



An  
Bord  
Pleanála

## Inspector's Report

### ABP-313136-22

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<b>Development</b>	Two-storey commercial building / extension to the Lucan Shopping Centre comprising two units, ancillary development and associated site works.
<b>Location</b>	Lucan Shopping Centre, Newcastle Road, Co. Dublin.
<b>Planning Authority</b>	South Dublin County Council
<b>Planning Authority Reg. Ref.</b>	SD21A/0161
<b>Applicant(s)</b>	ERF Lucan Investment DAC
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	John O'Shea
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	27 <sup>th</sup> July 2022
<b>Inspector</b>	Ian Boyle

## 1.0 Site Location and Description

- 1.1. The appeal site comprises the Lucan Shopping Centre, Newcastle Road, Lucan, Co. Dublin. The shopping centre facility is accessed from the Newcastle Road (R120) on its eastern side, which is roughly 250m south of the Lucan Bypass (N4). Lucan village centre is approximately 1km to the north.
- 1.2. The main site access is via a four-arm roundabout which connects the shopping centre vehicular entrance/exit with the Newcastle Road. There is also a secondary site access from the R120, which is primarily for goods and deliveries. This is approximately 150m south of the main site access.
- 1.3. The shopping centre includes various comparison and convenience outlets, cafés, restaurants, pharmacy, off-licence, amongst others. It has a stated overall floorspace of around 12,192sqm. There is a total of 702 no. car parking spaces associated with the existing facility, some of which are at surface level (451 no.) with the remainder in a dedicated underground car park (251 no.). The access ramp for the underground car park is situated in the northwest corner of the site.
- 1.4. The surrounding area is mainly residential. Hillcrest Court is to the north of the site, Westbury Drive is to the south, Hillcrest Heights is to the west, and Somerton is to the southwest. Lucan Community College and Esker National School are to the east, on the far side of the R120.
- 1.5. The area is served by frequent bus routes to Dublin City. The Dublin - Kildare railway line serves communities, including Adamstown, to the south of Lucan.
- 1.6. The appeal site is 0.33ha.

## 2.0 Proposed Development

- 2.1. The proposed development is for a two-storey extension of the existing Lucan Shopping Centre.
- 2.2. It comprises approximately 1,574sqm GFA and is north of the west wing of the existing shopping centre building. It proposes 2 no. new units (a shop and either professional services, health centre, office or gym) and ancillary accommodation.

2.3. There is also provision for illuminated signage zones, new service yard, access gates, a pedestrian connection / path, a reconfigured customer car park, vehicle charging infrastructure, substation and switch room, landscaping, pedestrian canopy, and associated site works.

2.4. The Planning Authority requested further information on 16<sup>th</sup> August 2021, including:

Item 1: Revised design proposal with a stronger and better articulated western elevation having regard to Section 5.1.0 Urban Centres, revised design details of the proposed linked glass canopy and improvements to the proposed landscaping and public realm.

Item 2: Revised design in relation to the proposed pedestrian/cyclist connection between the 'Somerton area' (residential) and the Lucan Shopping Centre, including safe and high quality linkages to adjacent housing estates.

Item 3: Redesign of the overall proposed development to provide for stronger western and southern elevations and an improved public realm, cross sections and contiguous elevations showing the relationship between the proposed development and adjoining houses to the west and north along Hillcrest Grove and Hillcrest Court, and photomontages / illustrations of the overall impact of the proposed development.

Item 4: Details of the proposed signage, including how the signage would be compliant with variation No. 5 of the Development Plan ('Outdoor Advertising').

Item 5: Preparation and submission of a detailed landscaping plan and timescale for its implementation; provision of SuDS features, details of the proposed green roof and how the existing trees along the western boundary would be protected; and completion of a Tree Survey, Arboricultural Impact Assessment, Tree Protection Plan and Arboricultural Method Statement.

Item 6: Further details in relation to pedestrian facilities, bin/waste collection and storage arrangements, cycle parking, taking-in-charge details, etc. Updated version of the Traffic and Transport Assessment (TTA) also requested.

Item 7: Details of water services and Confirmation of Feasibility form Irish Water.

Item 8: Public lighting.

Item 9: Noise and any recommended acoustic control measures.

2.5. The Applicant responded with further information on 9<sup>th</sup> February 2022.

## 3.0 Planning Authority Decision

### 3.1. Decision

3.1.1. Notification of Decision to Grant Permission (NoD) issued on 14<sup>th</sup> March 2022 subject to 14 no. conditions.

3.1.2. Notable Conditions include:

- Condition 2: Requires that the permitted pedestrian link be kept permanently open and not be closed or have movement restricted. Full details of the access arrangements/boundary treatments with adjoining housing development to be submitted to the Planning Authority.
- Condition 7: A detailed public lighting scheme for the permitted development must be completed by a competent public lighting design consultant and in accordance with the relevant BS.
- Condition 8: Details to be submitted to, and agreed in writing, by the Planning Authority confirming (a) the exact use of Unit 2 and (b) the layout and window treatment for Units 1 and 2, respectively.
- Condition 9: The development can receive a maximum of two deliveries per day only (unless otherwise agreed in writing with the Planning Authority).
- Condition 12(a): Completion of a Construction and Demolition Waste Management Plan (CDWMP).
- Condition 12(b): Completion of a Mobility Management Plan (MMP).
- Condition 13: Completion of a Construction Waste Management Plan (CWMP).
- Condition 14: Payment of a financial contribution (Section 48).

