

OC Architects & Design
67, Ranelagh Village
Dublin 6

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

Decision Order No.	1385	Date of Decision	02-Nov-2022
Register Reference	SD22A/0355	Date	08-Sep-2022

Applicant:

Relmont Limited

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

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. 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.

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, 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.

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/0355

Signed on behalf of the South Dublin County Council.

Yours faithfully,

Pamela Hughes 03-Nov-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