Our Case Number: ABP-313136-22

Planning Authority Reference Number: SD21A/0161

An Bord Pleanála

Planning Department
Planning Counter
30 MAR 2022
Received

South Dublin County Council
Planning Department
County Hall
Tallaght
Dublin 24

Date: 29 March 2022

Re: Two-storey commercial building providing two units and ancillary accommodation, all associated site works.
Lucan Shopping Centre, Newcastle Road, Co. Dublin

Dear Sir / Madam,

Enclosed is a copy of an appeal under the Planning and Development Act, 2000, (as amended).

Submissions of documents etc., to the Board. N.B. Copies of I-plans are not adequate, all drawings and maps should be to scale in accordance with the provisions of the permission regulations.

1. The planning authority is required to forward specified documents to the Board under the provisions of section 128 and section 37(1)(b) of the Planning and Development Act, 2000, (as amended). Please forward, **within a period of 2 weeks beginning on the date of this letter, the following documents:-**

(i) a copy of the planning application made to the planning authority and a copy of any drawings, maps (including ordnance survey number) particulars, evidence, a copy of any environmental impact statement, other written study or further information received or obtained by your authority in accordance with regulations under the Acts. If practicable, the original of any drawing with coloured markings should be provided or a coloured copy,

(ii) a copy of any technical or other reports prepared by or for the planning authority in relation to the application,

(iii) a certified copy of the relevant Manager's Order giving the decision of the planning authority,

(iv) a copy of the notification of decision given to the applicant,

(v) particulars of the applicant's interest in the land or structure, as supplied to the planning authority,

(vi) a copy of the published notice and a copy of the text of the site notice erected on the land or structure,

(vii) a copy of requests (if any) to the applicant for further information relating to the application under appeal together with copies of reply and documents (if any) submitted in response to such requests,

(viii) a copy of any written submissions or observations concerning the proposed development made to the planning authority,

(ix) a copy of any notices to prescribed bodies/other authorities and any responses to same,

(x) a copy of any exemption application/certificate within Part V of the 2000 Act, (as amended), applies,

(xi) a copy of the minutes of any pre-planning meetings.

2. To ensure that the Board has a full and complete set of the material specified above and that it may proceed with full consideration of the appeal, please certify that the planning authority holds no further material relevant to the case coming within the above list of items by signing the certification on page 3 of this letter and returning the letter to the Board.

3. In addition to the documents mentioned above, please supply the following:- Particulars and relevant documents relating to previous decisions affecting the same site or relating to applications for similar development in near proximity. "History" documents should include;

a) Certified Manager's Order,

b) the site location, site layout maps, all plans and

c) particulars and all internal reports.

d) details of any extensions of time given in respect of previous decisions.

Copies of I-plan sheets are not adequate.

Where your records show that a decision was appealed to the Board, it would be helpful if you would indicate the Board's reference.

Submissions or observations by the planning authority.

4. As a party to the appeal you may, under section 129 of the 2000 Act, (as amended), make submissions or observations in writing to the Board in relation to the appeal within a **period of 4 weeks beginning** on the date of this letter. Any submissions or observations received by the Board outside of that period shall not be considered, and where none have been validly received, the Board may determine the appeal without further notice to you.

Contingency Submission

5. If the decision of your authority was to refuse permission, you should consider whether the authority wishes to make a contingency submission to the Board as regards appropriate conditions which, in its view, should be attached to a grant of permission should the Board decide to make such a grant. In particular, your authority may wish to comment on appropriate conditions which might be attached to a permission in accordance with section 48 and/or 49 of the 2000 Planning Act (Development / Supplementary Development Contributions) including any special condition which might be appropriate

under section 48(2)(c) of the Act. Any such contingency submission, in circumstances which your authority decided to refuse permission, would be without prejudice to your authority's main submission in support of its decision.

Please quote the above appeal reference number in any further correspondence.

