

Comhairle Chontae Atha Cliath Theas

PR/0813/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22A/0129 **Application Date:** 03-May-2022
Submission Type: New Application **Registration Date:** 03-May-2022

Correspondence Name and Address: Patrick M. Kerr Architecture 39A, Maynooth Road, Celbridge, Co. Kildare

Proposed Development: Construction of an extension to the side of existing building comprising a new two storey (plus partial basement) flat roof extension with new side entrance & stairs to access existing first floor & rear garden area with new wc at first floor. Retention of minor amendments to layout of basement apartment from previously permitted layout, Ref. SD20A/0231, for amended bathroom location; Retention & completion of internal alterations and change of use of ground floor from retail to restaurant use, to include alterations to layout from previously permitted layout ref. SD20A/0231 inc. removal of modern stairs and partitions & forming new WC facilities and servery area; Retention & completion of internal alterations and change of use of first floor from ancillary accommodation to office/shared work space use, to include alterations to layout from previously permitted layout Ref. SD20A/0231 inc. removal of walls & modern wc. Works also include retention & completion of all associated ancillary landscaping & boundary wall works to front area (Protected Structure).

Location: 1, The Mall, Main Street, Lucan, Co. Dublin

Applicant Name: Featherton Ltd.

Application Type: Permission and Retention

(EW)

Description of site and surroundings

Site visit: 26/06/2022

Site Area: 0.035ha

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Site Description

The subject site, No. 1, The Mall, which is located on the northern side of the Main Street in Lucan Village and is located to the eastern end of a row of two storey terraced dwellings and is currently vacant containing front black shutters and uPVC casement windows. The site contains a two storey over basement terraced building that was in use as a Pharmacy previously, with a retail space of 58sq.m at ground floor, office at first floor 59.5sq.m and basement of 68sq.m. No. 1 is part of a number of terraced houses all of which are protected structures (Ref. 038). An existing access laneway is located on the eastern side of the subject building that leads to the rear of the building and basement level. The River Liffey is located north of subject site. The site is located within the designated Architectural Conservation Area of Lucan Village, and an Area of Archaeological Potential (*Map Ref: 017-019 Lucan – Town.*).

Proposal:

- **Proposed** construction of an extension to the side of existing building comprising a new two storey (plus partial basement) flat roof extension with
 - new side entrance & stairs to access existing first floor & rear garden area with
 - new wc at first floor.

- **Retention:** of minor amendments to layout of basement apartment from previously permitted layout, Ref. SD20A/0231, for amended bathroom location;

- Retention & completion of internal alterations and change of use of ground floor from retail to restaurant use,
 - to include alterations to layout from previously permitted layout ref. SD20A/0231 inc. removal of modern stairs and partitions & forming new WC facilities and servery area;

- Retention & completion of internal alterations and change of use of first floor from ancillary accommodation to office/shared work space use,
 - to include alterations to layout from previously permitted layout Ref. SD20A/0231 inc. removal of walls & modern wc. Works also include

- Retention & completion of all associated ancillary landscaping & boundary wall works to front area (Protected Structure).

Zoning:

The subject site is subject to zoning objective VC - *'To protect, improve and provide for the future development of Village Centres'* under the South Dublin County Council Development Plan 2016-2022.

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Subject site is located with the Lucan Village Architectural Conservation Area and the Zone of Archaeological Potential. The building is a protected structure Map Ref. 038.

Consultations:

Water Services Department- Additional Information requested.

Irish Water - No objections subject to conditions.

Roads – No objections subject to conditions.

Conservation Officer- No objections subject to conditions.

An Taisce – No objections subject to adherence to Council Policy.

D.H.L.G & Heritage – No objections subject to permission.

SEA Sensitivity Screening – Indicates overlap with Protected Structure, Architectural Conservation Area and Area of Archaeological Potential, Record of Monuments and Places layers.

Submissions/Observations /Representations

No submissions received.

Recent Relevant Planning History

SD20A/0231 – **Granted Permission** for the following:

- Refurbishment of existing two bed apartment at basement level;
- alteration of existing window opes to basement level; re-opening of the existing windows to the rear elevation of the retail unit at ground floor level;
- incorporation of a new toilet at ground floor level; reconstruction of existing stairs to first floor;
- removal of existing steel roller shutters from exterior of ground floor retail unit and re-incorporation of same to interior of retail unit; installation of 2 awnings at ground floor level;
- refurbishment of existing interior retail units; incorporation of a new door on the ground floor eastern elevation to give access to first floor and the incorporation of a new access steps to this door from the front.
- removal of all existing uPVC windows and their replacement with timber sash double glazed units;

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- refurbishment of existing paved area to the south and all necessary upgrading, repair, refurbishment, and site works necessary to facilitate the development. (Protected Structure)

Conditions:

1. Conservation

(a) The Method Statement for the proposed works included as part of the Conservation Report shall be adhered to in full to ensure the works are carried out in accordance with best practice, use of the correct materials and methods.

(b) Prior to the commencement of development the applicant shall submit the following for the agreement of the planning authority:

(i) A Schedule of Works and Specification setting out details for the following work items:

- Internal lime plaster
- Additional damp proofing works to basement walls
- Opening up works for reinstatement of window opes and insertion of new side door at side elevation
- details on how the areas will be made good.
- All internal joinery should be retained and repaired where possible.