## 3.2. Planning Authority Reports

### 3.2.1. Planning Reports

- The proposed extension does not respond well to the existing residential areas to the west and to the south-west; this is clear in the weak pedestrian/cycle connection proposed as part of the scheme. This issue was partially address by further information whereby the proposed glass canopy was extended by roughly 24m along the eastern elevation at the same pitch and height as the existing canopy. However, the design proposed in terms of bulk, scale and mass remains unchanged. It is considered that the revisions to the ground floor layout, through the increase the quantum of glazing on the front (southeastern) elevation at ground floor level, would significantly improve the overall design quality. This should be done by condition.
- The proposed pedestrian and cycle link into the Adamstown SDZ lands is a concern and would be closed to pedestrians to accommodate delivery vehicles. Also, there are concerns regarding closing the pedestrian route outside of opening hours for the shopping centre. However, this can be addressed by condition requiring the proposed gates to the service yards to open inwards, and not across the proposed pedestrian route. Provision of details required under condition for the safe management of pedestrians to ensure there is no conflict with service/delivery vehicles.
- The proposed redesign, submitted as further information, of the western and southern elevations includes revisions to the ground floor fenestration, entranceway, signage, full two-storey floor to ceiling windows, and an increased open space area which includes an outdoor staff seating and amenity area. Overall, the proposed amendments are welcome. However, there are still concerns that the proposal would result in the creation of a blank façade, particularly at ground floor level in front of the southeastern elevation. A condition should be included which requires a significant increase in glazing at groundfloor level to address this.
- The proposed signage details – submitted at further information stage – are considered acceptable.

- Report not received from the internal Public Realm & Parks Department with regards to the proposed removal of trees. However, it is recommended that the standard Council conditions be imposed re: trees if permission is granted.
- The proposed mitigation measures for the roundabout junction on the Newcastle Road are acceptable to the Roads Department.
- The details regarding the proposed swept path for the refuse collection, service road at the rear of the site, and bicycle parking provisions are considered satisfactory.
- The Applicant has demonstrated through dialogue with Irish Water the feasibility of connection to the public water infrastructure.
- The proposed public lighting details are acceptable.
- The Environmental Health Department (EHO) has concerns regarding noise impact, particularly in relation to existing residential properties at Hillcrest Grove and Hillcrest Court. The primary issues relate to loading and unloading of vehicles. It is recommended that a condition be applied to limit the noise operation and number of deliveries.
- In summary, the principle of the proposed development is supported. However, there are concerns regarding the design of the proposed extension and operation of the proposed pedestrian and cycle route leading into the adjoining Adamstown SDZ lands. These concerns can be addressed by condition however, and it is considered that the proposed development is acceptable on balance.

### 3.2.2. Other Technical Reports

#### Water Services Section

- No objection raised in relation to surface water or flood risk.
- Requested standard conditions, including provision of a drawing showing that the proposed surface water drainage will travel in the direction of existing flows, a cross-section drawing of the proposed green roof system, and confirmation that there would be complete separation of foul and surface water drainage.

### Roads Section

- Requested further information including in relation to pedestrian and cyclist access, a revised Traffic and Transport Assessment with mitigation measures showing how to reduce existing and future traffic congestion at the four-arm Newcastle Road Roundabout (Shopping Centre access point), bicycle parking provision, bin storage and collection, provision of a detailed Construction Traffic Management Plan, and revised details showing the proposed service road to the rear of the site (including proposed construction details).
- No objection upon receipt of further information, subject to conditions.

### Parks and Landscape Services

- Requested further information in relation to landscaping, green infrastructure (including SuDS details), and the submission of a detailed tree survey and tree report (comprising a detailed Tree Survey and Arboricultural Impact Assessment, Tree Constraints Plan, Tree Protection Plan and Arboricultural Method Statement).

### Environmental Health Officer:

- Further information requested initially in relation to noise and provision of a detailed noise impact assessment.
- Significant concerns raised in second report regarding potential noise disturbance. Stated that the site is surrounded by residential properties. Therefore, there is potential for noise disturbance for these residents, particularly at Hillcrest Grove and Hillcrest Court.
- The concerns relate mainly to loading and unloading of vehicles at the site.
- The Applicant's Acoustic Report is predicting significant increases to the background noise levels in what is a high-density residential area.

### Public Lighting Section:

- Confirmed no comments on the application.

### 3.3. Prescribed Bodies

#### Irish Water

- Requested additional information initially. The Applicant is required to engage with Irish Water through the submission of a Pre-Connection Enquiry (PCE) to determine the feasibility of connection to the public water infrastructure.
- No objection upon receipt of further information, subject to standard conditions regarding water and foul water – i.e., the Applicant must sign a connection agreement with Irish Water, prior to the commencement of the development, and adhere to the standards and conditions set out in that agreement.

### 3.4. Third Party Observations

A number of third party observations were received by the Planning Authority which were mainly from residents in the area. The following main issues were raised:

- Concerns from residential properties to the west (Hillcrest Grove) regarding the proximity of the proposed shopping centre extension.
- The proposed screening from trees will be seasonal only and provide protection for the spring and summer months only.
- The development would have a detrimental visual impact on the main shopping centre building and does not integrate with the character of the existing area.
- Noise impact caused by associated utilities and HVAC systems, such as fans, generators, and delivery trucks at various times of the day.
- Impacts and nuisance due to the construction phase.
- Elevational drawings have not been provided showing the impact of the proposed development from the west, and looking east from Hillcrest Grove, during varying seasonal periods.
- Absence of accurate photomontages / visual illustrations of the proposed development.



- The proposed gym would be detrimental to the residential nature of the area.
- Existing anti-social behaviour will be made worse.
- Scale, size and height of the proposal is excessive.
- There are retail vacancies in proximity to the shopping centre; therefore, the new shopping centre extension is not needed.
- Traffic congestion.
- The submitted traffic study was carried out during a lockdown period and does not reflect the true level of road congestion.
- Impact on local wildlife, biodiversity and trees.
- Property devaluation.
- Potential impacts on Hillcrest Grove caused by light pollution from the services area. Illuminated signage is not considered appropriate and is contrary to the provisions of the County Development Plan.
- Insufficient details provided in relation to the proposed pedestrian linkage to Somerton (residential estate). The proposed uses for Unit 2 are not made clear in the application.
- Proposal would contravene the relevant land use zoning, which is 'DC' ('District Centres'). It is also an overprovision of retail floorspace.
- The proposal should be a mixed use development and be only permitted subject to the protection of the amenities of the surrounding catchment.
- The shopping centre and local area is already sufficiently served by existing supermarkets.
- More suitable uses would be community, childcare and/or recreational focused uses.

