

# Comhairle Chontae Atha Cliath Theas

**PR/0750/22**

## Record of Executive Business and Chief Executive's Order

**Reg. Reference:** SD22A/0113      **Application Date:** 20-Apr-2022  
**Submission Type:** New Application      **Registration Date:** 20-Apr-2022  
**Correspondence Name and Address:** Pramod Kumar Agarwal 9, Newcastle Manor Place,  
Newcastle, Co. Dublin  
**Proposed Development:** Change of use for a currently vacant premises to a  
doctor's consultancy practice with some minor  
internal alterations.  
**Location:** 2, Church View, Lower Main Street, Lucan, Co.  
Dublin  
**Applicant Name:** Pramod Kumar Agarwal  
**Application Type:** Permission

(SW)

### **Description of Site and Surroundings:**

#### Site Description:

The site contains a two storey property to the rear of 2 storey properties on Lucan Road. It is adjacent to a Protected Structure site, St. Andrews Church of Ireland Church (RPS Ref. 053).

Site Area: 0.0203 Hectares.

#### **Proposal:**

Change of use for a currently vacant premises to a doctor's consultancy practice with some minor internal alterations.

#### **Zoning:**

The proposed site is subject to zoning objective VC – 'To protect, improve and provide for the future development of Village Centres'.

#### **Consultations:**

*Water Services* – no objections, subject to conditions.

*Roads* – Request additional information.

*Parks* – No report received at time of writing.

*Architectural Conservation Officer* – No objections.

*Transport Infrastructure Ireland* – No observations.

*Irish Water* – no objections, subject to conditions.

*EHO* – no report at time of writing.

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### **SEA Sensitivity Screening**

The site is located within Lucan Village Architectural Conservation Area. It is adjacent to a Protected Structure site, St. Andrews Church of Ireland Church (RPS Ref. 053).

The site is located within an Area of Archaeological Potential and the Record of Monuments and Places.

### **Submissions/Observations /Representations**

Observation received from Cllr Gogarty –

- Support the application – precedent for the site operating as GP surgery
- There is a shortage of GP services in the Lucan area
- There is adequate parking according to the Council's own traffic surveys
- The location is a suitable distance from the Lucan Medical Centre.

### **Relevant Planning History**

*Application site:*

None

*Adjacent sites:*

SD20A/0329 A Columbarium for the interment of ashes consists of 5 Columbaria of 15 double niche or equivalent single niche per side within a landscaped enclosure with fixed cross to east chancel at the southeast corner, of the curtilage of the property. The site is accessed from the church forecourt to the east and will include a free standing stone screen wall 1.8m high and from an existing inner courtyard to include a memorial threshold. Site clearance will include demolition of a stone built shed and the felling of 2 trees. **Permission Granted**

SD08A/0071 Sub division and change of use of the existing ground floor snooker hall into three units intended for shop use or uses for the provision of services provided principally to visiting members of the public but excluding use as a betting office, two units for storage use and one unit as a private snooker practice room, accessible from the rear car park. The development includes new stepped access arrangements from the public footpath, with associated changes to elevations including shopfronts, wall finishes, first floor windows and roof. **Permission Granted**

### **Relevant Enforcement History**

None recorded for subject site.

### **Pre-Planning Consultation**

None held.

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### **Relevant Policy in South Dublin County Council Development Plan 2016 - 2022**

#### *3.12.0 Healthcare Facilities*

##### *Policy C11 Healthcare Facilities*

Policy C11b It is the policy of the Council to support and encourage the integration of healthcare facilities within new and existing communities that are appropriate to the size and scale of each settlement.

C11 Objective 2: To promote the integration of healthcare facilities within new and existing communities that are appropriate to the size and scale of each settlement.

C11 Objective 4: To direct healthcare facilities into town, village, district and local centres and to locations that are accessible by public transport, walking and cycling, in the first instance.

#### *Section 4.2.0 Strategic Policy For Employment*

##### *Chapter 4 Economic Development & Tourism*

#### *Section 4.2.0 Strategic Policy For Employment*

##### *Policy ET1 Economic and Tourism Overarching Policies and Objectives*

##### *Policy ET2 Enterprise and/or Residential Led Development in Regeneration Zones*

##### *Policy ET 1: Overarching*

##### *Policy ET3 Enterprise and Employment (EE)*

##### *Policy UC 1: Urban Centres Overarching*

##### *Policy UC3: Village Centres*

It is the policy of the Council to strengthen the traditional villages of the County by improving the public realm, sustainable transport linkages, commercial viability and promoting tourism and heritage value.