(ii) A window schedule. Details should include the proposed window design, profile and material type ensuring they are the appropriate type and the name of the specialist contractor being engaged to provide the new windows at this location.

(iii) A schedule of materials and finishes for the new proposed door, overlight, steps and railings to the eastern elevation. Details should also be provided on the proposed awning to include how it will be erected and fixed and the overall design.

REASON: For the protection of architectural heritage and in accordance with the proper planning and sustainable development of the area.

2. Roads Department

Prior to commencement, the applicant shall submit the following for the written agreement of the Planning Authority:

(a) A revised plan of 1:200 drawing showing 3 car parking spaces for the proposed development.

(b) An Autotrack analysis drawing showing that the proposed parking spaces can be safely accessed by cars.

(c) Clarification as to the status of the Right of Way to access the rear of the proposed development.

REASON: In the interest of public and traffic safety and compliance with the Council Development Plan.

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Adjacent sites

SD17A/0073 - 5, The Mall, Main Street, Lucan, Co. Dublin. SDCC **Granted Permission** for the change of use from office to residential to form a three-bedroom dwelling served by a communal private area to the rear with 3 car parking spaces within existing car park. Permission is also sought to reinstate c. 1m of western gable wall at 1st floor level of No. 5. No other physical works to the dwelling are proposed in this application. These works are to a Protected Structure.

SD06A/0580 – 3, The Mall, Lucan, Co. Dublin. SDCC **Granted Permission** for the demolition of existing three storey stairwell and toilet block; alterations and refurbishment to existing building; new three storey extension to rear comprising plant room, storage, offices, staff and public areas; on-site car parking and all ancillary site works to existing credit union building, which is a Protected Structure.

SD04A/0210- 3, The Mall, Lucan, Co Dublin – SDCC **Granted Permission** was granted for the demolition of the existing three storey stairwell and toilet block; alterations and refurbishment to existing building; new four storey extension to the rear comprising, plant room, storage, offices, staff and public areas; on-site car parking and all ancillary works to existing Credit Union building which is a Protected Structure. This decision was subsequently overturned by An Bord Pleanala (ref. no. PL.06S.208983).

Recent Relevant Enforcement History

S8856 - Alleged non-compliance with condition 1 of SD20A/0231(Date opened 02-Dec-2021)
File remains opened.

Pre-Planning Consultation

PP018/22 - Proposed works contain two main elements as follows, Change of use of ground floor from existing/permitted retail to restaurant use and permission for & retention of various amendments to previous planning permission; New two storey side extension to provide new stairs access to first floor area to include new WC facility in a new modern glazed extension and for change of use of first floor to shared work (community based) office area and associated alterations (Note: proposed new stairs is a response to provision of suitable and appropriate means of fire escape from first floor and to remove inappropriate stairs within ex. Ground floor) All works are to the existing protected structure.

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

Policy H6 Sustainable Communities

It is the policy of the Council to support the development of sustainable communities and to ensure that new housing development is carried out in accordance with Government policy in relation to the development of housing and residential communities.

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Policy H7 Urban Design in Residential Developments

It is the policy of the Council to ensure that all new residential development within the County is of high quality design and complies with Government guidance on the design of sustainable residential development and residential streets including that prepared by the Minister under Section 28 of the Planning & Development Act 2000 (as amended).

Policy H8 Residential Densities

It is the policy of the Council to promote higher residential densities at appropriate locations and to ensure that the density of new residential development is appropriate to its location and surrounding context.

Policy H10 Mix of Dwelling Types

It is the policy of the Council to ensure that a wide variety of adaptable housing types, sizes and tenures are provided in the County in accordance with the provisions of the Interim South Dublin County Council Housing Strategy 2016-2022.

Section 2.3.0 Quality Of Residential Development

Policy H11 Residential Design and Layout

It is the policy of the Council to promote a high quality of design and layout in new residential development and to ensure a high quality living environment for residents, in terms of the standard of individual dwelling units and the overall layout and appearance of the development.

Policy H12 Public Open Space

It is the policy of the Council to ensure that all residential development is served by a clear hierarchy and network of high quality public open spaces that provides for active and passive recreation and enhances the visual character, identity and amenity of the area.

Policy H13 Private and Semi-Private Open Space

It is the policy of the Council to ensure that all dwellings have access to high quality private open space (incl. semi-private open space for duplex and apartment units) and that private open space is carefully integrated into the design of new residential developments.

Policy H14 Internal Residential Accommodation

It is the policy of the Council to ensure that all new housing provides a high standard of accommodation that is flexible and adaptable, to meet the long-term needs of a variety of household types and sizes.

Policy H14 Objective 1:

*“To ensure that all residential units and residential buildings are designed in accordance with the relevant quantitative standards, qualitative standards and recommendations contained in *Sustainable Urban Housing: Design Standards for New Apartments (2015), the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009), the*

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companion Urban Design Manual and have regard to the standards and targets contained in Quality Housing for Sustainable Communities (2007), particularly the standards and recommendations that relate to internal amenity/layout, overall unit size, internal room sizes, room dimensions, aspect, sound insulation, communal facilities, storage, sustainability and energy efficiency.”

