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**Planning Department
South Dublin County Council
County Hall,
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Dublin 24,
D24 A3XC**

21 December, 2022

P.A. South Dublin County Council

Proposal: Retention of:

1. Change of use from a commercial office to a 1-bed ground floor apartment,
2. Minor amendments to internal layout of first floor apartment
3. Configuration of existing first and second floor balconies as originally constructed

in existing 3-storey building

At: Rear of 6 Main Street, Lucan, Co. Dublin

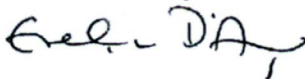
For: Art, Daniel & Nicholas Coyne

Dear Sir/Madam,

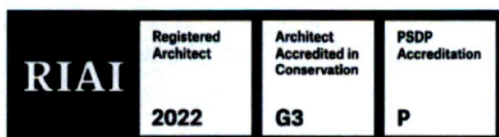
On behalf of our client, we enclose planning application documents for the above development.

We trust the information is in order to ensure a decision on the planning application. If any items require further clarification, please do not hesitate to contact me.

Yours sincerely,



Evelyn D'Arcy MRIAI
evelyn@dnh.ie/ 0872533741



PLANNING REPORT

This statement sets out the planning and design merits of the proposal in the context of the requirements of the South Dublin County Development Plan, other policy documents and relevant standards.

It is laid out as below:

1. Introduction
2. Description of Subject Site and Vicinity
3. Relevant Planning History
4. National Policy
5. Zoning & Development Plan Objectives
6. Description of Development
7. Technical
8. Conclusion

1.0 INTRODUCTION

This planning application seeks the retention of a 1-bed apartment at ground floor and other minor internal amendments in an existing building located to the rear of No. 6 Main Street, Lucan, in an Architectural Conservation Area. The 3-storey building was constructed as an office development in around 2008.

Our client purchased the building in 2015 and subsequently experienced great difficulty in finding a commercial tenant to take up the lease. Following an extended period, our client applied for change of use for the building entire to be converted to apartments; this application was unsuccessful. A second application for the change of use of the upper two levels only was granted in 2017, thus bringing the building back from long-term vacancy to a new residential use. Further details on the planning history are detailed in Section 3 of this report.

In mid-2016, our client managed to secure a tenant for the ground floor unit on a short-term lease which they terminated in June 2017, shortly after the grant of permission for the two apartments above. Following failure once more to secure a commercial tenant - while the two new apartments were quickly filled - and facing the prospect of the ground floor unit lying again vacant for an indeterminable time, our client felt he had little alternative and proceeded with the conversion of the space to a 1-bed apartment.

This application seeks to regularise the change of use to the ground floor apartment. No building work is required. Notwithstanding the fact that there is no planning permission in place for this development, the apartment is finished to a high quality, in line with spatial requirements for apartments as laid out in the Development Plan and other relevant standards. In addition, this application also seeks to regularise

a slightly amended first floor apartment layout, and to retain the configuration of the existing balconies at first and second floor apartments as they were originally constructed.

We feel it is important to note at this point that shortly after the development took place, S.I. No. 30/2018; Planning and Development (Amendment) (No. 2) Regulations 2018 was taken into law. If assessed under these new regulations, it is highly probable that the conversion of this unit from commercial to residential use would be found to be exempt development and would not require planning permission. Further details on how S.I. No. 30/2018 & 2021 and also other recent legislative changes responding to the current housing crisis apply to this development are detailed in Section 4 of this report.

2.0 DESCRIPTION OF THE SUBJECT SITE AND VICINITY

The site is located to the rear of no. 6 Main Street in the centre of Lucan village, in an Architectural Conservation Area. The building is bordered to the west by a private laneway, which provides access to the building and to Main Street through a gate. To the south there is a car park and small housing development, and to the east lies the Gandon Court apartment development which is similar in nature and scale to the proposed development. The overall site area is 87sqm. The site coverage is 100%.

This backland area has been developed in recent years, with a small well-maintained apartment development and individual housing units. The conversion of the subject vacant building to a residential use has enhanced both the liveliness and the security of the public spaces surrounding, through active facades and passive surveillance.