I hereby certify that the planning authority has complied with section 128 and section 37(1)(b) of the 2000 Act, (as amended), and that all material relevant to (ABP-313136-22) the request at 1 on page 1 of this letter has been forwarded.

Signed:_____

Print:(_____)

Date:_____

Yours faithfully,

Liam Halpin
Direct Line: 01-8737280

BP07

Teil	**Tel**	(01) 858 8100		
Glao Áitiúil	**LoCall**	1890 275 175		
Facs	**Fax**	(01) 872 2684	64 Sráid Maoilbhríde	64 Marlborough Street
Láithreán Gréasáin	**Website**	www.pleanala.ie	Baile Átha Cliath 1	Dublin 1
Ríomhphost	**Email**	bord@pleanala.ie	D01 V902	D01 V902

John O'Shea
15 Hillcrest Grove
Lucan
Co Dublin
K78 R5HO

An Bord Pleanála
64 Marlborough Street
Dublin 1
D01 V902

Planning application reference number SD21A/0161

Dear Sir/Madam

I wish to write an appeal to the granting of permission of SD21A/0161 by South Dublin County Council in its entirety.

Location Lucan Shopping centre, Newcastle Road, Co Dublin

<u>Objection to granting permission to SD21A/0161</u>

I am a resident of 15 Hillcrest Grove. I am one of the nearest houses to the development of Lucan Shopping Centre (Attached location of 15 Hillcrest Grove on page 11 and 12 of Acoustic Designs)

- Devalue of property prices within Hillcrest Grove and especially 15 Hillcrest Grove.
- Noise and Pollution of the loading bay area.
- Due to the close proximity of the extension and loading bays residents will be unable to enjoy the green area of Hillcrest Grove.
- Light pollution due to signage and rear service yard of new development.
- The effect on wildlife/Trees within Hillcrest Grove.
- Anti-social behaviour with a 24/7 pedestrian linkage Somerton to Lucan Shopping Centre.
- The effect to residents on Hillcrest Grove due to anti-social behaviour around the environs of the proposed development.
- The noise and times of the construction site.

Devalue the property and enjoyment of 15 Hillcrest Grove.

Attached location of 15 Hillcrest Grove on page 11 and 12 of Acoustic Designs. This shows how noise will clearly devalue the property and enjoyment of 15 Hillcrest Grove.

I attach reasons and conditions Record of Executive Business and Chief Executive's Order Pg. 53 and pag54.

I quote the environmental health department below, stating it will cause distress to residents of Hillcrest grove.

"Comhairle Chontae Atha Cliath Theas

PR/0327/22

Record of Executive Business and Chief Executive's Order Pg. 53

"The site layout plans indicate a loading area proposed within close proximity to the adjoining residential houses along Hillcrest Grove. On view of the overall site there are genuine concerns regarding the potential impact of noise on the surrounding residents given the distance between the loading area and residents. The plans allow provision for the turning of large articulated trucks. This activity will invariably have an impact on the existing residents at Hillcrest Grove and Hillcrest Court to the north of the site."

"The Environmental Health Department requested an acoustic report to assess the potential noise impact in more detail. The acoustic report submitted by Acoustic Designs predicts the noise level during vehicles deliveries to be 58.9dB. This is approximately 11dB above the measured daytime background noise level and 25dB above the night time level. This represents a significant increase to noise levels during both day and night time and is very likely to result in complaints being generated. The characteristics of truck noise which includes beeping when reversing further exacerbates the impact of this noise".

"The intermittent frequency which is typical of deliveries is also likely to add to the distress of residents, particularly for residents working from home or working shift patterns and sleeping during the day. In view of this Environmental Health request that the applicant review operations on site with a view to changing the location of the loading area".

"Should the applicant intend on constructing the loading area within such close proximity to residential dwellings the applicant would need to provide further detail on mitigation measures for reducing the noise level generated by deliveries and use of the loading area. The Environmental Health Department have strong concerns regarding the noise impact and the acoustic report and state that 'The acoustic report is predicting significant increases to the noise levels in a high-density residential area. It is noted that the primary concerns relate to the loading and unloading of the site. It is recommended that a condition be imposed to limit the noise and operation of deliveries."