**(The 2015 Apartment Guidelines have since been superseded)*

Policy H15 Privacy and Security

It is the policy of the Council to promote a high standard of privacy and security for existing and proposed dwellings through the design and layout of housing.

Policy H15 Privacy and Security

Policy H15 Objective 3

Policy H15 Objective 4

Section 3.2.0 Community Facilities

Policy C1 Community Centres

It is the policy of the Council to ensure that all communities have access to multifunctional community centres that provide a focal point for community activities.

Section 3.13.0 Open Space Management & Use

Policy C12 Open Space

It is the policy of the Council that a hierarchical network of high quality open space is available to those who live, work and visit the County, providing for both passive and active recreation, and that the resource offered by public open spaces, parks and playing fields is maximised through effective management.

Section 2.2.0 Sustainable Neighbourhoods

Policy H6 Sustainable Communities

Policy H7 Urban Design in Residential Developments

Policy H8 Residential Densities

Policy H9 Residential Building Heights

Policy H10 Mix of Dwelling Types

Section 2.3.0 Quality Of Residential Development

Policy H11 Residential Design and Layout

Policy H12 Public Open Space

Policy H13 Private and Semi-Private Open Space

Policy H14 Internal Residential Accommodation

Policy H15 Privacy and Security

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Section 9 Heritage, Conservation & Landscapes

HCL Policy 1 – Overarching

HCL Policy 2 – Archaeological Heritage

HCL Policy 3 - Protected Structures

HCL3 Objective 1:

HCL3 Objective 2:

HCL£ Objective 3:

11.5.1 Archaeological Heritage

11.5.2 – Protected Structures

(ii) Works to a Protected Structure

The Planning Authority will consider proposals for development or alterations to a Protected Structure based on the conservation principles set out in the Architectural Heritage Protection Guidelines for Planning Authorities, DAHG (2011).

Development proposals for works to a Protected Structure or within the curtilage of a Protected Structure may require a method statement that describes the proposed works in appropriate detail. An Architectural Heritage Impact Assessment may also be required in the case of applications for extensive or complex works that have the potential to have a significant impact on a Protected Structure. Assessments should be prepared by a conservation specialist in accordance with the requirements of the Architectural Heritage Protection Guidelines for Planning Authorities, DAHG (2011) and shall assess the likely effects of the proposed development on the special character of the Protected Structure and its setting.

For all works to a Protected Structure, the Planning Authority will seek to ensure that:

- Alterations and interventions do not detract from the significance or value of the structure,*
- Original features of architectural and historic interest are retained and that new features are not presented as original or older features,*
- Extensions are appropriately scaled, complement and are subsidiary to the main structure, and*
- The special interest of the structure is not compromised when adhering to the requirements of Building Regulations. Regard should be had to the Advice Series on historic buildings published by the DEHLG.*

Protected Structures

- It is the policy of the Council to conserve and protect buildings, structures and sites contained in the Record of Protected Structures and to carefully consider any proposals for development that would affect the special character or appearance of a Protected Structure including its historic curtilage, both directly and indirectly.
- HCL3 Objective 2: To ensure that all development proposals that affect a Protected Structure and its setting including proposals to extend, alter or refurbish any Protected Structure are sympathetic to its special character and integrity and are appropriate in

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terms of architectural treatment, character, scale and form. All such proposals shall be consistent with the Architectural Heritage Guidelines for Planning Authorities, DAHG (2011) including the principles of conservation.

*Section 7.1.0 Water Supply & Wastewater
Policy IE1 Water & Wastewater*

*Section 7.2.0 Surface Water & Groundwater
Policy IE2 Surface Water & Groundwater*

*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 9.1.0 Built Heritage and Architectural Conservation

Policy HCL 4 Architectural Conservation Areas

*Section 9.3.1 Natura 2000 Sites
Policy HCL12 Natura 2000 Sites*

*Section 11.3.6 Retail Development
Section 11.4.2 Car Parking Standards
Section 11.5.3 Architectural Conservation Areas
Section 11.6.1 (ii) Surface Water
Section 11.6.3 Environmental Hazard Management
Section 11.8.1 Environmental Impact Assessment
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 11.7.1 Energy Performance In Existing Buildings
Section 11.8.1 Environmental Impact Assessment
Section 11.8.2 Appropriate Assessment*

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Section 2.4.0: Residential Consolidation – Infill, Backland, Corner Sites

Policy H17 Residential Consolidation

Section 11.3.1 Residential

Section 11.3.1 (iv) Dwelling Standards

Table 11.20: Minimum Space Standards for Houses

Section 11.3.1 (v) Privacy

Section 11.3.2 Residential Consolidation

Section 11.3.2 (i): Infill Developments

Section 11.3.2 (iv): Dwelling sub-division and Upper Floors

“Dwelling sub-division and ‘over the shop’ accommodation should accord with the relevant guidelines and standards contained in this Development Plan relating to apartments and contribute positively to the established character and amenities of the area. The design of ‘over the shop’ housing should include mitigation measures to address possible sources of external noise. A separate, distinctive point of entry with an identifiable address should also be provided. Dwelling sub-divisions should preserve the established character and amenities of the area.

