



An
Bord
Pleanála

Board Order
ABP-313136-22

Planning and Development Acts 2000 to 2022

Planning Authority: South Dublin County Council

Planning Register Reference Number: SD21A/0161

Appeal by John O'Shea of 15 Hillcrest Grove, Lucan, County Dublin against the decision made on the 8th day of March, 2022 by South Dublin County Council to grant subject to conditions a permission to ERF Lucan Investment DAC care of Savills Commercial (Ireland) Limited of 33 Molesworth Street, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Two-storey commercial building providing two new units and ancillary accommodation (1,574 square metres gross floor area). Unit 1 will be used as a shop (1,057 square metres). Unit 2 will be used for professional services or health centre or office or gymnasium (517 square metres). The development will also consist of roof plant and PV panels, 'Lucan' advertising signage (50 square metres) and other indicative illuminated signage zones, extended service yard and new access gates, new pedestrian linkage to adjoining Somerton site, reconfigured customer car park and new vehicle charging infrastructure, standalone substation/switch room (30 square metres), hard and soft landscaping and pedestrian canopy, connection to services, all associated site and development works, all at Lucan Shopping Centre, Newcastle Road, County Dublin (lands comprise 0.33 hectares within the existing customer car park at Lucan Shopping Centre).

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

Having regard to the land use zoning for the site ('District Centre'), which seeks to 'protect, improve and provide for the future development of District Centres', the existing use of the site, which is a shopping centre, the design and layout of the proposed development, and the improved connectivity which would be achieved through the creation of a dedicated pedestrian and cyclist route linking the existing shopping centre facility to residential areas, including the adjoining Adamstown SDZ lands, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area or of property in the vicinity, and would not endanger public safety by reason of traffic hazard. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 9th day of February, 2022, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the proposed development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Prior to the occupation of the proposed development, the detailed layout and window treatment of Unit 1 and Unit 2 shall be submitted to, and agreed in writing with, the planning authority.

Reason: To ensure a satisfactory standard of development and in the interest of the proper planning and sustainable development of the area.

3. Prior to commencement of development, the developer shall submit to, and agree in writing with, the planning authority revised plans which incorporate the following:

- (a) The proposed access gates to the service areas shall not be capable of opening across the proposed pedestrian route.

- (b) The ground floor front (south-eastern) elevation shall be redesigned to provide significant glazed elements and openings in the elevation.

- (c) In conjunction with (a) above, the developer shall submit a Services and Deliveries Management Plan setting out the supervision protocols of all deliveries so as to ensure the safe vehicular crossing of the proposed pedestrian route. The Management Plan shall include for relevant safety/warning signage and shall include measures to limit the extent of disturbance for pedestrians/cyclists.

- (d) The proposed northern-most wall-mounted floodlight on the western elevation of the proposed shopping centre building (that is, the floodlight fixture nearest to number 15 Hillcrest Grove) shall be redesigned and replaced with a smaller bi-directional up/down wall light.

Reason: To ensure the safe operation of the pedestrian route, to protect the amenities of the area, and in the interest of the proper planning and sustainable development of the area.

4. The development hereby permitted shall receive a maximum of two deliveries per day, unless otherwise agreed in writing with the planning authority.

Reason: In order to limit disturbance of the proposed pedestrian route and in the interest of orderly development and the amenities of the area.

5. Details of non-exempted signage shall be the subject of a separate planning application to the planning authority.

Reason: In the interest of clarity and of visual amenity.

6. The permitted pedestrian and cyclist link shall be kept permanently open and shall not be closed or have movement restricted, unless otherwise agreed in writing with the planning authority. Prior to occupation of the units, the developer shall submit to the planning authority for written agreement full details of the following:

(a) the access arrangement and boundary treatment(s) with the adjoining housing development,

(b) any gates or barriers, and

(c) full details relating to the construction and demarcation of the proposed link.

Reason: In the interest of sustainable transportation and of orderly development and the amenities of the area.

7. No deliveries shall be taken at or dispatched from the premises outside the hours of 0700 to 2000 Mondays to Saturdays, or at all on Sundays or public holidays.

Reason: To protect the residential amenities of the area.

8. (a) Noise due to the normal operation of the proposed development, expressed as L_{Aeq} over 15 minutes at the façade of any noise sensitive location, shall not exceed the daytime background level that is, 0700 to 1900 hours by more than 10 dB(A) and shall not exceed the background level for evening and night-time (currently 1900 to 0700 hours) as determined in S.I. No. 140/2006 - Environmental Noise Regulations 2006. Clearly audible and impulsive tones at noise sensitive locations during evening and night as determined in S.I. No. 140/2006 - Environmental Noise Regulations 2006 shall be avoided irrespective of the noise level.
- (b) Noise levels from the proposed development, or associated deliveries, shall not be so loud, so continuous, so repeated, of such duration or pitch, or occurring at such times, as to give reasonable cause for annoyance to a person in any residence, adjoining premises or public place in the vicinity.
- (c) All mechanical plant and ventilation inlets and outlets shall be sound insulated and/or fitted with sound attenuators as necessary to ensure that the noise level as expressed as L_{Aeq} over 15 minutes at one metre from the façade of any noise sensitive location does not exceed the background level by more than 10 dB(A) for daytime and shall not exceed the background level for evening and night-time (currently 1900 to 0700 hours) as determined in S.I. No. 140/2006 - Environmental Noise Regulations 2006.

Reason: To protect the residential amenities of property in the vicinity of the site.

9. Plant equipment with low inherent potential for generation of noise shall be selected and used. All mechanical plant and ventilation inlets and outlets shall be sound insulated and/or fitted with sound attenuators as necessary to ensure that the noise level as expressed as LAeq over 15 minutes at one metre from the façade of any noise sensitive location does not exceed the background level by more than 10 dB(A) for daytime and shall not exceed the background level for evening and night time (currently 1900 to 0700 hours) as determined in S.I. No. 140/2006 - Environmental Noise Regulations 2006.

Reason: To protect the residential amenities of property in the vicinity of the site.

10. The construction of the proposed development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the proposed development, including noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and residential amenity.

11. Prior to commencement of development, the developer shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021), including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on file and retained as part of the public record. The RWMP shall be submitted to the planning authority for written agreement prior to commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of sustainable waste management.

12. The developer shall prepare an Operational Waste Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development, in order to ensure that waste storage and the movement of waste within the proposed development takes place in a manner which complies with the relevant legislation and has a minimal impact on existing residential areas.

Reason: In the interest of sustainable waste management.

13. Prior to the opening of the development, a Mobility Management Strategy shall be submitted to, and agreed in writing with, the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and car-pooling by staff employed in the proposed development and to reduce and regulate the extent of staff parking. The mobility strategy shall be prepared and implemented by the management company for all units within the proposed development. Details to be agreed with the planning authority shall include the provision of centralised facilities within the proposed development for bicycle parking, shower and changing facilities associated with the policies set out in the strategy.

Reason: In the interest of encouraging the use of sustainable modes of transport.

14. Litter in the vicinity of the premises shall be controlled in accordance with a scheme of litter control which shall be submitted to, and agreed in writing with, the planning authority prior to the operation of the proposed development. This scheme shall include the provision of litter bins and refuse storage facilities.

Reason: In the interest of visual amenity.

15. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

16. Prior to commencement of development, the developer shall enter into water supply and wastewater connection agreements with Uisce Éireann.

Reason: In the interest of public health.

17. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays, inclusive, between 0900 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

18. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in 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 made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.



Stephen Brophy

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this 14th day of December 2023.