

# Comhairle Chontae Atha Cliath Theas

PR/0221/26

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

**Reg. Reference:** SD22A/0472      **Application Date:** 22-Dec-2022  
**Submission Type:** New Application      **Registration Date:** 22-Dec-2022  
**Correspondence Name and Address:** Delahunty & Harley Architects 11A, Sydney Terrace, Blackrock, Co. Dublin  
**Proposed Development:** Change of use from a commercial office to a 1 bed ground floor apartment; Minor amendments to internal layout to first floor apartment; Configuration of existing first and second floor balconies as originally constructed, in existing three storey building.  
**Location:** 6, Main Street, Lucan, Co. Dublin  
**Applicant Name:** Art, Daniel & Nicolas Coyne  
**Application Type:** Retention

### Description of Site and Surroundings:

#### Site Area

Stated as 1.0087 hectares.

In response to Question No. 11 of the Application Form, the Applicant has indicated that the area of the subject site is 1.0087Ha. However, it is noted that the Planning Report prepared by Delahunty & Harley Architects states that the site area is 87 sqm.

It is apparent from the drawings provided by the applicant that the site area is 0.0087Ha and that the area quoted in the Application Form is a typographical error. Although regrettable, it is considered that this discrepancy is not significant enough to prevent a reasonable assessment of the proposed development.

#### Site Description:

The application site is located within the Lucan Village Architectural Conservation Area and contains a 3 No. storey building, which is located to the rear of No. 6 Main Street Lucan. The building was originally permitted as an office building, with a later permission modifying the building to mixed-use with commercial use at ground floor level and 2 No. apartments on the first and second floor levels above. Further details in relation to the composition of the existing building are outlined in the Planning History Section of this Report.

The subject site is bound to the west by a gated laneway connected to Main Street, to the south by a car parking area, to the east by the Gandon Court residential development and to the north by No. 6 Lucan Main Street which is a commercial premises fronting onto Main Street Lucan.

# Comhairle Chontae Atha Cliath Theas

PR/0221/26

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

### **Proposal:**

**Retention Permission** is sought for the following:

- Change of Use from a commercial office to a 1 No. bedroom apartment at ground floor level. The ground floor apartment has an approximate gross floor area of 43.3 sqm and is comprised of an entrance hall, bathroom, kitchen/living room, store room and bedroom.
- Minor amendments to the internal layout of the existing first floor apartment.
- Configuration of existing first and second floor balconies of the existing 3 No. storey building as originally constructed.

### **Zoning:**

The site is subject to zoning objective 'VC' – *'To protect, improve and provide for the future development of Village Centres'* in the South Dublin County Development Plan 2022-2028.

Overlap is also indicated with the following Development Plan Map layers:

- Architectural Conservation Area – Lucan Village.
- Riparian Corridor.
- Bird Hazards.
- Outer Horizontal Surface – Casement Aerodrome.
- Inner Horizontal Surface – Weston Airport.
- Outer Horizontal Surface – Dublin Airport.
- Record of Monuments and Places

### **Consultations:**

Drainage and Water Services Department: No report received at time of writing.

Irish Water: No report received at time of writing.

Roads Department: No objection, subject to conditions.

Parks and Public Realm Department: No objection.

# Comhairle Chontae Atha Cliath Theas

PR/0221/26

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

Architectural Conservation Officer:	No report received at time of writing.
HSE Environmental Health Officer:	No objection, subject to conditions.
National Transport Agency:	No report received at time of writing.
Transport Infrastructure Ireland:	No objection.

### SEA Sensitivity Screening

Overlap is indicated with the following SEA Sensitivity Layers:

- Lucan Village Architectural Conservation Area (ACA)
- Areas of Archaeological Potential.
- Protected Structures.
- Record of Monuments and Places.

### Submissions/Observations /Representations

Submission expiry date – 3<sup>rd</sup> February 2023.

No submissions or observations were received.

### Relevant Planning History

Subject site

#### **SD16A/0378**

Change of use from commercial use to two 1-bedroom apartments (46sq.m & 48sq.m respectively) on first and second floors of existing three storey office building, previously permitted under planning reference SD07A/0326. The works will involve the provision of secure bicycle parking and a secure bin store at ground level. Permission granted.

**SDCC Decision:** Grant Permission, subject to conditions.

**SD15A/0393** Change of use from existing office use to 3 one bedroom apartments (48sq.m, 48sq.m, 50sq.m respectively) in existing three storey office building, previously permitted under planning reference SD07A/0326. The works will involve the provision of an enclosed bay window and screened private external space for the ground floor unit. Secure bicycle parking and a secure bin store will be provided at ground level.