At the discretion of the Planning Authority and subject to appropriate safeguards to protect residential amenity, reduced internal space, open space and car parking standards may be considered in exceptional circumstances for dwelling subdivisions or ‘over the shop’ accommodation, subject to compensating amenity features that maintain the residential amenities of the development and/or the area.”

9.1.0 Built Heritage And Architectural Conservation

9.1.2 Protected Structures

9.1.3 Architectural Conservation

9.1.4 Older Buildings, Estates and Streetscapes

Relevant Government Guidelines

Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities, Department of the Housing, Planning and Local Government (2018).

Urban Development and Building Heights – Guidelines for Planning Authorities Department of the Housing, Planning and Local Government (2018).

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

Regional Spatial and Economic Strategy, Eastern & Midlands Regional Assembly, 2019.

Architectural Heritage Protection – Guidelines for Planning Authorities Department of the Environment, Heritage and Local Government, (2004).

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

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

National Cycle Manual – National Transport Authority (June 2011).

Assessment

The main issues for consideration are zoning, Council policy, impact on the Protected Structure, Impact on Architectural Conservation Area, Archaeological assessment, visual and residential amenity, access and car parking, services and drainage and Appropriate Assessment.

Zoning and Council Policy

The site is located in an area which is zoned 'VC' *To protect, improve and provide for the future development of Village Centres*. The subject site comprises Protected Structure RPS REF. 038, No. 1, The Mall, Main Street Lucan which comprises a two-storey terraced building. An extension to the side elevation and change of use from retail to restaurant use, with amendments of an existing building within the village centre is generally considered to be acceptable.

It is considered that the proposed development consisting of a refurbishment and change of use is acceptable in principle, subject to compliance with the policies and objectives of the current County Development Plan, in relation to Protected Structures, Architectural Conservation Area of Lucan Village and Areas of Archaeological Potential. Compliance with the aforementioned policies will be comprehensively assessed below.

Impact on the Protected Structure

A report was received from the Architectural Conservation Officer as follows:

Record of Protected Structures

No. 1 The Mall is referred to in the Council's Record of Protected Structures - Schedule 2 of the South Dublin County Development Plan 2016-2022 under Map Ref. No. 038. 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

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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.

Architectural Conservation Area

The Mall is located within the Architectural Conservation Area of Lucan Village.

Appraisal

This is an application for the construction of an extension to the side of existing building comprising of a new two-storey (plus partial basement) flat roof extension with new side entrance & stairs to access existing first floor & rear garden area with new wc at first floor. Retention of minor amendments to layout of basement apartment from previously permitted layout under (Reg. Ref. SD20A/0231), for amended bathroom location; Retention & completion of internal alterations and change of use of ground floor from retail to restaurant use, to include alterations to layout from previously permitted layout ref. SD20A/0231 inc. removal of modern stairs and partitions & forming new WC facilities and servery area; Retention & completion of internal alterations and change of use of first floor from ancillary accommodation to office/shared work space use, to include alterations to layout from previously permitted layout Ref. SD20A/0231 inc. removal of walls & modern wc. Works also include retention & completion of all associated ancillary landscaping & boundary wall works to front area at the above detailed Protected Structure.

It should be noted that the retention element of this planning application is to address enforcement issues and regularise works that were carried out outside the previous permission granted under Reg. Ref. SD20A/0231. This application also seeks for a change of use from that proposed under the previous grant of permission.

On foot of an inspection by the undersigned and Planning Inspector a number of items were identified, advice was provided by SDCCs Architectural Conservation Officer and Planning Inspector by way of achieving a good overall solution to the enforcement items with finding a balance for conservation and reuse of the existing Protected Structure. A number of Fire safety and Building Regulations items also needed to be met in seeking a change of use, this lead to need for further works to include an external stairs and other works now included in the current planning application.

The current application is seeking to make amendments to the previously grant permission under SD20A/0231 and to retain certain works carried out to provide for the new proposed change of use. The works proposed under the previously approved planning application had ensured that a number of external and internal works were carried out to ensure the existing Protected Structure could be reused and its historic built fabric protected and improved.

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The works now proposed are effectively an extension of the original scope of works under the previous application with the addition of some changes to allow for the new change of use and to ensure compliance with Part M and Part B of the Building Regs in allowing continued use of the Protected Structure.

It is proposed to construct a side extension to the existing building. The proposed addition is required to provide a new access and fire escape stairs to the first floor. As detailed above details were submitted to the undersigned with regard to details of the proposed side extension. Prior to this a site meeting took place and the Councils Architectural Conservation Officer had advised that other options should be looked at and in particular for a new fire escape stairs to be located to the rear of the Protected Structure in order to address any visual impacts. This option was looked at but having assessed the impacts to the original built fabric to the rear elevation it was advised by the undersigned that a design for a side extension could be development in order for a further assessment to be carried out.