## 4.0 Planning History

### Subject Site

There are various planning permissions relating to modifications, changes of use and internal reconfigurations associated with the existing shopping centre.

### Lands to the Southwest of the Subject Site

Reg. Ref. SDZ19A/0004: Planning permission granted for 237 dwellings in a mixture of terraced, semi-detached and detached houses, duplexes and apartments.

## 5.0 Policy Context

### 5.1. South Dublin County Development Plan 2022 – 2028

#### 5.1.1. Zoning

##### Subject Site

The appeal site is zoned 'DC – District Centre' under *South Dublin County Development Plan 2022 – 2028* ('the Development Plan'), which took effect on 3<sup>rd</sup> August 2022. The DC zoning has the following objective:

*'To protect, improve and provide for the future development of District Centres.'*

The land uses, 'Shop – Local' and 'Shop – Neighbourhood', 'Sports Club/Facility', 'Doctor/Dentist', 'Health Centre' and 'Offices' are listed under the zoning as Permitted in Principle.

##### Surrounding Land

The lands to the north, east and south are zoned 'RES – Residential', which seeks 'to protect and/or improve residential amenity'.

The land to the west and southwest of the appeal site are zoned 'SDZ – Strategic Development Zone', which seeks 'to provide for Strategic Development in accordance with approved planning schemes'.

There are two small parcels of land abutting the northwest and southwest corners of the subject site which are zoned 'OS – Open Space, which seek 'to preserve and provide for open space and recreational amenities.

#### 5.1.2. **Chapter 2 – Core Strategy and Settlement Strategy**

##### Key Urban Centres (Lucan)

Lucan is situated 14 kilometres to the west of Dublin City along the N4 economic corridor. It is characterised by an historic village core surrounded by generally low density suburban neighbourhoods based around a polycentric network of local retail centres and a level 3 district centre.

The area is served by high frequency bus routes to Dublin City. The Dublin – Kildare rail line serves communities, including Adamstown, to the south of Lucan.

Employment is provided for locally through mixed use retail and commercial areas adjacent to the village core. Grange Castle and other business parks provide employment to the south.

The GDA Transport Strategy proposes a Luas line to Lucan from Dublin City and upgrading of the Kildare line as far as Hazelhatch involving electrification and high-frequency commuter services.

##### CS6 Objective 5:

*To design future development in a manner that facilitates sustainable travel patterns, with a particular focus on increasing the share of active modes (walking and cycling) and public transport use and creating a safe attractive, universally accessible street environment for pedestrians and cyclists, where adequate transport links are in place, or will be situated, close to new developments and to existing developments which need them.*

#### 5.1.3. **Chapter 5 Quality Design and Healthy Placemaking**

##### **Policy QDP5: Connected Neighbourhoods**

*Promote short distance neighbourhoods and strive towards the achievement of 10-minute settlements over the lifetime of the Plan, promoting a more compact development form, sustainable movement, and ease of access to services, community facilities, jobs and amenities.*

QDP5 Objective 1:

*To improve the accessibility of all identified centres (see Chapter 9 Table 9.2) from the surrounding catchment area through public transport provision, sustainable transport infrastructure including cycling and walking, incorporating high quality local linkages between public transport stops, cycle parking and car park facilities and the various attractions within each identified centre.<sup>1</sup>*

QDP5 Objective 2

*To promote measures to improve pedestrian and cycle safety and convenience, including new or enhanced permeability links within all areas and pedestrianisation within identified centres.*

**5.1.4. Chapter 7 – Sustainable Movement**

**Policy SM2: Walking and Cycling**

*Re-balance movement priorities towards sustainable modes of travel by prioritising the development of walking and cycling facilities and encouraging a shift to active travel for people of all ages and abilities, in line with the County targets.*

SM2 Objective 3:

*To ensure that connectivity for pedestrians and cyclists is maximised and walking and cycling distances are reduced by promoting compact growth and permeability in the design and layout of new development areas.*

**5.1.5. Chapter 9 – Economic Development and Employment**

**Policy EDE8: Retail - Overarching**

*Seek to ensure adequate retail provision at suitable locations in the County, having regard to the sequential approach, and protect the vitality and viability of existing centres in accordance with the retail framework provided by the Retail Planning Guidelines for Planning Authorities (2012, or any superseding guidelines) and EMRA RSES Retail Hierarchy.*

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<sup>1</sup> Table 9.2 'Settlement Hierarchy and Retail Hierarchy' of the Development Plan identifies Lucan Shopping Centre as a Level 3 District Centre.

#### EDE8 Objective 4

*To support the viability and vitality of the existing retail centres in the County, in particular in town, village and district centres and to facilitate a competitive and healthy environment for the retail industry, while reinforcing sustainable development.*

#### EDE8 Objective 7

*To consolidate the existing retail centres in the County and promote town, village, district centre and local centre vitality and viability through the application of a sequential approach to retail development.*

#### EDE8 Objective 8

*To direct new major retail floorspace in the County to designated centres at the appropriate level within the retail hierarchy, and to further direct major retail development in designated centres into the Core Retail Areas.*

#### Section 9.5.4 District Centres

*District Centres District centres are secondary urban centres, which serve the environs of Tallaght, Clondalkin and Lucan. These centres tend to be purpose built shopping centres. The role of district centres is to provide a focal point for the community providing a district level retail, service and community role for the residents of South Dublin County. District centres reflect both level 3 and 4 retail designation under the retail hierarchy, reflecting their differing role and scale within the County.*

#### **Policy EDE12: Retail – District Centres**

*Maintain and enhance the retailing function of District Centres (Level 3 and Level 4).*

#### EDE12 Objective 1

*To promote the development of District Centres as sustainable, multifaceted, retail led mixed use centres and support their enhancement and upgrade.*

#### EDE12 Objective 2

*To ensure that the scale and type of retail offer in District Centres is sufficient to serve a district catchment, without adversely impacting on or drawing trade from higher order retail centres.*

### EDE12 Objective 3

*To support and facilitate the development of new District Centres of an appropriate urban scale at Adamstown and Clonburris in accordance with approved Planning Schemes having regard to the need to provide a sustainable retail mix that facilitates walking, cycling and use of public transport and reduces car journeys outside the SDZ for many retail needs.*

## **5.2. Adamstown Strategic Development Zone (SDZ) Planning Scheme 2014**

A revised Adamstown SDZ Planning Scheme was approved by An Bord Pleanála in December 2014 ('Planning Scheme').