There are two dedicated private parking spaces available in the car park immediately south of the site, while pay and display on-street parking is available on Main Street. The site is within ten minutes' walking distance of frequent bus services and local amenities in line with the principles of proper higher density development. It is located in the centre of the village and close to the high value amenity area of the Liffey Valley.

3.0 RELEVANT PLANNING HISTORY

There have been several planning applications on the built-up area to the rear of No. 6 Main Street. Two semi-detached houses to the south of the subject site were built under Permission ref SD04A/0521 and SD06A/0868.

The 3-storey office building on the site (subject of this application) was constructed in approximately 2008 under planning permission SD07A/0326, (this permission a modification of an earlier planning application SD04A/0600) and it replaced storage buildings connected to No.6 fronting on to Main Street. A recent permission has been granted on No.6 itself, for an extension to the offices there (Ref D21A/0285).

The most relevant planning application for the subject site (Ref D16A/0378) has allowed for the change of use of two levels of the building from offices to residential use. This followed an unsuccessful application prior to that (Ref. SD15A/0393) for the conversion of all levels to apartments. Planning Ref SD15A/0393 was for the provision of 3 no. apartments – one at each level of the building – and this was refused permission. The reasons for refusal were given as 1) inadequate private open space provision to the ground floor apartment, 2) oversailing balconies at first and second floors and 3) potential for setting an undesirable precedent.

Following that unsuccessful application, permission was granted under Ref SD16A/0378 in February 2017, for an apartment at first and second levels of the building, two in total. No further applications have been made since that permission was granted.

4.0 NATIONAL POLICY

4.1 National Policy Developments

Since planning permission was granted for the change of use in 2017, the housing provision in Ireland has undergone significant and progressive deterioration, with chronic undersupply of new dwellings nationally. With a view to tackling this problem, several government publications involving major amendments to housing policy nationally have been produced, namely:

- **Housing For All - A New Housing Plan for Ireland (2021)**
- **Project Ireland 2040 – National Planning Framework (2018)**
- **Project Ireland 2040 National Development Plan 2018 – 2027 (2018 and 2021)**
- **Sustainable Urban Housing: Design Standards for New Apartments (2018, revised in 2020)**
- **Bringing Back Homes: Manual for the Reuse of Existing Buildings (2018)**
- **Rebuilding Ireland: Action Plan for Housing and Homelessness (2016, reviewed in 2017)**

These documents contain a vast range of recommendations and regulations with a commonality in respect to town centre residential development, and a very strong focus on the regeneration of existing brownfield sites and long-term vacant properties. To achieve this aim, the documents also put forward an emphasis on the need for flexibility in relation to spatial guidelines specifically in relation to existing buildings, and a revision of apartment size guidelines to allow for a wider range of typologies.

4.2 Planning and Development (Amendment) (No. 2) Regulations 2018

On foot of a review of **Rebuilding Ireland** in 2017, Action 5.21 outlined a commitment to

“support and facilitate the reuse and/or development of older / vacant buildings for residential use, such as unused commercial properties, under-utilised upper-floor accommodation over shops, as well as conversion/upgrading of vacant properties”.

Action 5.9 brought about the introduction of **S.I. No. 30/2018; Planning and Development (Amendment) (No. 2) Regulations 2018**, otherwise referred to as the Exempted Development Regulations 2018, the validity period of which was extended in 2021.

Bringing Back Homes, the accompanying manual to the Exempted Development Regulations, was developed and published in 2018. This manual outlines in detail how different types of vacant properties can be converted into residential use. If a number of criteria are met, the change of use from certain classes - including commercial offices - to a domestic use are considered exempted development. Under the amendment, works will be considered exempt from the requirement to obtain planning permission if:

- The unit has lain vacant for 2 years
- The conversion facilitates increased housing supply
- Works affect only the interior of the building
- There is no conflict with the Development Plan or LAP in promoting a continuance of retail use
- No more than nine individual housing units are provided in the building
- Works do not contravene a condition attached to a planning permission relating to the building
- It is built to meet minimum spatial standards and in compliance with the Building Regulations

It is notable that the provision of private open space, car parking and itemised internal space/room requirements do not feature in this amendment regulation. Therefore, if assessed under the new regulation, the conversion of the ground floor unit - and those on the first and second floors - would in all probability be found to be exempt development and would not require planning permission. It is our view that this fact is important and should be kept in consideration in determining this application.