Pre-Planning was therefore submitted to the Councils Architectural Conservation Officer, prior to formal Pre-Planning. The applicants Architect submitted Pre-Planning details for a new proposed side extension at 1 The Mall Lucan – The following advice and comments were issued via email on the 31st March 2022;

With regard to the Pre-Planning details submitted for a new proposed side extension. As you are aware during a site meeting, I had indicated that other options should be looked at to facilitate a fire escape stairs. The reasons why I felt the rear of the building should be considered is that the rear of the Mall already has a number of additions and although there would be some visual impact these impacts could be mitigated by the overall design. A new addition to the rear would not cause any visual impacts to The Mall/streetscape, thereby retaining the architectural integrity of the Protected Structures (1-6 The Mall) and streetscape character. I am always supportive of modern interventions and additions to Protected Structure when the needed and function and design is deemed acceptable.

The proposed side extension required some consideration and justification to allow a new addition to the end of the terrace (The Mall). Based on the information provided in your email below with regard to the level of intervention required to connect the proposed stairs to the existing building and the justification for a new ope in the gable based on previous one and the initial grant of permission, I now feel that it comes down to design and the visual aesthetics.

I have assessed the drawings provided as Pre-Planning and I feel that having the side extension set back allows the integrity of the Mall to remain. The interventions to facilitate the side extension have been measured against the requirement for the stairs and in allowing the building to be reused in accordance with building regs and fire requirements as part of a change of use,

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which would have been ideally assessed as part of the initial overall development at No. 1 The Mall.

I would advise and recommend the following as part of a formal planning application:

- *Details on how the new extension will connect to the existing Protected Structure (No. 1 The Mall).*
- *A detailed schedule of works on the interventions and the works required to the built fabric to facilitate the connection of the proposed side extension.*
- *Consideration on the final design – I would prefer to see dark wood and less glass in order that some form is provided given its location. I completely appreciate you have designed a fully glazed addition to provide a lightweight structure that may be less visible. As the stairs is the visible element, it might look better if the full view isn't provided. Perhaps the bottom section at the door level could be glass with the top level as a complete form which would blend in with the Mall or partially screened with dark vertical wooden panels, this may provide a simpler structure and will add architectural interest. As you know the final materials and finishes will either allow an addition at this location to sit sensitively or cause negative visual impact. It needs to be bore in mind that the area is a Village with many architectural styles and architectural history which adds to the character of the ACA, which is still considered to be a village setting and therefore anything contemporary needs to reflect this – I would advise that this is given further consideration.*

Based on the above comments and advice provided by the Councils Architectural Conservation Officer the new proposed side extension has been redesigned from the original design submitted under Pre-Planning in order to address the concerns, with regard to overall visual impact on the adjoining Protected Structures and the streetscape. It is felt that having the side extension set back allows the integrity of the Mall to remain. The interventions to facilitate the side extension have been measured against the requirement for the stairs and in allowing the building to be reused in accordance with building regs and fire requirements as part of a change of use, which would have been ideally assessed as part of the initial overall development at No. 1 The Mall.

The overall design and use of materials allows a lighter type of extension which does not compete with the Protected Structure and will therefore sit alongside it sensitively and will add architectural interest and contrast along the Streetscape of the Architectural Conservation Area.

Recommendation

It is considered that the proposed development is acceptable with the following conditions attached:

1. It is considered that the proposed works should be carried out in accordance with the details provided in the initial Conservation Method Statement and Architectural Impact

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Assessment. In particular in accordance with the Method Statement, Specifications and Schedule of Works included as part of the Architectural Impact Assessment Report.

- In the event that additional works or interventions are required which were unforeseen full details should be submitted to the Councils Architectural
- Conservation for assessment and formal agreement prior to any such works being carried out.

Reason: To ensure works are carried out in accordance with the particulars provided and methodology. Adhering to conservation principles and best conservation practice.

2. Safety measures should be put in place during the proposed works on site. A Safety Statement should be provided detailing how the existing structures will be protected during works and in particular during the construction of the proposed new side extension. A safety statement should be submitted for written agreement with the Councils Architectural Conservation Officer prior to the commencement of development.
Reason: To ensure that No. 1 The Mall is safeguarded during the proposed development and appropriate safety measures are put in place to prevent any possible damage to original built fabric or architectural features.

3. It is considered that the design elements, materials, dimensions and fixtures of the new side extension should be submitted to the Councils Architectural Conservation Officer for agreement and approval. A Method Statement should also be provided detailing the works required to connect the new proposed side extension with the existing Protected Structure including works to make good original built fabric.
Reason: To ensure new additions to the Protected Structure do not cause a direct negative impact or directly affect the original built fabric and to minimise any damage to the original built fabric.

4. A Schedule of materials and finishes should be provided for the proposed new additions and side extension to the Protected Structure as well as the final palette of materials and finishes. This should be submitted prior to commencing development by way of confirming final material finishes and colours. This should include full details on materials and finishes for all elements of the proposed development to include;
 - the new side hung casement windows,
 - new canopy/awning previously permitted under SD20A/0231 (full design details, fixtures, fittings and placement of which needs to be agreed and approved prior to commencement). Any new signage should be sought under a separate planning application.

Reason: To ensure the proposed new additions, new side extension and new canopy to front of Protected Structure is of high quality and reflects the overall design ethos detailed in the proposal.