- 'Section 2.3 (ii) Layout' under paragraph 2.3.5 states that proposed layouts must demonstrate standards of permeability that prioritise public walking and cycling routes that are direct, safe and secure. Major barriers to pedestrian/cyclist movement such as gated or fenced-off compounds around individual developments will not generally be permitted. Layouts shall be designed to ensure that defensible space is defined by buildings
- 'Section 2.3 (ii) Layout' under paragraph 2.3.6 states that passive supervision of the public realm is the most effective means of preventing anti-social behaviour. All roads/streets, walking/cycling routes and public open spaces shall be overlooked by adjoining accommodation to ensure passive surveillance. Back-land spaces, rear access lanes, blind corners and long side-garden walls will not be permitted., which shall in turn provide passive supervision of the public realm.
- Section 2.3 (iv) Hierarchy of Centres under paragraph 2.3.15 states that the existing Lucan District Centre adjoins the north-eastern boundary of Adamstown and abuts the Somerton development area. An extension to the existing District Centre is permissible in order to facilitate direct vehicular and pedestrian access from within Adamstown and thereby expand the Centre's natural catchment.
- Section 2.6 (viii) Shopping and Retail Services under paragraph 2.6.32 states that there is a maximum of 1,625 sqm of shopping floorspace permissible in

the Somerton development area which includes lands adjoining the existing Lucan District Centre. Paragraph 2.6.33 goes on to say that any additional shopping in this area would comprise an extension to the existing District Centre. This could be by means of an extension to an existing shop unit and/or new shop unit(s). New access to the existing Lucan District Centre from Adamstown is required to facilitate this, although this may not necessarily include a vehicular through route.

### 5.3. National and Regional Planning Policy

- *Design Manual for Urban Roads and Streets, 2019 ('DMURS')*
- *National Planning Framework: Ireland 2040 Our Plan, 2018 ('NPF')*
- *Retail Planning Guidelines for Planning Authorities, Department of the Environment, Community and Local Government, 2012*
- *Regional, Spatial and Economic Strategy 2019 - 2031, Eastern & Midlands Regional Assembly, 2019 ('RSES')*
- *Retail Strategy for the Greater Dublin Area,*

### 5.4. Natural Heritage Designations

No natural heritage designations apply directly to the subject site or are in its vicinity.

The closest European Site is the Rye Water Valley / Carton SAC (Site Code: 001398), which is roughly 2.9km to the northwest on the far side of the M4 Motorway.

The Liffey Valley pNHA (Site Code: 000128) and Grand Canal pNHA (Site Code: 002104) are approximately 780m and 1.7km to the north and south, respectively.

### 5.5. EIA Screening

- 5.5.1. The subject site has a stated area of 0.33ha, approximately. It comprises part of the existing Lucan District Centre / Lucan Shopping Centre. The shopping centre is situated within a predominantly residential area of Lucan.

- 5.5.2. The proposed development is for a two-storey extension of the existing shopping centre in the northwestern corner of the overall shopping centre campus. This area functions mainly as surface car parking for customers. The development proposes to connect to the main foul water and water networks.
- 5.5.3. The development does not exceed the thresholds for mandatory submission of an EIAR as set out in Schedule 5 of the Planning and Development Regulations, as amended.
- 5.5.4. Having regard to the limited nature and scale of the proposed development, which comprises an extension to an existing shopping centre, and the absence of any significant environmental sensitivity in the vicinity, 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.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

A single appeal has been received by the Board. This is from a resident in the area who lives at No. 15 Hillcrest Grove, Lucan, Co. Dublin (K78 R5H0). This property is near the northwest corner of the overall shopping centre lands.

The main concerns outlined in the grounds of appeal are as follows:

- Property devaluation.
- Noise and pollution caused by the loading bay.
- Impact on a nearby green area associated with Hillcrest Grove.
- Light pollution.
- Impacts on wildlife and trees (mature trees are proposed to be removed).
- Anti-social behaviour due to the proposed pedestrian linkage with Somerton.
- Nuisance caused during the construction phase. It is unacceptable that construction works would start at 8am, inclusive of Saturdays and potentially Sundays.



- Traffic congestion concerns. The Council's own Roads Section stated in their internal report that the receiving road network, particularly the R120, is very busy at peak am and pm times. This congestion has been a long standing feature of the area in pre Covid times.

## 6.2. Applicant Response

### Property Devaluation

- Deliveries are necessary for a retail development and although the noise levels are above the existing background sound levels, they would not be frequent.
- A row of trees is proposed to provide visual screening at the rear of the proposed extension.
- The Planning Authority included two conditions in their NoD to Grant Permission which would control operational noise (Condition 5(b)) and limit the number of deliveries to a maximum of two per day (Condition 9). Therefore, there are regulated instances for when deliveries can occur. This will limit the potential for disturbing residents.
- The intended occupier for Unit 1 is a national retail operator with established protocols for managing servicing movements near residential properties.
- The existing Shopping Centre staff are available to discuss any concerns with residents in respect of the service yard.

### Light Pollution

- The proposed development is mainly within the existing customer car parking area, which is already lit up and illuminated for security and customer comfort purposes.
- The Applicant has submitted an External Lighting Design Statement as part of further information – updated as part the Applicant's appeal submission (dated 19 April 2022) – which confirms that lightspill from the wall-mounted floodlights will be minimised and reduce within 10-15 m of the light source.
- Visual screening will be provided as part of extensive boundary landscaping.