Negative effect of Light Pollution to Hillcrest Grove.

I note the lighting of the development. The rear of the service yard will be illuminated by the service yard and delivery trucks. This is unacceptable and would be detriment to the residents of Hillcrest grove to enjoy ones property. I believe this would devalue property prices.

Negative effect of the enjoyment of the green area of Hillcrest Grove.

Currently Hillcrest Grove is one of the last green areas of Hillcrest estate. I believe that due to the size of building loading bay area the felling of trees this will have a substantial negative effect of the enjoyment of the green area of Hillcrest Grove.

Negative effect on wildlife

Hillcrest Grove is one of the few roads within Hillcrest estate that has a length of mature trees which are occupied by wildlife. Due to the felling of mature trees this will have a negative effect on wildlife. As already stated noise in excess of 58.9db will also be detriment to wildlife namely birds.

Anti-social behaviour.

Currently a large amount of anti-social behaviour takes place at the boundary of Hillcrest Grove and Super value. People try to gain access over the wall from Hillcrest Grove to Supervalu.

Currently people congregate at CF BF CE (elevations sheet 1 of 3) causing anti-social behaviour, this new development will ensure people will congregate more in these places. I also note seating areas within the car park. This again will encourage people to congregate into the night while the shopping centre is closed.

The pedestrian linkage will no doubt incur anti-social behaviour. Linkages/Lane ways are notorious for causing anti-social behaviour something that modern developments do not use. I find it unacceptable that a laneway to a social housing development has been granted to be open 24/7 this will encourage persons to congregate and cause anti-social behaviour. Passive surveillance will not stop anti-social behaviour.

Security guards are not present 24/7 on site.

Construction site management plan.

I note the construction management plan. It is unacceptable that construction shall start at 8am inclusive of Saturdays and the possibilities of Sundays.

Management plan notes when noise exceeds 85 DB personal safety measures shall be implemented. It is totally egregious that no mention of Hillcrest Grove residents is mentioned in this construction plan or to noise levels. This will cause distress to residents of Hillcrest Grove, wildlife enjoyment of one's property and devalue property prices.

Roads/Traffic.

SDCC own statement from the TTA states

"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."

Currently residents in Hillcrest Grove cannot get vehicles out of the estate due to traffic on Adamstown Road, this will be exacerbated by the development and proposal at Supervalu.

I do wish to request an oral hearing.

Yours Sincerely

John O'Shea

Attached Documents

- Bank draft 220 euro.
- Submission of 20 euro receipt in connection to planning application SD21A/0161 16-July-2021
- Location of 15 Hillcrest Grove on page 11 and 12 of Acoustic Designs (downloaded from SDCC website noise impact assessment 09-Febuary-2022.
- Objection to initial planning application reference number SD21A/0161 by John O'Shea 15 Hillcrest Grove, Lucan, Co Dublin.

Land Use, Planning & Transportation Department
Telephone: 01 414 9000 **Fax: 01 414 9104**

An Rannóg Talamhúsáide, Pleanála agus Iompair
Email: planningsubmissions@sdublincoco.ie

Mr. John O'Shea
15 Hillcrest Grove
Lucan
Co. Dublin
K78 R5HO

Date: 16-Jul-2021

Dear Sir/Madam,

Register Ref:	SD21A/0161
Development:	Two-storey commercial building providing two new units and ancillary accommodation (1,574sq.m gross floor area); Unit 1 will be used as a shop (1,057sq.m), Unit 2 will be used for professional services or health centre or office or gymnasium (517sq.m); the development will also consist of roof plant and PV panels; Lucan advertising signage (50sq.m) 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 (30sq.m); hard and soft landscaping, and pedestrian canopy; connection to services; all associated site and development works.
Location:	Lucan Shopping Centre, Newcastle Road, Co. Dublin
Applicant:	ERF Lucan Investment DAC
Application Type:	Permission
Date Rec'd:	21-Jun-2021

I wish to acknowledge receipt of your submission in connection with the above planning application. The appropriate fee of €20.00 has been paid and your submission is in accordance with the appropriate provisions of the Planning and Development Regulations 2001(as amended). The contents of your submission will be brought to the attention of the Planning Officer during the course of consideration of this application.