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Visual and residential amenity

The proposed two-storey extension to the eastern gable side of the existing building comprises a new two-storey (plus partial basement) flat roof extension. It is noted that the extension would extend over an existing pedestrian laneway leading to the site's rear. It is also noted that access to the rear can be obtained through the new side extension. The proposal is considered a modern intervention and addition to the Protected Structure for function/design and compliance with Part M and Part B of the Building Regs in allowing continued use of the Protected Structure. The proposed side extension would sit lower in height than the existing building and be set back from the front building line by 0.7m enabling the development to remain subservient to No. 1 The Mall (that is referred to in the Council's Record of Protected Structures - Schedule 2 of the South Dublin County Development Plan 2016-2022 under Map Ref. No. 038).

The height and materials used vary on the proposal from west to east. The gable west side (nearest the Mall building) protrudes 1.2m east and is 5.9m in height with three separate glass panels that form a complete glass wall that blends in with the Mall building at this recessed location.

The gable east side (nearest the glazing) protrudes 1.9m adjoining the adjacent building to the east and is 6.1m in height. The materials used are dark vertical wooden panels that add architectural interest and screen the internal stairs and first-floor toilet. It is noted that, in certain instances, the visual appearance of external wooden cladding can deteriorate significantly with age. In this regard, it is recommended that a condition be added, should the application be approved, requiring the details of the proposed cladding to be confirmed prior to the commencement of development. The side extension is set back appropriately, will sit alongside the neighbouring streetscape sensitively, add variance to the Streetscape of the Architectural Conservation Area, and is considered acceptable.

The Architectural Conservation Officer confirmed that subject to conditions that the proposed development is welcomed and will integrate into the Protected Structure and the existing streetscape. It is considered that the proposed development will not have a negative impact on the protected structure or the Lucan Architectural Conservation Area. The proposed development is considered acceptable concerning potential impacts on the area's visual amenity and heritage setting.

Retention of minor amendments (SD20A/0231) to layout of Basement Apartment

The applicant requests retention for the amendments of the 7sq.m bathroom location within the basement two-bedroom apartment that is located to the south of the basement building. As stated on the plans '*as a result of incorrect survey information,*' the basement bathroom has now been relocated 4m westerly of the original layout proposal. It now enters the kitchen/lounge area instead of the immediate hallway and this is considered acceptable.

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Retention and completion of internal alterations and change of use of ground floor from retail to restaurant use

The retention element of this planning application is to address enforcement issues and regularise works carried out outside the previous permission granted under Reg. Ref. SD20A/0231. The applicant requests retention for the amendments to include alterations to the layout from previously permitted ref. SD20A/0231. The proposal for retention included removing a modern stairs located on the eastern end of the building and replacing the staircase with two WC and one wheelchair-accessible toilet. It is noted that a 1m door opening has also been omitted from the original plans on the gable side of the building; however, it is also noted not to have been implemented from a site visit. The layout and partitioning of the restaurant is deemed acceptable, subject to conditions.

Retention and completion of internal alterations and change of use of first floor from ancillary accommodation to office/shared work space use,

The applicant requests retention for the amendments to include alterations to the layout from previously permitted ref. SD20A/0231. The proposal for retention included removing a middle internal wall from the first floor to open the entire first floor as open plan. The development for retention also included removing the modern stairs located on the eastern end of the building and WC from the entire first floor. It is noted that a 0.9m door opening has been put in place on the gable side of the building to access the new proposed staircase and first floor toilet.

Having regards to the amendments to be retained, it is deemed that the moderate changes and layout / use as a shared community workspace is deemed acceptable, subject to conditions.

Retention and completion of all associated ancillary landscaping & boundary wall works to front area (Protected Structure).

The necessary upgrading, repair, and refurbishment to facilitate the development with the refurbishment of the existing paved area, landscaping and boundary walls to the south permits a visual aesthetic and greater flexibility in the use of the front of the building. In addition, it will have a beneficial visual impact on the existing structure and streetscape.

Regarding the overall proposal, it is considered that the proposed works would enhance the appearance and layout of the structure to ensure it is viable for continued use as a mix-use development; the works are considered to enhance the protected structure for future use. Therefore, the proposed development respects the character of the protected structure and Lucan Architectural Conservation Area, would not detract from the existing visual and residential amenities of the area and the character of the terrace as a whole, and is considered acceptable

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and in accordance with the proper planning and sustainable development of the area and therefore a grant of retention permission is recommended.

Vehicular Access:

Report received from Roads Department requested additional information as follows:

Amendments to previously granted planning permission SD22A/0129. The extension will remove the pedestrian access to the rear of the building. The conditions of the previous roads report are still relevant. The right of way from to the car park has been identified.

Roads recommend the applicant should be requested the following Additional Information:

1. A revised plan of 1:200 drawing showing 3no. car parking spaces for the proposed development.
2. An Autotrack analysis showing that the proposed parking spaces can be safely accessed by cars.

Should Permission be granted the following conditions should apply:

1. Prior to commencement, the applicant shall submit a revised plan of 1:200 drawing showing 3no. car parking spaces for the proposed development.
2. Prior to commencement, the applicant shall submit an Autotrack analysis drawing showing that the proposed parking spaces can be safely accessed by cars.