4.3 Housing For All

In recognition of the worsening housing crisis, caused by acute lack of supply in recent years and further exacerbated by the impacts of Covid 19 on the construction industry, this ambitious government housing plan was launched on 2nd September 2021. The vision of *“achiev(ing) a steady supply of housing in the right locations with economic, social and environmental sustainability built into the system”* includes the estimation that 33,000 new homes will need to be provided every year from 2021 to 2030.

This plan is a consolidation of the aims of the National Development Plan along with enhanced cross-departmental collaboration between the planning, financial and judicial systems in order to provide maximum output of housing over the next nine years. The four pathways to achieving housing for all include increasing affordability, increasing housing delivery and supply, and efficient use of available land and housing stock. This development fully aligns with these pathways.

4.4 Project Ireland 2040 – National Planning Framework

Launched in February 2018 as the planning framework to guide development into the future, this document states as its vision:

“A major new policy emphasis on renewing and developing existing settlements will be required, rather than continual expansion and sprawl of cities and towns out into the countryside, at the expense of town centres and smaller villages. The target is for at least 40% of all new housing to be delivered within the existing built up areas of cities, towns and villages on infill and/or brownfield sites.”

Within the document are 75 policies structured under National Policy Objectives (NPOs), which set a clear vision for future regional and local planning and sustainable development policy in Ireland. Many are relevant to this application, those most pertinent are stated and described overleaf.

National Policy Objective 3a

Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements

National Policy Objective 3b

Deliver at least half (50%) of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints

Key to the objectives above is the concept of “compact, smart and sustainable growth”, which seeks to make better use of under-utilised land within the existing footprint of built up areas.

Referencing the capital, the document also states:

Dublin needs to accommodate a greater proportion of the growth it generates within its metropolitan boundaries and to offer improved housing choice, transport mobility and quality of life... This requires a holistic approach to ensure that residential and employment development is served by transport, infrastructure and amenities. It also means ensuring that smaller scale opportunities for infill and brownfield development are realised.

National Policy Objective 11 states that:

there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities subject to development meeting appropriate planning standards and achieving targeted growth.

Higher density development is a primary means of achieving this objective.

National Policy Objective 13 emphasises the need for maintaining performance criteria which will result in well-designed high-quality outcomes in order to achieve targeted growth, while recognising that:

These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.

Suitably located new homes are the subject of **National Policy Objective 33** which states that we must:

Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

The development under assessment here meets all these objectives.

4.5 Project Ireland 2040 National Development Plan 2018 – 2027

Written in conjunction with the National Planning Framework, the National Development Plan, a 10-year investment plan, set out a framework to drive economic, environmental and social progress over the next decade. The document has recently been updated to take account of the changed reality brought on by Covid 19 and Brexit. Within the document, ten National Strategic Outcomes are set out.

National Strategic Outcome 1 - Compact Growth focuses on the provision of housing. It aims to secure sustainable growth within existing urban settlements and places the responsibility on planning authorities to realise the potential of infill development areas. This outcome is to be met in increased densities in centrally located, well connected developments. A key part of working towards achieving this outcome is in the aim of

(b)uilding an average of 25,000–30,000 new homes annually to meet future planned needs and also deal with the demand-supply imbalance over recent years – in effect a doubling of annual housing output from 2016/2017 levels.

On the current housing crisis, the NDP recognises that

“(a) higher level of output is needed in the short- to medium-term to respond to the existing deficit that has given rise to the housing crisis.”

CSO figures for new dwelling completions state that a total of 13,323 dwellings have been completed in 2022 to date.¹ Clearly the impact of Brexit and Covid 19 have had an impact on the construction industry, however the 2019 total of 21,087 completions suggests output was already far short of the target of 33,000 when the pandemic hit.