- There would be no impact from new light sources on the Appellant's property, which would be roughly 30m away. However, the Applicant would be willing to amend the proposed light source from a wall-mounted floodlight to a smaller bi-directional wall light.

#### Green Area at Hillcrest Grove

- The removal of certain trees is supported by the Arboricultural Report. These are generally in poor health and liable to undermine the boundary wall.
- To mitigate the loss of trees it is proposed to plant additional trees along the boundary.

#### Negative Effect on Wildlife

- The removal of trees has been minimised where possible.
- There will be a net increase in landscaping features, including new replacement boundary landscaping / planting.
- The Construction Management Plan and Tree Protection Strategy will ensure no inadvertent damage to boundary landscaping. A Site Arborist will be retained for the duration of the construction works.

#### Anti-Social Behaviour

- The pedestrian link is required by adopted planning policy documents, and it was made clear during pre-planning with SDCC that it would be necessary. Therefore, the creation of a link between Somerton and the Shopping Centre is a key requirement to facilitate a grant of permission for the proposal.
- The proposed development was amended as part of further information to enhance overlooking during trading hours. Additional windows and a lift core were added on the south and west elevations adjoining the pedestrian link and customer plaza.
- These areas will also be overlooked by the existing Shopping Centre (Unit Nos. 31 and 34).
- Block 1 of the Somerton development will also provide passive surveillance.

### Construction Management

- Measures contained in the Preliminary Construction Management Plan will be implemented to address concerns regarding the construction phase, including hours of site works.

### Roads and Traffic

- The application is supported by a detailed Traffic and Transport Assessment (TTA) and Mobility Management Plan (MMP), the former was updated as part of further information.
- The additional traffic is forecast to have a slight negative impact only on the four-arm roundabout at the entrance to the shopping centre grounds. However, mitigation measures are still proposed to improve traffic flows.
- The proposed development is suitable in scale for its status as a designated District Centre.
- The traffic impacts have been assessed by the Applicant and validated by the Council's Roads Section.

### **6.3. Planning Authority Response**

No response received within the required statutory timeframe.

### **6.4. Further Responses**

A further response was received by the Appellant on 19<sup>th</sup> May 2022. The following main issues were raised:

- Note the failure of SDCC to reply within the required 4-week statutory period to the third party appeal and requests that their submission not be considered by the Board for this reason.
- Noise levels would be 59dB and therefore 11dB over the measured daytime levels.
- The proposed gates adjacent No. 15 Hillcrest Grove are lacking in detail and may cause noise and lighting issues.

- Unit 2 may potentially be a gym which would cause noise impacts.
- Lighting emanating from delivery trucks would have a detrimental effect on property prices on Hillcrest Grove.
- Removal of trees and the presence of a gym would cause excessive noise and negatively affect wildlife.
- Reiterates concerns regarding anti-social behaviour and states that the presence of outdoor seating would exacerbate this.
- Further concerns raised in relation to construction works and traffic congestion which would be caused by the development proposed.

## 7.0 **Assessment**

The main planning considerations relevant to this appeal are:

- Visual and Residential Amenity
- Traffic Congestion
- Land Use (Gym)
- Other Issues
- Appropriate Assessment

### 7.1. **Visual and Residential Amenity**

#### **Noise and Fumes**

7.1.1. The proposal comprises a two-storey extension of the existing Lucan Shopping Centre. The new associated services and deliveries area would be situated in the northwestern corner of the shopping centre grounds. It would be to the rear (west side) of the building, alongside the shared western boundary with the adjacent housing estate, Hillcrest Grove.

7.1.2. I note the concerns expressed by the Planning Authority's EHO regarding potential for noise and disturbance to residents in this area due to presence and proximity of the services area to residential properties, including those houses in Hillcrest Grove and Hillcrest Court. The concerns are mainly linked to the loading and unloading of

delivery vehicles and the potential for related noise and nuisance caused by such activity.

- 7.1.3. The Council Planner's Report makes specific mention of this concern however, and I consider that the issue has been thoroughly addressed by the Planning Authority in their assessment of it. Condition 5 of the NoD is in relation to the control of operational noise and potential nuisance caused by delivery vehicles. Condition 9 places a restriction on the number of deliveries which can be received by the facility to a maximum of two deliveries per day. I note also that the Applicant has confirmed that the intended operator for Unit 1 only requires four deliveries per week and as Unit 2 will likely accommodate professional services, a health centre, office, or gym, the number of deliveries generated by this use would likely be very low.
- 7.1.4. Therefore, it is clear to me that there would be limited delivery vehicle movements generated by the new shopping centre extension. I consider that the inclusion of the aforementioned conditions strikes a reasonable balance in terms of accommodating the proposal whilst at the same time provides adequate protection of the existing residential amenity afforded to the surrounding area. Whilst not directly related to the control of noise associated with delivery vehicles, I note also that Condition 6 requires that plant equipment with a low potential for noise to be used and fitted with sound attenuators, which is appropriate.
- 7.1.5. Furthermore, given the distance of the unloading area from the nearest residential properties, and presence of a concrete boundary wall around this part of the site, I do not consider that any fumes from delivery vehicles or other airborne pollutants would have a significant impact or cause serious nuisance to residents.

### **Light Spill and Glare**

- 7.1.6. The Applicant has submitted a Lighting Plan and Report as part of the application. I have reviewed the relevant drawing which indicates the brightness and spread of light that would be generated by the external lighting system(s) proposed.
- 7.1.7. The isolines shown in the report indicate that the predicted lux levels would drop-off significantly away from the proposed building and dim down closer to the site boundaries. This is mainly due to the downwards facing angle and type of light fittings / fixtures that are to be used. This would avoid light spilling onto adjacent properties, including the Appellant's property, and ensure that the level of lighting

would not be excessive for this type of development, which requires lighting for security, and safe and efficient delivery purposes.

