



An
Bord
Pleanála

Board Order ABP-318053-23

Planning and Development Acts 2000 to 2022

Planning Authority: Dublin City Council

Planning Register Reference Number: 5435/22

Appeal by Peter McCarthy of 63 Shelmalier Road, East Wall, Dublin against the decision made on the 21st day of August, 2023 by Dublin City Council to grant subject to conditions a permission to Lidl Ireland GmbH care of SDS Design Engineers of Unit 9, N5 Business Park, Castlebar, County Mayo for development comprising modifications to the ground floor layout and shop façade to include single storey extension to front of the existing store to provide a DRS facility to allow customers to return plastic beverage bottles to a reverse vending machine in store, the removal of the existing entrance/exit pod, the removal of the existing trolley bay, proposed free-standing trolley bay, proposed alteration works to store elevation, alteration works to car park area, and all ancillary works required to complete to the required Building Regulations standards, all at Lidl Store, East Wall Road, Dublin.

Decision

GRANT permission for the modifications to the ground floor layout and shop façade to include single storey extension to front of the existing store to provide a DRS facility to allow customers to return plastic beverage bottles to a reverse vending machine in store, the removal of the existing entrance/exit pod, the removal of the existing trolley bay, proposed alteration works to store elevation, alteration works to car park area, and all ancillary works required to complete to the required Building Regulations standards based on the reasons and considerations marked (1) under and subject to the conditions set out below. REFUSE permission for the proposed free-standing trolley bay for the reasons and considerations marked (2) under.

Reasons and Considerations (1)

Having regard to the nature and scale of the proposed development, the existing and proposed facilities for on-site waste management and the existing traffic management infrastructure, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable and would be in accordance with the provisions of the Dublin City Development Plan 2022-2028 and the Climate Action Plan 2024. The proposed development would not negatively impact on residential amenity or give rise to negative impacts on traffic safety and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 25th day of July, 2023, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the proposed development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The free-standing trolley bay to the immediate east of the proposed extension is not permitted; the trolley bay shall either be accommodated within the shop unit or shall be the subject of a separate planning application.

Reason: To protect the amenity of the public realm.

3. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of the visual amenities of the area.

4. Details of all external shopfronts and signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of the amenities of the area and visual amenity.

5. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services and shall be agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of public health.

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

Reason: In the interest of sustainable waste management.

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

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

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

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

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

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

10. The developer shall pay to the planning authority a financial contribution in respect of the LUAS C1 Line Scheme in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

Reasons and Considerations (2)

The siting of the proposed trolley bay in the public realm between two buildings, notwithstanding the amendment made at further information stage, would detract from this area due to visual clutter and the reduction in the area of public realm.

In deciding not to accept the Inspector's recommendation to grant permission for the proposed trolley bay, the Board considered that to do so would detract greatly from the public realm between the two buildings due to the reduction in the area of public realm and visual clutter.



Mary Henchy

Member of An Bord Pleanála

duly authorised to authenticate
the seal of the Board

Dated this 24th day of May 2024.