**SDCC Decision:** Refuse Permission.

#### **SD11A/0123**

# Comhairle Chontae Atha Cliath Theas

PR/0221/26

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

Removal of the previously granted external louvers to the windows which are now replaced by an obscure film on the inside of the windows to first and second floor level, on the west elevation previously granted under ref. SD07A/0326.

**SDCC Decision:** Refuse Retention Permission, due to impact on ACA and overlooking.

### **SD07A/0326**

Modification to planning Register Reference number SD04A/0600 consisting of the demolition of storage space (23sq.m.) to the rear of the existing two storey office and shop unit and construction of a three storey office extension (167 sq.m.) with stair core and toilet facilities: the proposed extension consists of the construction of offices at ground, first and second floor. The development also includes a bin storage area at street level, resurfacing of existing rear car parking and ancillary works to facilitate the development. Pedestrian and vehicular access will be from Main Street.

**SDCC Decision:** Grant Permission, subject to conditions.

### **SD04A/0600 & ABP Ref. PL06S.210971**

Two storey office extension at rear of existing office premises and 1 no. 1 bedroom apartment in roof space of extension and parking deck off rear laneway.

**SDCC Decision:** Grant Permission, subject to conditions.

### Adjacent Building at No. 6 Main Street, Lucan.

#### **SD21A/0285**

First floor extension over existing walkway to the west of the existing building; all associated site works.

**SDCC Decision:** Grant Permission, subject to conditions.

### **SD04A/0516**

First floor office extension at side of existing office premises and alterations to include reopening of original first floor window in front elevation, changing direction of main roof. The front facade and carriage arch will be retained in the development.

**SDCC Decision:** Grant Permission, subject to conditions.

### **Relevant Enforcement History**

No recent, relevant, files recorded for subject site.

### **Pre-Planning Consultation**

None recorded for the proposed development.

### **Relevant Policy in South Dublin County Council Development Plan 2022-2028**

*Chapter 3 Natural, Cultural and Built Heritage*

# **Comhairle Chontae Atha Cliath Theas**

PR/0221/26

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

### *Section 3.5.3 Architectural Conservation Areas*

#### *Policy NCBH20: Architectural Conservation Areas*

*Preserve and enhance the historic character and visual setting of Architectural Conservation Areas and carefully consider any proposals for development that would affect the special value of such areas.*

#### *NCBH20 Objective 3:*

*To ensure that new development, including infill development, extensions and renovation works within or adjacent to an Architectural Conservation Area (ACA) preserves or enhances the special character and visual setting of the ACA including vistas, streetscapes and roofscapes.*

#### *NCBH20 Objective 4:*

*To address dereliction and to welcome, encourage and promote appropriate and sensitive reuse and rehabilitation of buildings, building features and sites within Architectural Conservation Areas.*

### *Section 3.6.1 Adapting and Reusing Historic Buildings*

#### *Policy NCBH24: Adapting and Reusing Historic Buildings*

*Support and encourage the reuse and adaptation of historic, traditional, and older vacant and derelict buildings as a key component of promoting sustainable development and achieving compact growth and as a catalyst for the revitalisation of historic village and town centres.*

#### *NCBH24 Objective 1:*

*To encourage the repurposing and reuse of older vacant and derelict structures, particularly within towns, villages and Architectural Conservation Areas.*

#### *NCBH24 Objective 4:*

*To ensure the reuse, adaption and upgrade of historic buildings is in accordance with conservation principles including minimal intervention, reversibility, respectful alteration and repair.*

### *Section 3.6.3 Climate Change Adaptation and Energy Efficiency in Historic Buildings*

## *Chapter 4 Green Infrastructure*

### *Section 4.1 Methodology*

*GII Objective 4: To require development to incorporate GI as an integral part of the design and layout concept for all development in the County including but not restricted to residential, commercial and mixed use through the explicit identification of GI as part of a landscape plan,*

# Comhairle Chontae Atha Cliath Theas

PR/0221/26

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

*identifying environmental assets and including proposals which protect, manage and enhance GI resources providing links to local and countywide GI networks.*

### *Section 4.2.1 Biodiversity*

*GI2 Objective 4: To integrate GI, and include areas to be managed for biodiversity, as an essential component of all new developments in accordance with the requirements set out in Chapter 12: Implementation and Monitoring and the policies and objectives of this chapter.*

### *Section 4.2.2 Sustainable Water Management*

*GI4 Objective 1: To limit surface water run-off from new developments through the use of Sustainable Drainage Systems (SuDS) using surface water and nature-based solutions and ensure that SuDS is integrated into all new development in the County and designed in accordance with South Dublin County Council's Sustainable Drainage Explanatory Design and Evaluation Guide, 2022.*

### *Section 11.2.1 Sustainable Urban Drainage Systems (SuDS)*

#### *Policy IE3: Surface Water and Groundwater*

*Manage surface water and protect and enhance ground and surface water quality to meet the requirements of the EU Water Framework Directive.*

### *Chapter 12 Implementation and Monitoring*

#### *Section 12.3.8. Architectural Conservation Areas*

### **Relevant Government Guidelines**

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

***Regional, Spatial & Economic Strategy 2020-2032 (RSES)***, Eastern & Midlands Regional Assembly (2019)

***Quality Housing for Sustainable Communities-Best Practice Guidelines***, Department of the Environment, Heritage and Local Government (2007).