- 7.1.8. The Council's Public Lighting Section confirmed they had no comments to make in relation to the application. The Planner's Report recommended the inclusion of a standard condition in relation to public lighting in the event of a grant of permission issuing (Condition No. 7 'Street Lighting' of the Council's NoD).
- 7.1.9. However, I note the Applicant has offered to amend the proposed light source nearest the Appellant's property from a wall-mounted floodlight to a smaller bi-directional wall light, which would have a narrower and more focussed light beam. Whilst the Appellant does not indicate one way or the other whether they are in favour of this change – they simply acknowledge the proposed change in their response submission – I consider the latter lighting fixture to be more appropriate. The change can be accommodated by way of condition.
- 7.1.10. In relation to potential light and glare impacts emanating specifically from delivery vehicles, I would firstly note the limited number of deliveries which can serve the proposed development (a maximum of 2 no. daily). Therefore, the regularity at which such lighting sources would be present on the site would be infrequent and sparse. Furthermore, the low level at which headlights and other vehicular lights, such as brake lights and indicators, are likely to operate at would be below the top of the boundary wall running along the site boundaries. There is also a sizeable amount of landscaping and visual screening proposed, including new trees, which would complement the existing retained foliage. This would further help to impede any lightspill or glare from negatively affecting properties in the vicinity.

### **Potential for Anti-social Behaviour**

- 7.1.11. The Appellant raises several issues in relation to the physical design and layout of the proposed extension and how this would result in anti-social behaviour. These concerns are mainly in reference to the proposed pedestrian connection, which is intended to link the shopping centre grounds with the adjoining residential development to the west (Somerton), and new seating in the wider grounds of the existing complex.
- 7.1.12. In relation to the pedestrian connection, I consider that the potential for anti-social behaviour has been addressed through design. The proposed extension includes

four double height windows to the stair and lift core at its south and west elevations which face onto the pedestrian link and plaza (see Dwg No. PL03 'Proposed Ground Floor' and related CGI images). There is also a series of first-floor windows along the western elevation of the building and a small outdoor staff area with seating and bike storage lockers.

- 7.1.13. The existing shopping centre itself provides further opportunities for passive surveillance through Units 31 and 34, as can be seen from observing the CGIs included in the Design Statement submitted as further information (Page 16) and related drawings. The adjacent four storey apartment block (Somerton) also has corner balconies and windows serving habitable rooms, which face towards the north and east, respectively, and provide good overlooking of the space.
- 7.1.14. The proposed connection would be unimpeded save for when the route provides access to occasional delivery vehicles (and which are envisaged to occur only twice per week). The inconvenience to pedestrians and cyclists would therefore be minimal, in my view, and the scenario of how pedestrians might be affected would be akin to that of a person waiting to cross a public road at a signalised crossing. I note also that the Applicant is accepting of SDCC's condition (No. 2) requiring the pedestrian link to be kept permanently open (i.e., 24 hours a day) and not be closed or have pedestrian or cyclist movements restricted in any (see paragraph 6.11 of the Applicant's Response). [I recommend that the Board insert a similar condition as part of any decision to grant permission.]
- 7.1.15. In my opinion, the linkage would be a beneficial link between the shopping centre and for the residents of residential houses to the west, who would otherwise be required to take a much lengthier and time-consuming route to the Shopping Centre via the Newcastle Road. I note that the Appellant has raised concerns in relation to traffic congestion in the area and consider it likely that some residents would otherwise be inclined to use motorised transport to gain access to the shopping centre in the absence of such a pedestrian and cyclist connection.
- 7.1.16. There is also strong policy support for the proposed pedestrian and cyclist connection, both in the Development Plan and Adamstown SDZ Planning Scheme; and I note that this linkage was a requirement for the Planning Authority made clear to the Applicant at pre-planning stage. The Planning Authority also assessed in

detail the design quality and safe functioning of this connection as part of the Planner's Report and SDCC's subsequent request for further information.

- 7.1.17. The Development Plan includes several objectives which encourage and support the development of District Centres, and facilitating walking, cycling and use of public transport as a means of travel and to promote compact growth and permeability in the design and layout of new development areas. This includes 'Policy SM2' and 'Objective SM2, Objective 3', which are set out under Chapter 7 - Sustainable Movement of the Plan.
- 7.1.18. The Adamstown SDZ Planning Scheme requires under 'Section 2.3 (ii) Layout' (paragraph 2.3.5) that proposed layouts must demonstrate standards of permeability that prioritise public walking and cycling routes that are direct, safe and secure. Major barriers to pedestrian/cyclist movement such as gated or fenced-off compounds around individual developments will not generally be permitted. Layouts shall be designed to ensure that defensible space is defined by buildings. The same section of the Scheme, under heading '(iv) Hierarchy of Centres', states that the existing Lucan District Centre adjoins the north-eastern boundary of Adamstown and abuts the Somerton development area. An extension to the existing District Centre is permissible in order to facilitate direct vehicular and pedestrian access from within Adamstown and thereby expand the Centre's natural catchment.
- 7.1.19. In summary, I consider the proposed pedestrian and cyclist connection appropriate for the reasons outlined above and that it is unlikely to result in any significant anti-social behaviour occurring. Conversely, it would benefit the existing shopping centre complex, and wider area as whole, in my opinion, for the reasons outlined above.
- 7.1.20. Furthermore, the inclusion of new, additional seating and small pockets of landscaping in the surface car park would be appropriate and add to the quality of the existing public realm. The amount of new seating is modest, in any case, and confined to the staff area and a small, landscaped section on the eastern side of the proposed extension.

### **Existing Green Space in Hillcrest Grove**

- 7.1.21. I do not consider that the small green area in Hillcrest Grove would be negatively affected in any significant way by the proposal. This space, whilst perhaps providing some opportunities for informal play or aesthetic enjoyment, is not a formal park or



dedicated recreational space. The proposed development itself does not seek to encroach into this green area.

7.1.22. The quality of the existing strip of trees on the shared boundary, which mainly comprises trees of 'moderate', 'low' and 'very low' value only, would be improved and enhanced, in my opinion, by the planting of several new deciduous trees and other forms of soft landscaping measures in this location.