It is noted that the site layout plan indicates 4no. parking spaces to the rear. Notwithstanding the above requirements of the Roads Department, it is considered the above requests can be sought by **condition** prior to commencement of development.

Surface Water Drainage and services

The following reports were received from the Water Services Department and Irish Water and requested additional information regarding the absence of SuDS (Sustainable Drainage Systems) and to include water butts in proposed development as part of SuDS (Sustainable Drainage System).

Notwithstanding the above requirements of Water Services, given the nature of the proposed development it is considered that the above requests can be sought by **condition** prior to commencement of development.

Irish Water

Have no objection subject to compliance with Irish Water Standards, this is noted and shall be conditioned.

D.H.L.G & Heritage

DHLG & Heritage have no objections subject to the following conditions:

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1. All ground works associated with the proposed development shall be monitored under licence by a suitably qualified archaeologist.
2. Should archaeological material be found during the course of works, the work on the site shall be stopped pending a decision as to how best to deal with the archaeology. The developer shall be prepared to be advised by the National Monuments Service with regard to any necessary mitigating action (e.g., preservation in situ, or excavation) and should facilitate the archaeologist in recording any material found.

Reason: To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.

The above requirements are noted and shall be conditioned.

Screening for Appropriate Assessment

The subject site is not located within nor within close proximity to a European site. The proposed and retained development is referred to in the Council's Record of Protected Structures - Schedule 2 of the South Dublin County Development Plan 2016-2022 under Map Ref. No. 038.

Having regard to:

- the small-scale nature of the development,
- the location of the development in a serviced urban area, and
- the consequent absence of a pathway to the European site,

it is considered that the proposed and retained 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.

Environmental Impact Assessment

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

Other Considerations

Development Contributions Assessment Overall Quantum

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The **retained development** consists broadly of internal refurbishment of use from a vacant premise to retail/office and residential use with minor window ope changes, new east gable door and steps and upgrading of sash windows.

- Change of use from Retail to Restaurant (65.2 sq.m)

The **proposed development** consists of 25 sqm side extension staircase / toilet.

SEA Monitoring Information

Building Use Type Proposed:

Floor Area: within an existing protected structure consisting of 198.4 ad 25 sqm side extension

Land Type: Brownfield/Urban Consolidation.

Site Area: 0.035ha

Conclusion

Having regard to the 'VC' zoning objective of the site and the nature and scale of the proposed amendments for Permission and Retention, it is considered that, subject to the conditions set out below, the proposed development for Permission and Retention would be in accordance with the existing South Dublin County Council Development Plan 2016-2022.

Having regard to the overall design and scale of the development proposed it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or the integrity of the protected structure and would, therefore, be in accordance 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 & Grant Retention 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.

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SECOND SCHEDULE

Conditions and Reasons

1. Financial Contributions.

The developer shall pay to the Planning Authority a financial contribution of €3,219.58 (three thousand two hundred and nineteen euros and fifty eight 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 Act 2000 (as amended). This contribution is to be paid on receipt of Final Grant of Permission.

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

2. Permission.

The development shall be carried out and completed in its entirety in accordance with the conditions attached to SD20A/0231, save as may be permitted under this Planning Application and 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.

3. Architectural Conservation.

A. The proposed works shall be carried out in accordance with the details provided in the initial Conservation Method Statement and Architectural Impact Assessment. The development shall also be undertaken in accordance with the Method Statement, Specifications and Schedule of Works included as part of the Architectural Impact Assessment Report.

- In the event that additional works or interventions are required, full details shall be submitted to and agreed in writing by the Planning Authority. No additional works shall be carried out without prior written agreement.

REASON: To ensure works are carried out in accordance with the particulars provided and methodology. Adhering to conservation principles and best conservation practice.

B. Safety measures shall be put in place during the proposed works on site. Prior to the commencement of development, a Safety Statement shall be submitted to and agreed in writing by the Planning Authority. This shall detail how the existing structures will be

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protected during works and in particular during the construction of the proposed new side extension.

REASON: To ensure that No. 1 The Mall is safeguarded during the proposed development and appropriate safety measures are put in place to prevent any possible damage to original built fabric or architectural features.

C. Prior to the commencement of development, the design elements, materials, dimensions, and fixtures of the new side extension shall be submitted to and agreed in writing by the Planning Authority. A Method Statement shall also be provided prior to the commencement of development, detailing the works required to connect the new proposed side extension with the existing Protected Structure including works to make good original built fabric. This shall be agreed in writing by the Planning Authority.

REASON: To ensure new additions to the Protected Structure do not cause a direct negative impact or directly affect the original built fabric and to minimise any damage to the original built fabric.

D. Prior to the commencement of development, a schedule of materials and finishes shall be provided for the proposed new additions and side extension to the Protected Structure as well as the final palette of materials and finishes. This shall be agreed in writing by the Planning Authority. This should include full details on materials and finishes for all elements of the proposed development to include;

- the new side hung casement windows,
- new canopy/awning previously permitted under SD20A/0231 (full design details, fixtures, fittings, and placement of which needs to be agreed and approved prior to commencement). Any new signage should be sought under a separate planning application.