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

***OPR Practice Note PN01 Appropriate Assessment Screening for Development Management*** (March 2021)

### **Assessment**

The main issues for assessment concern the following:

- Zoning and Council Policy.

# Comhairle Chontae Atha Cliath Theas

PR/0221/26

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

- Residential Amenity and Visual Impact.
- Vehicular Access and Parking
- Drainage and Water Services.
- Green Infrastructure.
- Appropriate Assessment.
- Environmental Impact Assessment.

### **Zoning and Council Policy**

The site is subject to zoning objective 'VC' – *'To protect, improve and provide for the future development of Village Centres.'* in the Residential development is permitted in principle uses under this zoning objective, subject to a detailed assessment which is further outlined in the forthcoming Visual and Residential Amenity Section of this Report.

### **Residential Amenity and Visual Impact**

Each element of the proposed development is assessed below in terms of the residential amenity and potential visual impact:

#### Change of Use from office to ground floor apartment.

The proposed development seeks retention permission for the change of use from office to one bedroom apartment at ground floor level. aggregate It is noted that the apartment unit is slightly under the requirements of the Guidelines, with an approximate gross floor area of 43.3 sqm, which is just below the required 45 sqm. This is not considered to be a significant shortfall, especially when it is noted that the existing nature of the apartment unit and the re-purposing of a vacant office unit to an apartment, therefore the requirement to provide modern residential standards is not considered to be critical.

#### Modifications to the internal layout of the first-floor apartment

The modifications to the internal layout of the first floor apartment are considered minor in nature and their rationale. The proposed modifications are internal only and will not significantly impact the residential amenity of the subject scheme.

#### Configuration of existing first and second floor balconies

The proposed development seeks retention permission for the slight reduction of the balconies to the first and second floor units from the previously permitted 5.5 sqm to the as built 3.5 sqm. Having regard to the existing nature of the balconies, the previously permitted change of use of the building and the availability of high quality public open space just a short distance from the subject site, the configuration of the balconies is considered acceptable.

# Comhairle Chontae Atha Cliath Theas

PR/0221/26

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

Reference is also made to the addition of privacy screening to the balconies comprised of painted metal louvres. It is considered that the proposed louvres would provide privacy to the apartment units and would not have a significant visual impact to the adjacent streetscape.

Overall, it is considered that the proposed development of this Planning Application, which is comprised of retention of a change of use at ground floor level and minor modifications, will not have an adverse impact on the visual amenity of the subject site, adjacent properties and surrounding streetscape.

### **Vehicular Access and Parking**

The Roads Department have assessed the proposed development, with their Report noting the following:

*'The car park is currently accessed through Gandon Mews under SD07A/0326 and this way of access should be maintained to avoid the multiplicity of access points via Main Street.*

*The location of the subject site would be considered Zone 2 with regards to Maximum Parking Rates (450m to high quality bus service bus stop 3372). The Maximum Parking Rates set out in Table 12.26 of the County Development Plan is 0.75 spaces per Bed which in this case would correspond to (3 x 0.75 = 2.25) a maximum of 2 no. spaces, which have been provided.*

*4 no. bike parking spaces are to be provided. This is in line with Table 12.23 of the County Development Plan'.*

The Report of the Roads Department concludes with no objection to the proposed development, subject to the following condition:

*'Vehicular access shall not be permitted via Main Street and the existing arrangements for vehicular access as agreed under SD07A/0326 shall be retained i.e., via Gandon Mews'.*

### **Drainage and Water Services**

It is noted that the works relate only to retention permission for a change of use, and there would be no requirement for new infrastructure to service the property, in this instance it is considered that the proposed development will not have an adverse impact on the Drainage and Water Services Infrastructure of the subject site and surrounding streetscape.



# Comhairle Chontae Atha Cliath Theas

PR/0221/26

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

### **Green Infrastructure**

The subject site is located within the core area and adjacent to the intersection of the Rural Fringe and Liffey Valley Primary GI Corridors, as identified in Figure 4.4 of the Development Plan.

The proposed development relates to an existing structure would not increase the amount of hardstanding at the site, as it relates entirely to an internal change of use. No significant works appear to be proposed to the external fabric of the building, or external areas within the site boundary. In this regard, there is no risk to existing GI in the area, and limited scope to require an increase or improvement of GI at the site.