This is an important document. You will be required to produce this document to An Bord Pleanala if you wish to appeal the decision of the Council when it is made. You will be informed of the decision in due course. Please be advised that all current applications are available for inspection at the public counter and on the Council's Website, www.sdublincoco.ie.

You may wish to avail of the Planning Departments email notification system on our website. When in the ***Planning Applications*** part of the Council website, www.sdublincoco.ie, and when viewing an application on which a decision has not been made, you can input your email address into the box named ***"Notify me of changes"*** and click on ***"Subscribe".*** You should automatically receive an email notification when the decision is made. Please ensure that you submit a valid email address.

Please note: If you make a submission in respect of a planning application, the Council is obliged to make that document publicly available for inspection as soon as possible after receipt. Submissions are made available on the planning file at the Planning Department's public counter and with the exception of those of a personal nature, are also published on the Council's website along with the full content of a planning application.

Yours faithfully,

Mary Crowley
for **Senior Planner**

Figure 5 Night time noise contours from modelling of the roof mounted plant for the proposed development

Figure 6 Noise modelling for a typical delivery vehicle

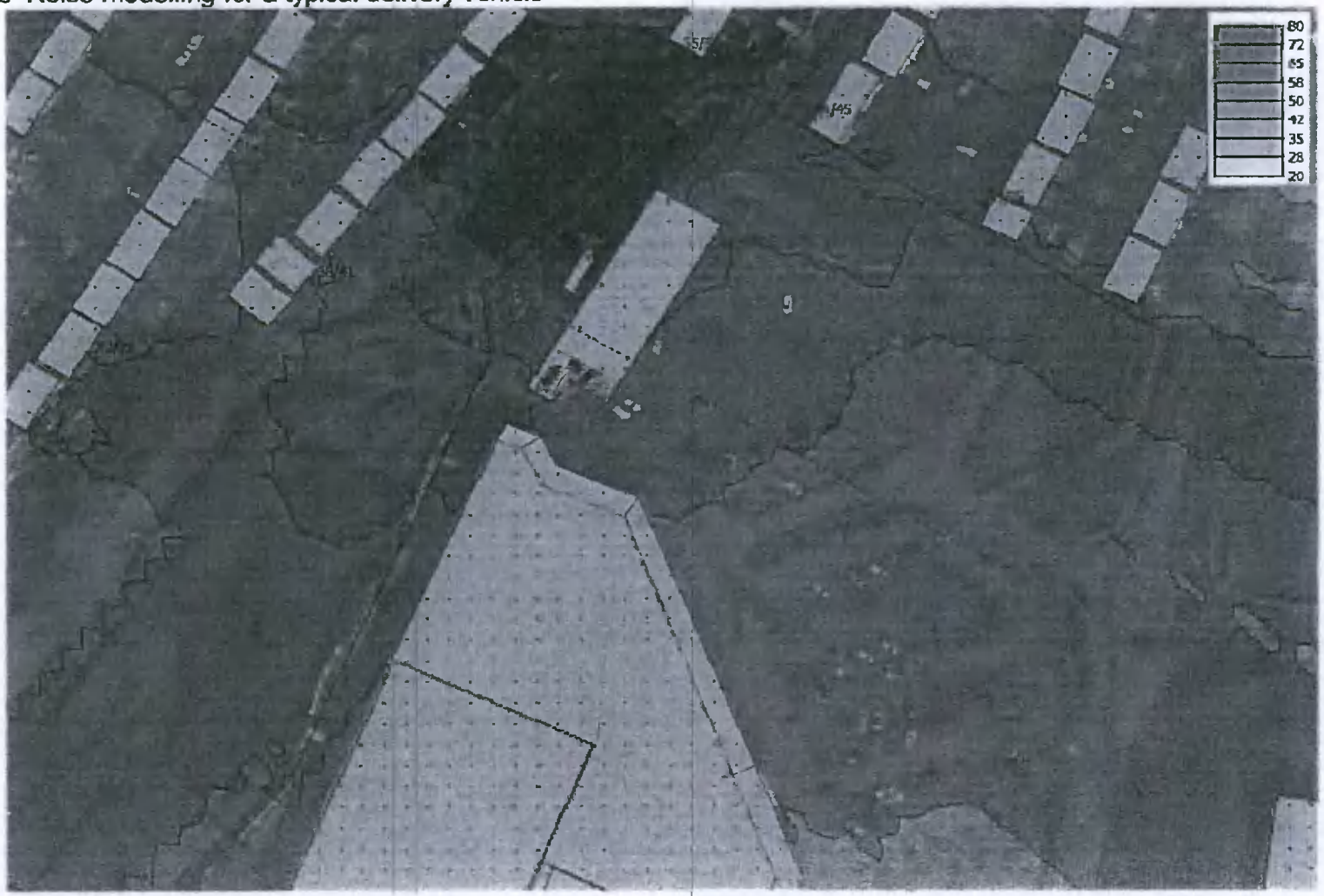


Figure 6 Noise modelling for a typical delivery vehicle

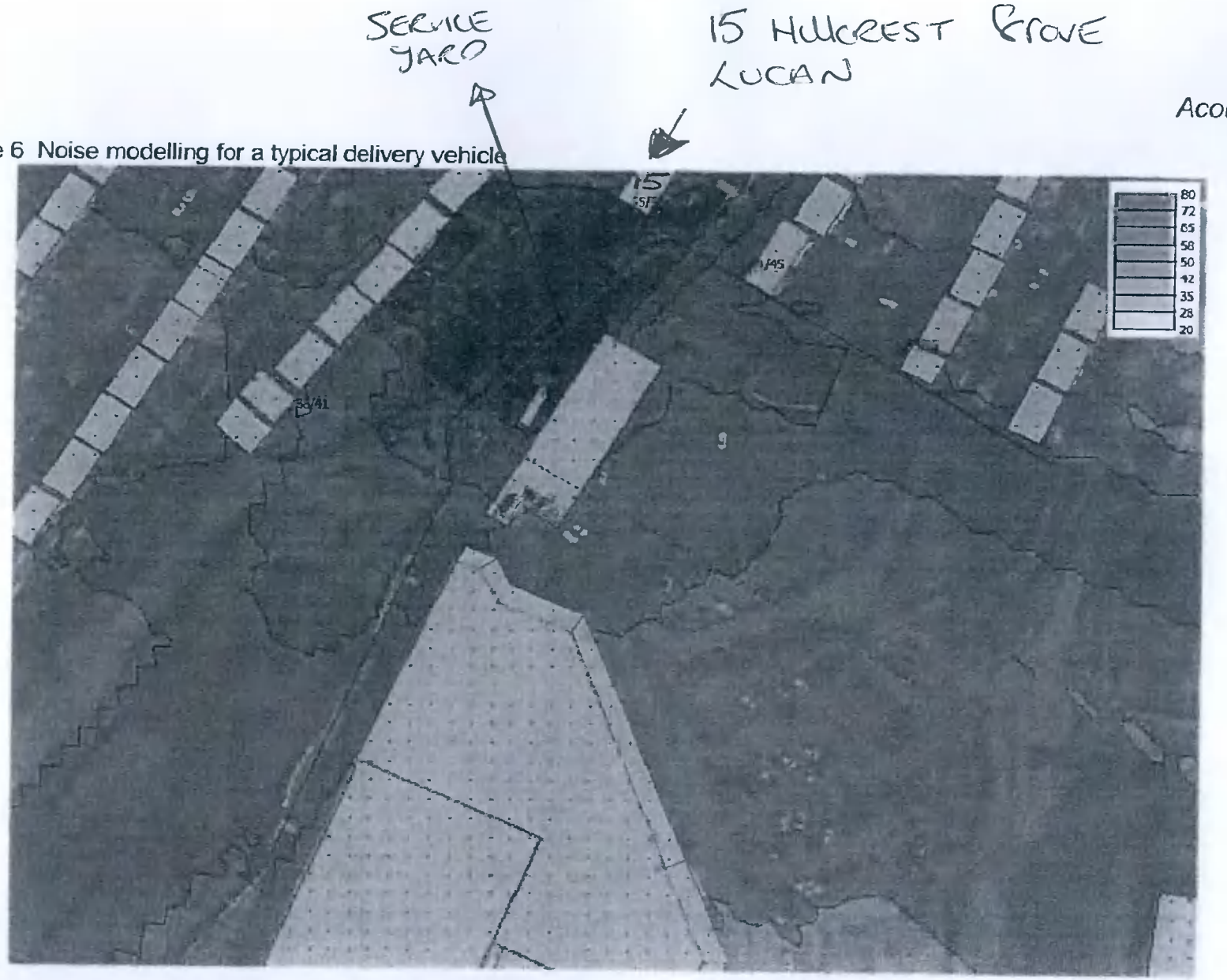
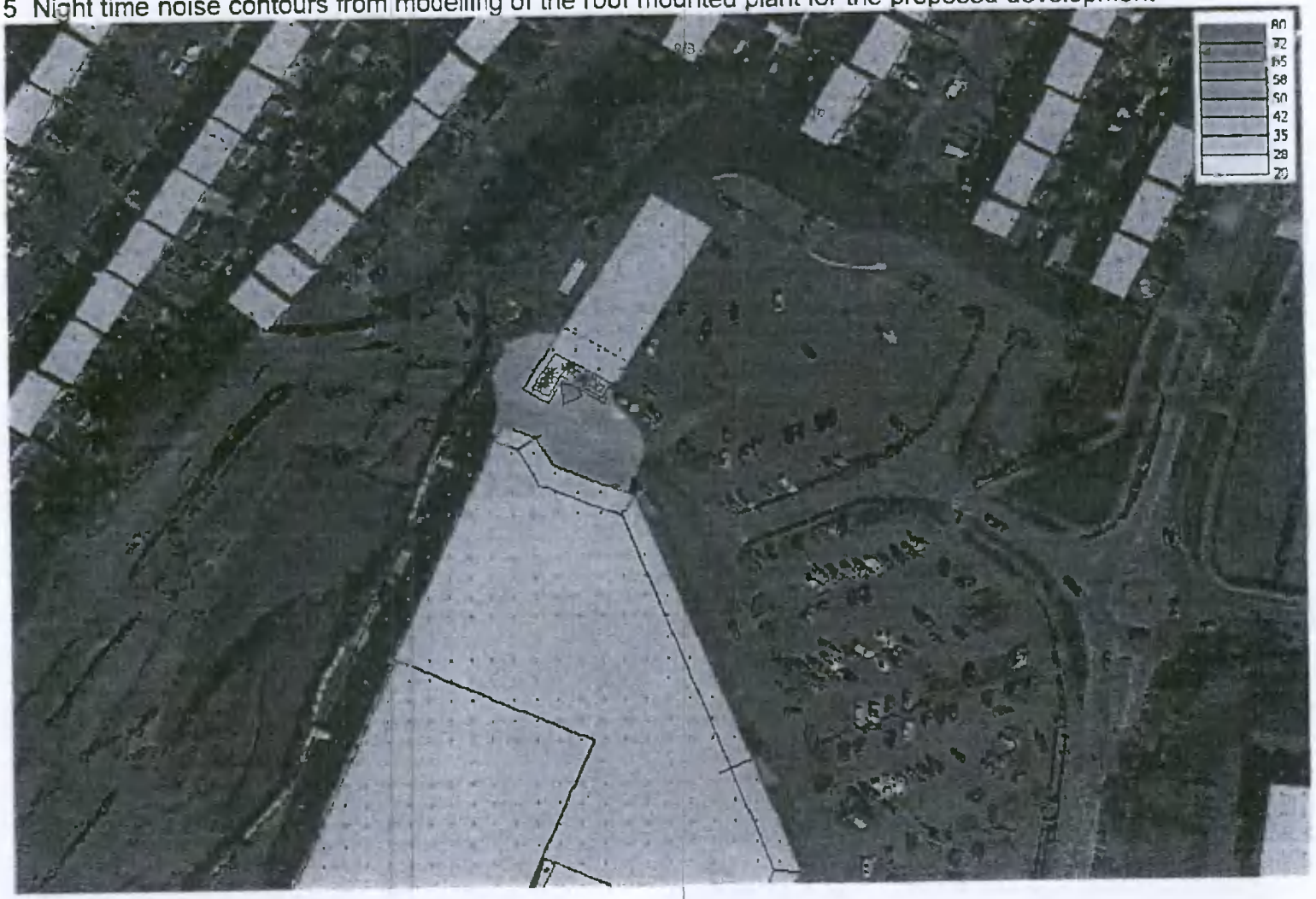