In summary, the changes in national housing policy in the interim period since 2018 all urge adaptability, flexibility, innovation, and a strong emphasis on reuse of existing buildings, with a view to rapidly increasing supply. All the metrics contained within these documents are met in the development under assessment. This development, though modest, is contributing towards this important national effort to provide more homes.

¹ <https://www.cso.ie/en/statistics/construction/newdwellingcompletions/>

5.0 ZONING & DEVELOPMENT PLAN OBJECTIVES

5.1 South Dublin County Development Plan 2022-2028

The South Dublin County Development Plan was adopted in June 2022, in an unprecedented time of great economic uncertainty, with massive challenges brought about by the Covid 19 pandemic and the ongoing fallout from Brexit.

At the heart of the Plan lies the concept of efficient, compact growth in existing built-up areas, providing sustainable ways of living for communities. The Plan sets out the strategy in its introduction:

(T)o co-ordinate and prioritise areas of population growth capable of accommodating up to 45,000 people by 2028 as South Dublin moves towards an additional 80,000 people and 32,000 new homes by 2040 in line with the provisions of National and Regional population targets.

Developing on the above, the Plan has identified a need for 23,730 new homes within the County between the years 2016 to 2028 which - when completed and projected units up to Q3 of this year are taken into account - results in a need for 15,576 units between 2022 and 2028, around 2500 per year. Clearly this number will require radical ramping up of the delivery process along with innovative design solutions to meet this need. Available CSO figures for new housing completions in the Lucan area in 2022 stand at just 541.

5.2 Land Use Zoning

The land is zoned "VC". Residential development is permitted in principle, as has already been determined in the previous grant of permission for the upper floors of the building. The building is within an Architectural Conservation Area. The built landscape is classified as "Historic Urban", whereby the principles of development include consistency with and consideration of designations such as Architectural Conservation Areas, and that new development should comply with the above. Apart from privacy screening, no external changes to the existing modern building are proposed, therefore the development will have no measurable negative impact on the surrounding area.



5.3 Housing Supply; Housing Quality

Chapter 5 of the Plan focuses on Placemaking and quotes National Policy Objective 13 as we have already referred to in the previous section of this document. To reiterate, this Objective states that the Planning Authority should have due regard to alternative solutions and to allow for a considered level of deviation from standard spatial requirements in order to achieve maximum housing output, while maintaining public safety and conserving the environment.

In this renovation, our client has provided a new apartment to the local building stock and has renewed an under-used building in the centre of Lucan village, in line with the aims of the Development Plan in supporting consolidation through infill development in existing built-up areas. While certain elements of the normal standard requirements for new apartments are not possible due to the constraints of the site and existing building structure, the development does not compromise public safety and a comfortable home has been provided. The principal internal spatial requirements are all for the most part met.

Of note in Chapter 5 also is the promotion of “active frontage”.

***QDP7 Objective 2:** To actively promote well-designed streets and public spaces that provide for active frontages and ‘live’ edges that feel safe, secure and attractive for all to use.*

The ground floor apartment is directly accessible from a quiet laneway, and this provides activity and vitality within the public realm with a good degree of natural surveillance. Privacy is not compromised.

Chapter 6 Housing

This development meets all the metrics contained within this section of the Plan, namely:

***H1 Objective 7:** To ensure population growth and increased housing densities take place within and contiguous to Dublin City and Suburbs and the County’s town boundaries suited to their strategic regional role, subject to good design and development management standards being met.*

***H1 Objective 8:** To promote the re-use of and reactivation of vacant units within our Urban Areas [...]*

***H7 Objective 1:** 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 [...]*

Section 6.7.2 deals with the provision of private and communal, semi-private and public open space. Due to the site constraints and 100% site coverage, it is not possible to provide any type of open space to the ground floor unit. The building is located in the heart of the village and is very close to many parks and open spaces. Lucan Weir Park is across the street. Lucan Village Park is a three-minute walk. The entrance to Liffey Valley Park is a fifteen-minute walk. The main car park to St Catherine’s Park is a five-minute drive and Watertown Park is a nine-minute drive. We submit that this excellent array of amenities compensates for the lack of open space in this development.