REASON: To ensure the proposed new additions, new side extension and new canopy to front of Protected Structure is of high quality and reflects the overall design ethos detailed in the proposal.

4. Archaeology.

1. All ground works associated with the proposed development shall be monitored under licence by a suitably qualified archaeologist.

2. Should archaeological material be found during the course of works, the work on the site shall be stopped pending a decision as to how best to deal with the archaeology. The developer shall be prepared to be advised by the National Monuments Service with regard to any necessary mitigating action (e.g. preservation in situ, or excavation) and should facilitate the archaeologist in recording any material found.

Reason: To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.

5. Development in accordance with submitted plans and details.

(i)The development shall be carried out and completed in its entirety fully in accordance with the plans, particulars and specifications lodged with the application.

(ii)The development shall be retained and completed fully in accordance with plans,

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particulars and specifications lodged with the application, save as may be 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.

6. Roads Department

Prior to commencement, the applicant shall submit the following for the written agreement of the Planning Authority:

(a) A revised site layout plan of 1:200 drawing showing a minimum of 3 car parking spaces for the proposed development.

(b) An Autotrack analysis drawing showing that the proposed parking spaces can be safely accessed by cars.

REASON: In the interest of public and traffic safety and compliance with the Council Development Plan.

7. Drainage - Surface Water.

The disposal of surface water, shall fully comply with all of the technical requirements of the Council's Water Services Section. In this regard, prior to the commencement of development, the applicant/developer shall submit the following for the written agreement of the Planning Authority:

(i) A drawing showing the surface water layout for the development up to and including the point of connection to the public sewer. The drawing should include the location of all Aj's, manholes, pipe size, material type and direction of flow.

(ii) The applicant shall include SuDS (Sustainable urban Drainage Systems) features for the proposed development such as but not limited to the following: Green Roofs, Rain Gardens, Planter boxes with overflow connection to the public surface water sewer.

- The Developer shall ensure that there is complete separation of the foul and surface water drainage for the proposed development.

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

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

8. 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.

9. Minimise Air Blown Dust.

During the construction and or demolition phase of the development, Best Practicable Means shall be employed to minimise air blown dust being emitted from the site. This shall include covering skips and slack-heaps, netting of scaffolding, daily washing down

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of pavements or other public areas, and any other precautions necessary to prevent dust nuisances. The applicant/developer shall comply with British Standard B.S. 5228 Noise Control on Construction and Open sites and British Standard B.S. 6187 Code of Practice for demolition.

REASON: In the interest of public health and to uphold the Council's policies set out in the South Dublin County Council Development Plan.

10. Construction Noise and Hours.

To control, limit and prevent the generation of unacceptable levels of Environmental Noise Pollution from occurring during construction activity, no Equipment or Machinery (to include pneumatic drills, on-site construction vehicles, generators, etc.) that could give rise to unacceptable levels of noise pollution as set out generally for evening and night-time in S.I. No. 140/2006 - Environmental Noise Regulations 2006 shall be operated on the site before 7.00 hours on weekdays and 9.00 hours on Saturdays nor after 19.00 hours on weekdays and 13.00 hours on Saturdays, nor at any time on Sundays, Bank Holidays or Public Holidays.

Any construction work outside these hours that could give rise to unacceptable levels of noise pollution shall only be permitted following a written request to the Planning Authority and the subsequent receipt of the written consent of the Planning Authority, having regard to the reasonable justification and circumstances and a commitment to minimise as far as practicable any unacceptable noise outside the hours stated above. In this respect, the applicant or developer shall also comply with BS 5228:2009 Noise and Vibration Control on Construction and Open Sites, and have regard to the World Health Organisation (WHO) – Guidelines for Community Noise (1999).

The applicant or developer shall also endeavour to engage in local consultation in respect of any noise sensitive location within 30 metres of the development as approved prior to construction activity commencing on site. Such noise sensitive locations should be provided with the following:

- Schedule of works to include approximate timeframes
- Name and contact details of contractor responsible for managing noise complaints
- Hours of operation- including any scheduled times for the use of equipment likely to be the source of significant noise.

REASON: In the interest of public health by the prevention of unacceptable levels of noise pollution which could interfere with normal sleep and rest patterns and/or when people could reasonably expect a level of quietness, the proper planning and sustainable development of the area and to uphold the Council's amenity policies set out in the South Dublin County Council Development Plan.

11. Signage Details.

Prior the commencement of development, the applicant/owner shall submit the following for the written agreement of the Planning Authority:

Full details of proposed signage to include signage lettering, logo dimensions, colours, materials, finishes and illumination type, and;

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REASON: In the interests of visual amenity and the proper planning and sustainable development of the area.

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 applicant or developer should ensure that all necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works and to ensure that any such instances arising are remedied immediately.

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REG. REF. SD22A/0129

LOCATION: 1, The Mall, Main Street, Lucan, Co. Dublin



**Sarah Watson,
Executive Planner**

ORDER: A decision pursuant to Section 34(1) of the Planning & Development Act 2000, as amended, to Grant Permission & Grant Retention 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:

27/6/22



Eoin Burke, Senior Planner