Ecological Survey Required
- Bat & Otter Survey Required
- Detailed Invasive Species Survey Required

Furthermore, the Parks Department seeks the following items of additional information:

- revised landscape design
- open space provision as per Table 8.2 of the Plan;
- SUDs;
- Green Infrastructure;
- Ecology;
- Invasive Species Report;
- Green Space Factor.

SUDs

The proposed development does not contain natural SUDs features and would rely on an underground tank with discharge to the Owendoher river. It is considered appropriate that the applicant consider updating the SUDs proposals to reflect best practice and the new County Development Plan, i.e., that natural SUDs features would be used where possible, and that suitable interceptors would be provided to prevent contamination or pollution of the river.

Open Space Provision

The provision of additional open space within the site may be necessary to reflect the increase in proposed density. The applicant has not provided a schedule of areas, and this would be a necessary component to allow adequate assessment of the proposed development. Noting that there are other issues relating to this development, this issue can be listed as another **reason for refusal**.

Riparian Corridor and Land-Use

The proposed development comprises works to existing structures within the 10m riparian corridor. It is considered that any alteration to the permission should include measures to improve the riparian corridor; however, as a refusal is to issue, this issue is moot.

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Updated Ecological Surveys

The Public Realm Department and a third party have each sought updated ecological surveys. In the context of permitting alterations to an existing permission and not extending the lifetime of that permission, there is no need for such surveys to be undertaken at this time.

Sustainable Movement

The Roads Department notes that the relocated water tower is located within the visibility splays indicated for the vehicular entrance. The report also asserts that the provision of 2 no. car parking spaces per unit is excessive, and that 1 per unit should be provided due to bus services being located within 1km of the site.

The Roads Department has sought additional information as follows:

1. *The applicant shall submit a revised Visibility Sightline Assessment with the water tank in its relocated position. The visibility splay should show a 2.4 metres set back at a 1.05 meter height from ground level and 49 meters sight lines in both directions from the entrance. Sight lines should be shown to the near side edge of the road to the right-hand side of entrance and to the centreline of the road to the left-hand side of the entrance (when exiting).*
2. *The applicant is requested to submit a revised parking layout showing 36 No. car parking spaces in total. The layout should also include the location of EV charging spaces and Mobility Impaired spaces. Refer to Table 12.26: Maximum Parking Rates (Residential) – from the SDCC County Development Plan 2022-2028.*
3. *The applicant is requested to submit a revised bicycle parking layout showing the provision of bicycle parking spaces in line with the minimum rate set out in Table 12.23 of the SDCC Development Plan 2022-2028.*
4. *The applicant is requested to clarify the bin collection arrangement for the development. The location of bin collection points and refuse vehicle movements should be addressed.*

Car Parking

As noted above, the extra surface car parking is considered to be excessive due to its implications for the landscaping and urban layout. I would disagree with the Roads Department that this site is suitable for 1 car parking space per unit, given the relatively poor public transport services on Edmondstown Road. Given the public transport challenges would push car parking provision up, and layout/design issues would push car parking down, there is a suggestion that the proposed development would be overdevelopment.

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Traffic Hazard

As there are other issues with the development, the issue of visibility at the entrance can be listed as a **reason to refuse permission**.

Infrastructure and Environmental Services

Water

Irish Water has sought a Confirmation of Feasibility, to be submitted as additional information. The Water Services Department has stated no objection subject to clarification of SUDs measures. These reports are noted.

Screening for Environmental Impact Assessment

Having regard to the modest nature of the proposed alteration to a permitted development, there is no likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

Screening for Appropriate Assessment

The subject site is not located within nor within close proximity to a European site. The proposed development is an alteration to a permitted development, which would not be likely to increase impacts on the adjoining water course or any nearby European sites.

Having regard to:

- the small scale nature of the proposed alteration to the existing development; and
- the distance from any European sites;

it is considered that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on the Natura 2000 network and appropriate assessment is not therefore required.

The proposed development comprises alterations to a permitted development which would amount to intensification of residential use on the site (compared to that which is permitted). Considering the 'OS' land-use zoning objective, and the caveats which apply to residential development under that zoning in the South Dublin County Development Plan 2022 – 2028, and the nature of the proposed and permitted development, the proposed development would be contrary to the zoning objective, by virtue of intensifying and extended a non-permitted use with a permitted development.

Additionally, this development at a protected structure on a site with industrial heritage would detract from the overall quality and architectural character and industrial style of the protected

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structure; provides for a poor treatment and massing which would not be in keeping with the existing industrial character and buildings; fails to sensitively rejuvenate the existing building; would relocate the water tower in a manner that does not respect the protected status on the site; and has not been supported by appropriate conservation and impact assessments.