In addition, the apartment benefits from full height glazing on two sides, which allows ample daylight across the day, and a space adjacent the window in the living space is suitable for clothes drying. With respect to maintaining privacy and security as detailed in **Section 6.7.5**, the apartment is located on a quiet private laneway, with very low footfall.

Given the apartment has full height glazing, a privacy strip/ buffer zone has been provided to allow for adequate separation between public and private, while maintaining a good degree of passive surveillance over the public realm.

The quality of the internal residential accommodation as introduced in **Section 6.7.4** is dealt with in detail in Section 5 of this report.

Section 6.8.1 Infill, Backland, Subdivision and Corner Sites

The project as a whole has brought the building back from long term vacancy to a residential use, in a very low impact manner requiring minimal interventions to the existing building fabric. This aligns with H13, specifically with Objective 2:

***H13 Objective 2:** To maintain and consolidate the County's existing housing stock through the consideration of applications for housing subdivision, backland development and infill development on large sites in established areas, subject to appropriate safeguards and standards identified in Chapter 12: Implementation and Monitoring.*

The building as a whole contains three well-proportioned apartments, which due to their nature have shortcomings in terms of private open space, but which are comfortable, brightly lit dual aspect homes within walking distance of every available amenity in the village. The addition of the ground floor apartment serves to further consolidate the available housing stock in line with the principles of infill and backland development as described in this section of the Plan.

6.0 DESCRIPTION OF DEVELOPMENT

6.1 Ground Floor Apartment Design

The ground floor apartment layout is similar to those on the levels above permitted under SD16A/0378, providing one double bedroom and a combined kitchen/living space. No changes have occurred externally, apart from the provision of a privacy screen which will be fitted in front of the full height glazing. Internal spaces are as tabulated overleaf. The required overall floor area falls marginally below that listed for a 1 Bed 2 Person apartment as defined in *Sustainable Urban Housing: Design Standards for New Apartments* (2020), at 43.3sqm.

The *Design Standards for New Apartments* urge a practical and flexible approach of the planning authorities, specifically in assessment of refurbishment schemes and those involving underutilised accommodation within commercial buildings.

Planning authorities are specifically requested to [emphasis our own]:

*“practically and flexibly apply the general requirements of these guidelines in relation to refurbishment schemes, particularly in historic buildings, some urban townscapes and **‘over the shop’ type or other existing building conversion projects, where property owners must work with existing building fabric and dimensions.** Ultimately, building standards provide a key reference point and **planning authorities must prioritise the objective of more effective usage of existing underutilised accommodation, including empty buildings and vacant upper floors** commensurate with these building standards requirements.*

Areas Schedule:

Areas	Required	Provided
Overall Floor area	45sqm	43.3sqm
Storage	3sqm	3.4sqm
Double Bedroom area	11.4sqm	14sqm
Minimum width	2.8m	2.8m
Aggregate living area	23sqm	19.5sqm
Minimum width	3.3m	3.43m

The aggregate living area falls slightly short of the requirement; however, this the shortfall is compensated for by the larger bedroom floor area. The floor to ceiling height is 2.63m, for the most part in line with the 2.7m recommendation in the Guidelines and well in excess of the minimum standard of 2.4m as required by Part F of the Building Regulations.

With reference to the non-provision of private open space, as detailed previously in this report, the building is within walking distance of many local parks and green spaces. The Development Plan allows for some flexibility in assessment of small developments in stating:

For building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, private amenity space requirements may be relaxed in part or whole, on a case-by-case basis, subject to overall design quality.

In addition to these Development Plan allowances and coupled with the recent changes in regulations around change of use exemptions within the provisions of the Planning & Development (Amendment) (No. 2) Regulations 2018, we are of the view that the requirement for private open space should be relaxed in this instance.

6.2 First Floor Apartment Layout Amendments

The internal layout of the first-floor apartment has been slightly amended from that permitted. This decision was undertaken on advice of the fire consultant in preparing for the Fire Safety Certificate application for the building. He noted that the permitted layout contained an internal room and recommended that the layout should be amended to match that of the second floor apartment to

improve escape in the instance of fire. The internal space requirements are all still met in this layout. The floor plan is identical to that permitted on the level above. We see no planning implications for this change.