7.1.23. The Applicant is also proposing to mend sections of the existing western boundary wall which are in disrepair.

## **7.2. Traffic Congestion**

7.2.1. The surrounding area, including the Newcastle Road Roundabout, is shown to experience high levels of traffic and traffic congestion. The majority of the arms on the roundabout were experiencing short tailbacks and queuing of vehicles during my inspection of the site, which was during a time of day that is not traditionally associated with peak volumes (approximately 3pm, 27<sup>th</sup> July 2022).

7.2.2. The Traffic and Transport Assessment (TTA), which I note was updated as part of the Applicant's further information, also indicates that current traffic conditions experience congestion at peak periods. This is reflected in the traffic figures and related information in the TTA, including Appendices A and B. The proposed shopping centre extension is likely to increase the volume of traffic on the adjacent road network through the creation of additional vehicular trips.

7.2.3. The Applicant has therefore set out a series of mitigation measures, as part of their proposal, under a 'Do-Something Scenario' which would improve traffic flows at the roundabout. This would help negate any additional traffic congestion or impacts caused by the new shopping centre extension. I note that the measures have been reviewed by the Council's Roads Department who state in their interdepartmental report that this is acceptable and that they are satisfied with the Applicant's proposal in this regard.

7.2.4. Furthermore, I note the Lucan Shopping Centre is a 'Level 3 - District Centre' according to the Retail Hierarchy (Table 9.1 of the Development Plan). District Centres should generally cater for a population of 10,000-40,000 people. The Retail Planning Guidelines (RPGs) set a guideline floorspace size of between 10,000sqm

and 20,000sqm for such centres in the metropolitan area of the Greater Dublin Area. The existing Lucan Shopping Centre comprises approximately 12,192sqm of floorspace. Therefore, the proposed extension, which is for 1,574sqm (GFA), would not result in the floorspace provision exceeding the upper floorspace limit and could be readily absorbed by the existing facility without altering its status as a Level 3 District Centre.

- 7.2.5. I further note that where large areas of new housing are planned new retail centres are to be provided in tandem with the housing. This should be at a scale appropriate to meeting the regular convenience and lower order comparison shopping needs of these new communities. In this regard, I make reference to the recently permitted – and under construction – residential developments to the west and southwest of the appeal site, including Somerton and other parts of the Adamstown SDZ area.
- 7.2.6. In summary, I conclude that the traffic generated by the proposed development would not endanger public safety by reason of traffic hazard and obstruction of road users, and that the new shopping centre extension at this existing district centre would be acceptable and in accordance with planning policy.

### **7.3. Land Use (Gym)**

- 7.3.1. The proposed extension provides for two new units and ancillary accommodation. Proposed Unit 1 is a shop / supermarket ('food and drinks sales') and proposed Unit 2 is intended to be professional services, health centre, offices, or a gym. The Planning Authority included Condition No. 8 to require the Applicant to confirm the exact use of Unit 2 prior to occupation, which is considered acceptable.
- 7.3.2. In this regard, I note the Appellant raises a concern that a gym in this setting would result in unacceptable noise impacts and, therefore, alter the existing residential amenity afforded to their property. However, I do not concur with this and consider that such a use – including each of the others referenced in the application documentation submitted – would generally tie in with the existing character and nature of the shopping centre complex and its receiving environment.
- 7.3.3. The Development Plan (Appendix 6) references 'gym' under the Use Class 'Sports Club/Facility' and I note that this use is permitted in principle under the DC zoning

objective. The other mooted uses, including professional services, health centre, and office are similarly 'permitted in principle'.

- 7.3.4. I further note that the proposed development is subject to a condition that limits the potential for operational noise (Condition 5) and that Unit 2 is situated some distance from the shared boundary to the north (approx. 33m). There is an existing basement ramp to underground car park and a proposed intervening services and delivery accessway, green strip of space, and extensive landscaping (including newly planted trees), which would lie between the new extension and the residential estate to the north.

#### **7.4. Other Issues**

##### **Mature Trees and Wildlife**

- 7.4.1. The Applicant commissioned CMK Horticulture and Arboriculture Ltd to complete a detailed Tree Report, including a Tree Survey, Arboricultural Impact Assessment together with other associated plans and drawings.
- 7.4.2. The report recommends that several trees be removed from the site mainly due to poor health and reasons relating to potential structural damage to the boundary wall. The report has also set out various mitigation measures in terms of planting new additional trees which would assist local wildlife populations by way of providing shelter, food sources, etc. The proposed Downy Birch trees (*Betula Pubescens*) are on SDCC's list of tree species that are deemed suitable for planting in this type of environment / setting ('Living with Trees – Tree Management Policy, 2021 – 2026').
- 7.4.3. I also consider that the proposed removal and planting of new tree species would improve the quality of the public realm in this area. It would contribute to improved visually screening of the existing shopping centre building, and the proposed extension, in a manner that is appropriate and befitting of its context.
- 7.4.4. **Construction Phase**
- 7.4.5. I acknowledge there would be certain impacts associated with the build-out phase of the proposed development. However, this would be typical for such a project.
- 7.4.6. Any negative effects would be short-term only and subject to mitigation measures. For example, site development and building works will be required to be carried out

between certain, limited times of the day / week, which is normal for this type of development in this context. The commencement of construction works at 8am, Monday to Friday, is standard practice and I consider this acceptable in this case.

- 7.4.7. I also recommend that in the event permission is granted, the Board include conditions requiring the construction phase to be managed in accordance with a detailed Construction Management Plan and Construction & Demolition Waste Management Plan; both to be submitted to the Planning Authority for approval prior to commencement of development.

### **Property Devaluation**

- 7.4.8. I note the concerns raised in the grounds of appeal in respect of potential devaluation of neighbouring properties. However, having regard to the assessment and conclusion set out above, I am satisfied that the proposed development would not seriously injure the amenities of the area to such an extent that would adversely affect the value of property in the vicinity.

### **7.5. Appropriate Assessment**

Having regard to the nature and scale of the proposed development, which includes an extension to a shopping centre in an urban and serviced area, and the distance from the nearest European Site, no Appropriate Assessment issues arise.