### **Screening for Appropriate Assessment**

The subject site is not located within nor within close proximity to a European site. The proposed development is located within an established village area and comprises retention of the change of use of a ground floor office unit to a 1 No. bedroom apartment.

Having regard to:

- the scale and 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 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 nature of the proposed 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 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

<b>Development Contributions</b>	
<b>Planning Reference Number</b>	SD22A/0472
<b>Summary of permission granted &amp; relevant notes:</b>	Change of use from a commercial office to a 1 bed ground floor apartment; Minor amendments to internal layout to first floor apartment; Configuration of

# Comhairle Chontae Atha Cliath Theas

PR/0221/26

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

	existing first and second floor balconies as originally constructed, in existing three storey building.
<b>Are any exemptions applicable?</b>	No
<b>If yes, please specify:</b>	
<b>Is development commercial or residential?</b>	Residential
<b>Standard rate applicable to development:</b>	119.10
<b>% Reduction to rate, if applicable (0% if N/A)</b>	0
<b>Rate applicable</b>	€119.10
<b>Area of Development (m2)</b>	43.3
<b>Amount of Floor area, if any, exempt (m2)</b>	0
<b>Total area to which development contribution applies (m2)</b>	43.3
<b>Total development contribution due</b>	€5,157.03

### SEA Monitoring Information

<b>SEA Monitoring Information</b>	
<b>Building Use Type Proposed</b>	<b>Floor Area (sq. m)</b>
Retention Permission for Change of Use from Office to Residential	43.3 sqm
<b>Land Type</b>	<b>Site Area (Ha)</b>
Brownfield / Urban Consolidation	0.0087Ha

### Conclusion

Having regard to the provisions of the South Dublin County Council Development Plan 2022-2028 and the overall design of the development proposed, it is considered that, subject to **CONDITIONS** set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area.

# **Comhairle Chontae Atha Cliath Theas**

PR/0221/26

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

### **Recommendation**

I recommend that a decision be made pursuant to the Planning & Development Act 2000, as amended, for the reasons set out in the First Schedule hereto, to Grant Permission for 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 2022 - 2028 and subject to the conditions set out hereunder in the Second Schedule is hereby in accordance with the proper planning and sustainable development of the area.

### **SECOND SCHEDULE**

#### **Conditions and Reasons**

1. Development in accordance with submitted plans and details.  
The development shall be carried out and completed in its entirety fully in accordance with the plans, particulars and specifications lodged with the application, save as may be required by the other conditions attached hereto.  
REASON: To ensure that the development shall be in accordance with the permission and that effective control be maintained.
2. Vehicular access shall not be permitted via Main Street and the existing arrangements for vehicular access as agreed under SD07A/0326 shall be retained i.e. via Gandon Mews.  
REASON: In the interests of pedestrian and traffic safety.
3. (i) All repairs set out in reports issued by this department following inspections carried out under the Housing Act 1966 and Housing (Standards for Rented Houses) Regulations 2019 on the ground floor and 2nd floor apartments including leaks and repair of damage caused by leaks must be rectified.  
(ii) A suitable location for the storage of refuse shall be provided during the operational phase of the development so as to prevent a public health nuisance.  
(iii) Any connections to the main sewer must be connected so as not to give rise to a public health nuisance.
4. 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

# Comhairle Chontae Atha Cliath Theas

PR/0221/26

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

shall include covering skips and slack-heaps, netting of scaffolding, daily washing down 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.

### 5. 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.

### 6. Financial Contribution.

The developer shall pay to the Planning Authority a financial contribution of €5, 157.03 (Five Thousand, One Hundred and Fifty Seven Euro and Three Cent), in respect of public

# **Comhairle Chontae Atha Cliath Theas**

PR/0221/26

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

infrastructure and facilities benefiting development within the area of the Planning Authority, that is provided, or intended to be provided by or on behalf of the authority, in accordance with the terms of the Development Contribution Scheme 2021 - 2025, made under Section 48 of the Planning and Development Acts 2000-2011 (as amended).

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

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

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

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

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

NOTE: The applicant is advised that in the event of encroachment or oversailing of adjoining property, the consent of the adjoining property owner is required.

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.

NOTE: Notwithstanding any grant of planning permission; if an applicant requires permission to access local authority land (e.g. public footpaths, public open space or roadways) in order to access utilities, or for any other reason; please apply via <https://maproadroadworkslicensing.ie/MRL/> for a licence from the Local Authority to carry out those works.

# Comhairle Chontae Atha Cliath Theas

PR/0221/26

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

**REG. REF. SD22A/0472**

**LOCATION: 6, Main Street, Lucan, Co. Dublin**



Assistant Planner

**ORDER:** A decision pursuant to Section 34(1) of the Planning & Development Act 2000, as amended, to Grant Permission for 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:** 24/02/23

  
Gormla O'Corrain,  
Senior Planner