



Building Control Acts 1990 to 2014

Building Control Authority: Dublin City Council

Building Control Authority Register Reference Number: DRV2300609DC

Appeal by Lidl Ireland GmbH care of Knapton Consulting Engineers of 76 Upper George's Street, Dún Laoghaire, County Dublin in relation to the decision made on the 28th day of March, 2023 by Dublin City Council to grant subject to conditions a disability access certificate under section 6 (2)(a)(ix) of the Building Control Act, 1990, as amended by section 5 of the Building Control Act 2007, in respect of (1) relocation of IT room, (2) additional store area, (3) minor alterations to area of office, meeting room, customer WC and WC lobby, and (4) relocation of designated car parking, at Lidl store, Clonshaugh Road, Coolock, Dublin in accordance with plans and particulars lodged with the said Building Control Authority:

WHEREAS the said appeal relates to conditions numbers 3 and 4 attached to the decision of the Building Control Authority:

AND WHEREAS An Bord Pleanála is satisfied, having regard to the nature of the said conditions, that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted:

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 7 of the Building Control Act, 1990, as amended by section 6 of the Building Control Act 2007, and by Article 40 (2) of the Building Control Regulations, 1997, and based on the Reasons and Considerations set out below, hereby directs the said Building Control Authority to remove conditions numbers 3 and 4 and the reasons therefor:

Reasons and Considerations

Having regard to the presented design of the retail development and the accompanying technical compliance report, to the submissions made in connection with the Disability Access Certificate application and the appeal, and to the report and recommendation of the reporting Inspector, it is considered that it has been demonstrated by the first party appellant in the application and appeal documentation that the requirement for compliance with 1.4.5(b) of Technical Guidance Document M 2010 has been met through the amendments to the WC layout presented as part of the appeal and therefore condition number 3 is not necessary to meet the guidance set out in TGD: Part M 2010 or accordingly to demonstrate compliance with Part M of the Second Schedule to the Building Regulations 1997, as amended.

The requirement for a separate WC as is required by condition number 4 attached by the Building Control Authority is not necessary as the design presented as part of the application and appeal has demonstrated compliance with Section 1.4.3 of TGD: Part M 2010 as the proposed customer wheelchair accessible unisex WC will be available to staff and customers and will not segregate any particular user group. Therefore, condition number 4 as originally attached by the Building Control Authority to the Disability Access certificate is not necessary to meet the guidance set out in TGD: Part M 2010 or accordingly to demonstrate compliance with Part M of the Second Schedule to the Building Regulations 1997, as amended.

The Board was satisfied that, subject to the attachment of the remaining conditions (conditions numbers 1 and 2), it has been demonstrated that the building, if constructed in accordance with the design presented with the application and appeal, would comply with the requirements of Part M of the second schedule to the Building Regulations 1997, as amended.

Patricia Calleary

Patricia Calleary

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this 12 day of March 2024.