Therefore, it is not considered that the proposed development would be likely to have any significant effects either alone, or in combination with any other plans or projects, on any European Sites.

### **8.0 Recommendation**

- 8.1. I recommend that planning permission be granted for the reasons and considerations set out below.

### **9.0 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 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 below, the proposed development would not seriously injure the visual or residential amenities of the area, or of property in the vicinity, or endanger public safety by reason of a traffic hazard. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area

## 10.0 Conditions

1.	<p>The 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 submitted on the 16<sup>th</sup> August 2021 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 development shall be carried out and completed in accordance with the agreed particulars.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>Prior to the occupation of the proposed development the following detail shall be submitted to and agreed in writing by the Planning Authority:</p> <ul style="list-style-type: none"> <li>a) Details of the exact use of Unit 2</li> <li>b) Layout and window treatment of Unit 1 and 2</li> </ul> <p><b>Reason:</b> To ensure a satisfactory standard of development and in the interest of the proper planning and sustainable development of the area.</p>
3.	<p>Prior to the commencement of development the Applicant shall submit the following for the written agreement of the Planning Authority:</p> <p>Revised plans that incorporate the following:</p>

	<p>a) The proposed access gates to the service areas shall not be capable of opening across the proposed pedestrian route</p> <p>b) The ground floor front (southeastern) elevation shall be redesigned to provide significant glazed elements and openings in the elevation.</p> <p>c) In conjunction with (a) above, the Applicant 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 include measures to limit the extent of disturbance for pedestrians/cyclists.</p> <p>d) The proposed northern-most wall-mounted floodlight on the western elevation of the proposed shopping centre building (i.e., the floodlight fixture nearest to No. 15 Hillcrest Grove) shall be redesigned and replaced with a smaller bi-directional up/down wall light.</p> <p><b>Reason:</b> To ensure the safe operation of the pedestrian route, to protect the amenities of the area and in the interests of the proper planning and sustainable development of the area.</p>
4.	<p>The development hereby permitted shall receive a maximum of two deliveries per day, unless otherwise agreed in writing with the Planning Authority.</p> <p><b>Reason:</b> In order to limit disturbance of the proposed pedestrian route and in the interests of orderly development and the amenities of the area.</p>
5.	<p>Details of all signage shall be the subject of a separate planning application submitted to, and agreed in writing with, the Planning Authority, or An Bord Pleanála, prior to commencement of development.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
6.	<p>The permitted pedestrian and cyclist link shall be kept permanently open and not be closed or have movement restricted, unless otherwise</p>

	<p>agreed in writing with the Planning Authority. Prior to occupation of the units, the Applicant shall submit full details of</p> <ul style="list-style-type: none"> <li>a) the access arrangement and boundary treatment(s) with the adjoining housing development, including full details,</li> <li>b) any gates or barriers, and</li> <li>c) full details relating to the construction and demarcation of the proposed link</li> </ul> <p>for the written agreement of the Planning Authority.</p> <p><b>Reason:</b> In the interests of sustainable transportation and of orderly development and the amenities of the area</p>
7.	<p>No deliveries shall be taken at or dispatched from the premises outside the hours of 07:00 and 20:00, Monday to Sundays.</p> <p><b>Reason:</b> To protect the residential amenities of the area.</p>
8.	<p>(a) Noise due to the normal operation of the proposed development, expressed as Laeq over 15 minutes at the façade of any noise sensitive location, shall not exceed the daytime background level i.e. 0700 – 1900 by more than 10 dB(A) and shall not exceed the background level for evening and night time (currently 19:00 – 07:00) 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.</p> <p>(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.</p> <p>(c) All mechanical plant and ventilation inlets and outlets should 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 1</p>

	<p>meter 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 19:00 – 07:00) as determined in S.I. No. 140/2006 - Environmental Noise Regulations 2006.</p> <p><b>Reason:</b> To protect the residential amenities of property in the vicinity of the site.</p>
9.	<p>Plant equipment with low inherent potential for generation of noise shall be selected and used. All mechanical plant and ventilation inlets and outlets should 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 1 meter 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 19:00 – 07:00) as determined in S.I. No. 140/2006 - Environmental Noise Regulations 2006.</p> <p><b>Reason:</b> To protect the residential amenities of property in the vicinity of the site.</p>
10.	<p>The construction of the 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 development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.</p> <p><b>Reason:</b> In the interests of public safety and residential amenity.</p>
11.	<p>Construction and demolition waste shall be managed in accordance with a Construction Waste and Demolition Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This Plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”,</p>



	<p>published by the Department of the Environment, Heritage and Local Government in July 2006. The Plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.</p> <p><b>Reason:</b> In the interest of sustainable waste management.</p>
12.	<p>The Applicant 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 development takes place in a manner which complies with the relevant legislation and has a minimal impact on existing residential areas.</p> <p><b>Reason:</b> In the interest of sustainable waste management.</p>
13.	<p>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 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 development. Details to be agreed with the planning authority shall include the provision of centralised facilities within the development for bicycle parking, shower and changing facilities associated with the policies set out in the strategy.</p> <p><b>Reason:</b> In the interest of encouraging the use of sustainable modes of transport.</p>
14.	<p>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</p>

	<p>development. This scheme shall include the provision of litter bins and refuse storage facilities.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
15.	<p>Surface water drainage arrangements for the proposed development shall comply with the requirements of the Planning Authority.</p> <p><b>Reason:</b> In the interest of public health.</p>
16.	<p>The developer shall enter into water supply and wastewater connection agreements with Irish Water, prior to commencement of development.</p> <p><b>Reason:</b> In the interest of public health.</p>
17.	<p>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 and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the Planning Authority.</p> <p><b>Reason:</b> In order to safeguard the residential amenities of property in the vicinity.</p>
18.	<p>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.</p>

	<p><b>Reason:</b> 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.</p>
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Ian Boyle  
Planning Inspector

7<sup>th</sup> December 2022