#### *Table 5.1 South Dublin County Retail Hierarchy*

Level 4 Lucan Village. These centres usually contain one supermarket ranging in size from 1,000-2,500 sq.m. with a limited range of supporting shops and retail services and possibly other services such as post offices, community centres or health clinics grouped together to create a focus for the local population. These centres meet the local day-to-day needs of surrounding residents.

#### *Section 11.3.13 Healthcare Facilities*

##### *Section 7.1.0 Water Supply & Wastewater*

##### *Policy IE1 Water & Wastewater*

##### *Section 7.2.0 Surface Water & Groundwater*

##### *Policy IE2 Surface Water & Groundwater*

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*Section 7.3.0 Flood Risk Management  
Policy IE3 Flood Risk*

*Section 7.5.1 Waste and Resource Policy and Legislation  
Policy IE5 Waste Management*

*Section 8.40 Sustainable Urban Drainage Systems  
Green Infrastructure (G) Policy 5 Sustainable Urban Drainage Systems*

*Section 8.50 Green Infrastructure within Urban Areas  
Green Infrastructure (G) Policy 6 New Development in Urban Areas  
Section 11 Implementation*

*Section 11.2.0 Placemaking and Urban Design  
Section 11.2.1 Design Statements*

*Section 11.2.8 Signage – Advertising, Corporate and Public Information*

*Section 11.4.2 Car Parking Standards (zone 2)  
Table 11.23: Maximum Parking Rates (Non Residential)  
Section 11.4.4 Car Parking Design and Layout  
Section 11.4.6 Travel Plans*

*Section 11.4.1 Bicycle Parking Standards  
Table 11.22: Minimum Bicycle Parking Rates*

*Section 11.8.2 Appropriate Assessment  
Section 11.6.1 (i) Flood Risk Assessment  
Section 11.6.1 (ii) Surface Water  
Section 11.6.1 (iii) Sustainable Urban Drainage System (SUDS)  
Section 11.6.1 (iv) Groundwater  
Section 11.6.1 (v) Rainwater Harvesting  
Section 11.6.1 (vi) Water Services  
Section 11.6.3 Environmental Hazard Management  
Section 11.6.3 (i) Air Quality  
Section 11.6.3 (ii) Noise  
Section 11.6.3 (iii) Lighting*

*Section 11.6.5 Waste Management*

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*Section 11.7.2 Energy Performance In New Buildings*

*Section 11.8.1 Environmental Impact Assessment*

*Section 11.8.2 Appropriate Assessment*

### **Relevant Government Guidelines**

*Project Ireland 2040 National Planning Framework*, Government of Ireland, 2018.

*Regional Spatial and Economic Strategy, 2019 - 2031, Eastern & Midlands Regional Assembly (2019).*

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

*Traffic and Transport Assessment Guidelines*, National Roads Authority, (2007).

*Smarter Travel – A Sustainable Transport Future. A New Transport Policy for Ireland 2009 – 2020*, Department of Transport, (2009).

*Project Ireland 2040 National Planning Framework, Government of Ireland, 2018.*

*Traffic Management, Guidelines for Planning Authorities*, Department of Transport, Department of the Environment, Heritage and Local Government, Dublin Transportation Office, (2003)

*Achieving Effective Workplace Travel Plans – Guidelines for Local Authorities*, National Transport Authority, (2012)

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

### **Assessment**

The main issues for consideration are

- Zoning and Council policy,
- Design, Visual Impact, Architectural Conservation
- Access and Car parking,
- Drainage,
- Public Health.

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### ***Zoning and Council Policy***

The proposal is for change of use a GP surgery. 'Doctor/Dentist' is a permitted use in principle within the Village Centre 'VC' zoning objective which seeks 'to protect, improve and provide for the future development of village centres'.

Policy C11b states that it is the policy of the Council to support and encourage the integration of healthcare facilities within new and existing communities that are appropriate to the size and scale of each settlement.

C11 Objective 2: To promote the integration of healthcare facilities within new and existing communities that are appropriate to the size and scale of each settlement.

C11 Objective 4: To direct healthcare facilities into town, village, district and local centres and to locations that are accessible by public transport, walking and cycling, in the first instance.