6.3 Apartment Balconies

As part of the planning application for the apartments on first and second floor, it was proposed to set new windows inward to increase the depth of the existing balconies there. The realities of carrying out this work were found to be disproportionately difficult. In addition to this, the contractor who carried out the building work is no longer in operation, and this work has not been carried out.

In weighing up the increase in the quality of the private open space that would be provided with deeper balconies against the value that the additional internal floor area brings to the occupants, we deem the latter to be of greater benefit. As described in the previous section of the report, there is a wide range of high quality public open spaces available in the immediate vicinity of the building. We submit that this compensates for the shortfall in depth of the balconies and that they should be retained as they were originally constructed. Of note here also is the change in national policy with the introduction of the Planning and Development (Amendment) (No. 2) Regulations 2018, whereby private open space is not a requirement for similar change of use applications.

6.4 Adaptability and Inclusivity; Privacy; Parking Standards

The apartment has been laid out to be suitable for people with a wide range of abilities and to allow for adaptability in use. The bathroom is in line with Part M visitable WC standards for a dwelling with a storey floor area of less than 45sqm.

All the remaining metrics outlined in this section of the development plan are met, *inter alia*, provisions for privacy and security, provision of space for four bicycles (1 per unit plus 1 extra visitor space), car parking (2 spaces between 3 units), and secure communal refuse storage.

6.5 Building Regulations; Compliance

The building is substantially in compliance with Building Control Regulations and an existing Fire Safety Certificate and Disability Access Certificate are in place for the 2017 works. Applications for a regularisation Fire Safety Certificate and revised Disability Access Certificate are being made concurrently with this planning application, in order to bring the ground floor unit into compliance.

Building control requirements are not relaxed, and the development has had full regard to all the relevant provisions in the Building Regulations in providing a safe and comfortable dwelling. The office is in communication with the SDCC Building Control Department and a small number of remedial issues have been identified; these are currently under review.

7.0 TECHNICAL

7.1 Enclosures and Supporting Information

In accordance with the requirements of the 2001 Planning and Development Regulations (as amended) and based on discussions with the Planning Authority, the planning application includes the following documents:

- Planning Application Form
- Appropriate Planning Fee
- Public Notices (Newspaper & Site)
- Architectural Drawings

7.2 Planning Application Form

A completed application form is submitted as part of this application. This application form is signed and dated 21st December 2022.

7.3 Planning Fee

A cheque made payable to 'South Dublin County Council' in the amount of **€297** is enclosed. The fee has been calculated on the following basis:

Description	Class	Retention Fee
Provision of a house	1	€195
Any other works, including the erection, construction or alteration of structures, within or bounding the curtilage of an existing house, for purposes ancillary to the enjoyment of the house as such.	2(b)	€102
Total		€297

7.4 Public Notices

The original newspaper notice, which appeared in the Daily Star dated 21st December 2022, is submitted with this application.

1 no. copy of the site notice as erected on 22nd December 2022 at the locations indicated on the Site Location Map is submitted. This notice has been erected on site in full compliance with Article 19 of the 2001 Regulations (as amended).

7.5 Planning Application Drawings

6 no. copies of planning application drawings are provided which have been prepared in accordance with Article 23 of the 2001 Planning and Development Regulations (as amended).

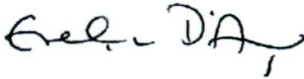
8.0 CONCLUSION

We consider the development to be in accordance with national and regional planning policy guidance for residential development, the development policies, objectives and design standards of South Dublin County Development Plan 2022-2028, Sustainable Urban Housing: Design Standards for New Apartments 2020 and with proper planning and sustainable development for the subject area.

In renovating this building, our client has provided a good quality dwelling in an enviable location in a highly serviced village centre. We believe the regularisation of this 1 bed apartment in the building is in line with orderly and proper development.

We trust that the contents of this planning package are in order, and we look forward to receipt of an acknowledgement at your convenience and validation of documents submitted. If there are any questions in relation to the validation of this application, we would appreciate if you would contact the undersigned person as the agent of this application.

Yours sincerely,



Evelyn D'Arcy MRIAI

evelyn@dnh.ie/ 0872533741