Figure 5 Night time noise contours from modelling of the roof mounted plant for the proposed development



John O'Shea

15 Hillcrest Grove

Lucan

Co Dublin

K78 R5HO

Planning Objection Section,

South Dublin County Council,

Tallaght,

Dublin 24,

D24YNN5

Planning application reference number SD21A/0161

Dear Sir/Madam

I wish to write an objection to the Planning Reference: SD21A/0161 development of lands on Supervalu.

Objection 1 Planning.

I am a resident of Hillcrest Grove. I believe the layout and design of this proposal will further exacerbate current issues in the Lucan area.

In the planning context, the size of the development, the closeness to Hillcrest Grove.

Noise and Pollution during construction. Delivery trucks constantly reversing.

Light pollution due to signage and rear service yard of new development.

The increase of traffic during construction and use of development.

The effect on wildlife/Trees within Hillcrest Grove.

The lack of clarity of the pedestrian linkage to Somerton.

The effect to residents on Hillcrest Grove due to anti-social behaviour around the environs of the proposed development.

Devalue of property prices within Hillcrest Grove.

The construction site management plan makes no reference to Hillcrest Grove residents.

For these reasons I object to the planning of this development which I delve further into below

Objection 1 Size of development.

With regard to the size of development,

I believe due to

- Hillcrest shopping centre (which has vacancies),
- Liffey valley Shopping Centre,
- Blanchardstown Shopping centre
- Fonthill Road Retail Park
- Development of SDCC swimming pool leisure centre
- Many office spaces are vacant within the Lucan area.

There is no necessity for a large gym/offices development.

The height of the building exceeds the height boundary wall and will have a negative impact visually to residents of Hillcrest Grove (Trees are not evergreen therefore the development will be seen by residents of Hillcrest Grove for the majority of the year)

No two storey building should be contemplated.

The development of a service yard to allow large trucks to reverse on a constant basis, the rationale for such a proposal has not been proven.

Retail impact studies should be sought in connection with this large development.

Objection 2 Noise Pollution.

I note what appears to be fans on top of the proposed development this would be unacceptable to residents in Hillcrest Grove.

Noise of delivery trucks having to reverse would cause high amount of noise pollution to residents of Hillcrest Grove.

12 months of construction noise would have a serious impact to residents of Hillcrest Grove.

This is unacceptable to an estate that has already had various developments imposed of their quality of life.

Objection 3 Roads/Traffic.