Table 5.1 South Dublin County Retail Hierarchy also supports the provision of such a facility within Lucan.

It is the policy of the Council to promote appropriate sustainable development of existing built-up areas in order to retain population levels and delivery of local services. The proposal would result in the provision of employment opportunities and a local service in a town centre location.

In accordance with Paragraph 11.3.13 "*Planning applications for medical surgeries/practices/centres should include details of proposed professional medical (commercial) activities, proposed number of practitioners and support staff, and intended hours of operation. In instances of partial conversion from residential to healthcare, the proposal shall be assessed as a Home Based Economic Activity*".

The application states that the proposal is for a Doctor's Consultancy. It is noted that details of staff have not been provided but, given the village centre location, it is not considered that there would be undue pressure on parking. No hours of operation have been set out and it is considered that a condition should be imposed regarding this.

The proposed change of use would be consistent with the policies and objectives of the current South Dublin County Development Plan 2016 – 2022.

### ***Design, Visual Impact, Architectural Conservation***

There are no external works proposed. The Architectural Conservation Officer has stated: "*The subject site is located adjacent to a Protected Structure site, St. Andrews Church of Ireland Church (RPS Ref. 053). It is also located within Lucan Village Architectural Conservation Area.*

*The proposed development relates to a change of use for a currently vacant premises to a doctor's consultancy practice with some minor internal alterations. The proposed development*

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*does not include any changes or works to the exterior of the property and therefore will not have any direct impact on the adjacent Protected Structure or within the Architectural Conservation Area”.*

There are no objections.

The visual impact of the proposed development is considered acceptable.

### ***Access & Transport***

The Roads Department states additional information is required in relation to cycle parking. It is considered that this matter can be secured via condition, which also required the Architectural Conservation Officer to be consulted on any submission.

### ***Drainage***

Water Services and Irish Water have raised no objections, subject to conditions.

### ***Public Health***

The H.S.E. Environmental Health Officer did not provide a comment on the application. A condition is recommended regarding medical waste.

### ***Screening for Appropriate Assessment***

On the basis of the information on file, which is considered adequate to undertake a screening determination and having regard to:

- the nature and scale of the proposed development,
- the intervening land uses and distance from European sites,
- the lack of direct connections with regard to the Source-Pathway-Receptor model,

it is concluded that the proposed development, individually or in-combination with other plans or projects, would not be likely to have a significant effect on the above listed European sites or any other European site, in view of the said sites' conservation objectives.

An appropriate assessment is not, therefore, required.

### ***Screening for Environmental Impact Assessment***

Having regard to the modest nature of the proposed development, and the distance of the site from nearby sensitive receptors, 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.

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### **Other Considerations**

#### *Development Contributions*

The proposed development is for:

- a change of use from vacant building to doctor's consultancy for an existing unit of 94m<sup>2</sup>.

<b>SEA Monitoring Information</b>	
<b>Building Use Type Proposed</b>	<b>Floor Area (sq.m)</b>
Health	94
<b>Land Type</b>	<b>Site Area (Ha.)</b>
Brownfield/Urban Consolidation	0.0203

### **Conclusion**

Having regard to the County Development Plan 2016-2022, the pattern of development in the vicinity, the nature of the proposed use and its location within a Village Centre, it is considered that, subject to the conditions set out below, the proposed development would be an appropriate land use which would support the land-use zoning objective and would accord with the proper planning and sustainable development of the area.

### **Recommendation**

I recommend that a decision be made pursuant to the Planning & Development Act 2000, as amended, for the reasons set out in the First Schedule hereto, to Grant Permission for the said development in accordance with the said plans and particulars, subject to the condition(s) specified in the Second Schedule hereto, the reasons for the imposition of the said condition(s) being as set out in the said Second Schedule.

### **FIRST SCHEDULE**

It is considered that the proposed development accords with the policies and objectives of South Dublin County Council, as set out in the South Dublin County Council Development Plan 2016 - 2022 and subject to the conditions set out hereunder in the Second Schedule is hereby in accordance with the proper planning and sustainable development of the area.

### **SECOND SCHEDULE**

#### **Conditions and Reasons**

1. Development in accordance with submitted plans and details.  
The development shall be carried out and completed in its entirety fully in accordance with the plans, particulars and specifications lodged with the application, save as may be



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required by the other conditions attached hereto.

REASON: To ensure that the development shall be in accordance with the permission and that effective control be maintained.