These issues and other sundry issues with the plans & particulars submitted represent a proposal that would not be in keeping with the relevant policies of the South Dublin County Development Plan 2022 – 2028, in particular:

- 'OS' land-use zoning objective and Policy H3 Objective 4;
- Policy NCBH16;
- Policy NCBH19; and

would be a material contravention of the plan and would not be in keeping with the proper planning and sustainable development of the area.

Recommendation

I recommend that a decision to Refuse Permission be made under the Planning & Development Act, 2000 (as amended) for the reasons set out in the Schedule hereto:-

SCHEDULE

REASON(S)

1. In the South Dublin County Development Plan 2022 - 2028 the site is subject to land-use zoning objective 'OS' – "To preserve and provide for open space and recreational amenities."

Residential development is open to consideration under the County Development Plan, but only in cases where the development would comply with Policy H3 Objective 4 of the Plan, which reads:

To support community led housing developments for older persons and social and Council affordable housing in established areas on lands designated with Zoning Objective 'OS' (To preserve and provide for open space and recreational amenities), only where the quality and quantum of remaining public open space is deemed to be adequate and the amenities of the area are preserved.

This is a private development which would not target older persons or social/affordable housing and does not therefore comply with Policy H3 Objective 4.

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The SD17A/0407 permission was granted under the South Dublin County Development Plan 2016 – 2022. County Development Plan policy at the time categorised 'residential' development as being 'open for consideration' on 'OS' zoned lands without the caveats attached in the new Plan. The development would not now be considered 'open to consideration' under the new plan.

The intensification of (permitted or existing) residential use on the site would be contrary to the 'OS' land-use zoning objective, with particular reference to the land-use matrix (Table 12.15) and Policy H3 Objective 4. The proposed development would therefore materially contravene the 'OS' land-use zoning objective, and would therefore be contrary to the proper planning and sustainable development of the site. The appropriate re-use of these buildings within the scope of the 'OS' zoning objective would be supported as per the South Dublin County Development Plan 2022 – 2028 objective for appropriate re-use of protected structures.

2. The development would not be sympathetic to the special character and integrity of the structure and the industrial heritage of the site. The development would detract from the overall quality and architectural character and industrial style of the protected structure; provides for a poor treatment and massing which would not be in keeping with the existing industrial character and buildings; fails to sensitively rejuvenate the existing building; would relocate the water tower in a manner that does not respect the protected status on the site; and has not been supported by appropriate conservation and impact assessments. The proposed height of block C would not be in keeping with the character of the site, and the height, massing and material treatment of block C would detract from the setting and character of the protected structure. In particular, the application would be contrary to Policy NCBH 16 of the South Dublin County Development Plan 2022 – 2028, in particular objective 1, Policy NCBH 19 and in particular objective 2, and condition 15 of SD17A/0407 which relates to Architectural Conservation. The proposed development would therefore not accord with the proper planning and sustainable development of the area.
3. There are a number of issues relating to the proposed additional units:
 - The proposed additional units would be entirely 1 and 2-bed within a permitted development that does not contain any 3-beds. The additional units would therefore be contrary to Policy H1 Objective 12, of the South Dublin County Development Plan 2022 - 2028.
 - The ground floor unit layouts risk the creation of dark kitchen/dining spaces with inadequate access to daylight, and the layout of these units would need to be revised prior to a grant of permission.
 - The additional units located at higher levels above ground than the permitted development need to be assessed for inward noise impact, and if necessary and possible,

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design and mitigation measures would need to be agreed prior to a grant of permission.

- The applicant has not provided a Housing Quality Assessment.

- The applicant has not demonstrated how the additional residential units would be served, as part of the whole development, by public or communal open space in accordance with the minimum standards set out in the South Dublin County Development Plan 2022 - 2028.

4. The proposed increase in car parking in the development would detract from the landscape within the site, and would reduce pedestrian comfort and safety within the site. In addition, these spaces would encroach upon amenity spaces within the permitted scheme. The applicant has not shown that adequate public open space or communal open space would be provided with these changes; additionally, the overall result is a car-dominated surface environment, which is not acceptable to the planning authority.
5. The proposed removal and relocation of the water tower to a point adjacent to the site entrance risks causing a traffic hazard due to interruption of the visibility splays from the site entrance. The applicant has not shown that this arrangement is safe.

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REG. REF. SD22A/0355

LOCATION: Edmondstown Mill, Edmondstown Road, Rathfarnham, Dublin 16



Jim Johnston,
Senior Executive Planner

ORDER: A decision pursuant to Section 34(1) of the Planning & Development Act 2000 (as amended) to Refuse Permission for the above proposal for the reasons set out above is hereby made.

Date: 02/11/2022



Colm Harte,
Senior Executive Planner