I note the traffic study took place in March during level 5 lockdown restrictions. Currently Adamstown Road cannot cater for further traffic, this situation will be made completely unacceptable if the build of this large development takes place.

SDCC own statement from the TTA states

"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."

Currently residents in Hillcrest Grove cannot get vehicles out of the estate due to traffic on Adamstown Road, this will be exacerbated by the development and proposal at Supervalu.

Within the traffic report I fail to see the point of adding the extension of the LUAS 2035 to Lucan, the facts are that nothing is being done to reduce traffic within Lucan mainly Adamstown Road bar increasing it with housing developments.

Objection 4 Damage to local wildlife/trees.

Hillcrest Grove is one of the few roads within Hillcrest estate that has a length of mature trees which are occupied by wildlife.

I note within the planning submission the cutting of mature trees. This would have a serious impact on wildlife. The noise of construction and management of deliveries would greatly impact wildlife within the area.

I would have serious concerns as in a previous development (SDZ19A/0004) that entire trees would be felled. What will the council and the developer do to ensure that this doesn't happen?

The trees within Hillcrest Grove are not evergreen, this would enable noise from the construction and development to be heard by residents in Hillcrest Grove.

I request an environmental study should be completed to show the impact of wildlife on Hillcrest Grove's mature trees.

Objection 5 Pedestrian linkage.

I note the lack of information with regard to the linkage to Somerton development. What is the width and length of this linkage? Will this linkage be lit and covered by CCTV.

Objection 6 Anti-social Behaviour.

Currently a large amount of anti-social behaviour takes place at the boundary of Hillcrest Grove and Super value. People try to gain access over the wall from Hillcrest Grove to Supervalu. The entire boundary wall should be heightened by 3 metres and fenced off completely to deter this behaviour.

Currently people congregate at CF BF CE (elevations sheet 1 of 3) causing anti-social behaviour, this new development will ensure people will congregate more in these places.

What will the new development do to deter this from happening? Leaving a green area CF untouched will naturally invite more anti-social behaviour.

The pedestrian linkage will no doubt incur anti-social behaviour. Linkages/Lane ways are notorious for causing anti-social behaviour something that modern developments do not use. I find it unacceptable that a laneway to a social housing development is being proposed.

Objection 7 Light Pollution.

I note the lighting advertising signage will be 50 sq. m. This is unacceptable and would be detriment to the residents of Hillcrest.

The rear of the service yard will be illuminated by the service yard and delivery trucks. As already noted without a 3 metre increase in the boundary height, these illuminations will be seen by residents of Hillcrest Grove on a constant basis.

Objection 8 Delivery times (service yard).

If a development is to be contemplated, Deliveries should be made between the hours of 12.30pm to 5pm. Monday to Friday.

Objection 9 Potential use of buildings.

If a gym is to be contemplated strict times and noise levels should be set in the planning requirements. All gyms emit noise, therefore gyms should not be 7 days a week and stop at a reasonable hour. I believe a gym should be open Monday to Friday noon to 6pm.

Objection 10 Artist's impression.

I note the lack of artist's impression/ 3D view to various points especially how it would be viewed from Hillcrest Grove. This should include all lighting factors/ also when trees are not in bloom.

Objection 11 Devalue of property prices within Hillcrest Grove.

Due to all the points raised by my objection I believe that prices of property within Hillcrest Grove will be significantly reduced due to size and impact of this development.

Construction site management plan.

I note the construction management plan.

It is unacceptable that construction shall start at 8am inclusive of Saturdays and the possibilities of Sundays.

If this development is contemplated, Construction should begin at noon and finish at 6pm. No construction should take place at weekends.

Management plan notes when noise exceeds 85 DB personal safety measures shall be implemented. It is totally egregious that no mention of Hillcrest Grove residents is mentioned in this construction plan or to noise levels.

The impact of the construction of the site due to pollution, noise, anti-social behaviour, size of hoarding, quality of life for residents has not been contemplated.

Yours Sincerely

John O'Shea