2. Hours of Operation.

The doctor's practice hereby granted permission shall only operate between the hours of 8am and 7pm Monday to Saturday. The facility shall not operate outside these hours without the prior written agreement of the Planning Authority.

REASON: To maintain effective control on the development.

3. Cycle Parking.

Prior to the commencement of development, the applicant shall submit a revised layout not less than 1:100 scale showing bicycle parking and pedestrian routes within the development. The applicant should refer to Table 11.22: Minimum Bicycle Parking Rates-SDCC County Development Plan 2016-2022. Any cycle parking should be designed with regard to the potential impacts on the adjacent Protected Structure. All external bicycle parking spaces shall be covered.

REASON: In the interests of sustainable transport.

4. Storage of Clinical Waste.

Prior to the occupation of the unit, the applicant/developer/owner shall submit details of a suitable location for the storage of clinical waste to the Planning Authority.

REASON: To provide for the appropriate management of waste.

5. Irish Water Connection Agreement.

Prior to the commencement of development the applicant or developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

REASON: In the interest of public health and to ensure adequate water/wastewater facilities.

6. Drainage.

(a) All works for this development shall comply with the requirements of the Greater Dublin Regional Code of Practice for Drainage Works.

(b) There shall be complete separation of the foul and surface water drainage systems, both in respect of installation and use.

(c) All development shall be carried out in compliance with Irish Water Standards codes and practices.

REASON: In the interests of public health, the proper planning and sustainable development of the area and in order to ensure adequate water supply and drainage provision.

7. Restrictions on Signage.

Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no further advertisement signs (including any signs installed to be visible through windows), advertisement structures,

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banners, canopies, flags, or other projecting elements shall be displayed or erected on the development or within the curtilage of the site, unless authorised by a grant of planning permission.

REASON: To protect the visual amenities of the area and in the interest of the proper planning and sustainable development of the area.

### 8. Financial Contribution.

The developer shall pay to the Planning Authority a financial contribution of €4,641.72 (four thousand six hundred and forty one euros and seventy two cents), in respect of public infrastructure and facilities benefiting development within the area of the Planning Authority, that is provided, or intended to be provided by or on behalf of the authority, in accordance with the terms of the Development Contribution Scheme 2021 - 2025, made under Section 48 of the Planning and Development Acts 2000-2011 (as amended).

The contributions under the Scheme shall be payable prior to commencement of development or as otherwise agreed in writing by the Council. Contributions due in respect of permission for retention will become payable immediately on issue of the final grant of permission. Contributions shall be payable at the index adjusted rate pertaining to the year in which implementation of the planning permission is commenced.

REASON: The provision of such facilities will facilitate the proposed development. It is considered reasonable that the payment of a contribution be required, in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority and that is provided, or that is intended will be provided, by or on behalf of the Local Authority.

NOTE RE: CONDITION - Please note that with effect from 1st January 2014, Irish Water is now the statutory body responsible for water services. Further details/clarification can be obtained from Irish Water at Tel. 01 6021000 or by emailing customerservice@water.ie.

NOTE: The applicant is advised that under the provisions of Section 34 (13) of the Planning and Development Act 2000 (as amended) a person shall not be entitled solely by reason of a permission to carry out any development.

NOTE: The requirements of the HSE Environmental Health Officer shall be ascertained prior to the commencement of development in the interest of public health.

NOTE: Waste, arising from the site, must be kept to a minimum, segregated where appropriate, and disposed in accordance with the Waste Management Regulations 2007, as amended. Transport of such waste, must be by an authorised waste permit holder.

Waste disposal records must be maintained and made available, for inspection by Authorised Persons appointed under the Waste Management Act 1996, as amended. A Waste Transfer Form shall accompany the transportation of all hazardous waste arising from the construction works.

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**REG. REF. SD22A/0113**

**LOCATION: 2, Church View, Lower Main Street, Lucan, Co. Dublin**

*Colm Harte*

Colm Harte,  
**Senior Executive Planner**

**ORDER:** A decision pursuant to Section 34(1) of the Planning & Development Act 2000, as amended, to Grant Permission for the reasons set out in the First Schedule above, in accordance with the said plans and particulars, subject to the condition(s) specified in the Second Schedule above, the reasons for the imposition of the said condition(s) being as set out in the said Second Schedule is hereby made.

**Date:**

14/6/22

*Eoin Burke*

Eoin Burke, Senior Planner