

DDA Architects
62, Brighton Square
Rathgar
Dublin 6

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

Decision Order No.	0090	Date of Decision	25-Jan-2023
Register Reference	SD22A/0135	Date	20-Dec-2022

Applicant:

Damien & Peter Furey

Development:

Two storey construction (366.2sq.m) comprising of a two storey own door Coffee Shop (133.80sq.m) with connection to existing Centra' 2 own door ground floor shops to the rear of 48.0sq.m each with 2 first floor offices above of 48.0sq.m each; new pedestrian footpath and all associated site works.

Location:

Whitechurch Shopping Centre, Whitechurch Green, Edmondstown, Dublin 16

Time extension(s) up to and including:

Additional Information

29-Jun-2022/20-Dec-2022

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. The Planning Authority can only grant permission for development within the relevant red line boundary, and where lands are outside the ownership of an applicant, these lands can be included within an application red line boundary as long as the relevant land owner consent has been provided. Where the red line boundary does not extend to all areas where works are proposed, and the necessary letters of consent are not provided, the Planning Authority must refuse permission. The applicant is proposing works essential to the consideration of the proposed development that are outside the developments red line boundary. The applicant has not demonstrated an ability to deliver the layout alterations, EV car parking or bicycle parking indicated, providing no

confirmation of ownership of these lands or a letter of consent from the relevant owner to permit their inclusion within the planning application. Given the proposed intensification of use at the shopping centre, adequate car and bicycle parking facilities are a crucial consideration in the determination of the application, as well as traffic safety concerns regarding the location of bin storage and bin truck access, and the requirement for a turning head as part of car parking upgrades. These items have been included for consideration as part of the additional information request but cannot be permitted given the constraints of the red line boundary of the proposed development site. The proposed development is significantly deficient in car parking and bicycle parking provision and other transport-related provisions, were it to proceed it could constitute a traffic hazard.

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/0135

Signed on behalf of the South Dublin County Council.

Yours faithfully,

Pamela Hughes 26-Jan-2023
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