



An
Bord
Pleanála

Inspector's Report

ABP-313917-22

Development

The proposed development involves: (1) the demolition of the existing Aldi store; (2) construction of a 2 storey commercial block fronting St. Margaret's Road, incorporating a foodstore, with ancillary off-licence sales area at first floor level over undercroft car parking, including an external service area; (3) associated signage; (4) reconfiguration of the existing car parking; (5) 20 no. cycle spaces; (6) revised southern vehicular access off St. Margaret's Road; (7) All landscape, boundary treatment and site development works.

Location

1.03 hectare site at the existing Aldi Store site, St. Margaret's Road, Finglas, Dublin 11.

Planning Authority

Dublin City Council.

Planning Authority Reg. Ref.

3278/22.

Applicant(s)

Aldi Stores (Ireland) Limited.

Type of Application	Permission.
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Aldi Stores (Ireland) Limited.
Observer(s)	None.
Date of Site Inspection	4 May 2023.
Inspector	Stephen Rhys Thomas

Contents

1.0 Site Location and Description.....	4
2.0 Proposed Development.....	4
3.0 Planning Authority Decision	5
3.1. Decision.....	5
3.2. Planning Authority Reports.....	5
3.3. Prescribed Bodies.....	7
3.4. Third Party Observations.....	7
4.0 Planning History.....	7
5.0 Policy Context.....	8
5.3. Natural Heritage Designations.....	9
5.4. EIA Screening	9
6.0 The Appeal.....	10
6.1. Grounds of Appeal	10
6.2. Planning Authority Response	11
8.0 Assessment.....	12
9.0 Recommendation.....	17
10.0 Reasons and Considerations	17

1.0 Site Location and Description

- 1.1. The site, which is 1.03 ha in area, is located along St. Margaret's Road and is within a mature commercial area in Finglas. It is a kilometre north of Finglas Village, 4.2 km east of Blanchardstown and 6 km northwest of Dublin City Centre. The M50/N2 is 600 m north of the site and Dublin Airport is 9 km to the northeast.
- 1.2. The overall site is marginally higher than the public road and is broadly level. A standard Aldi Store format is currently on site with a parade of other shop units located along the northern portion of the site. The remainder of the site accommodates surface car parking and some yard space. There are two vehicular entrances to the site, one at the northern part and one towards the south of the site. There is a residential area to the north of the overall lands, but on all other sides of the site are to be found similar commercial premises. Saint Margaret's Road (R104) is a well trafficked route running north/south and there are numerous entrances on both sides of the street providing access to commercial and retail units of varying size.

2.0 Proposed Development

- 2.1. Permission is sought for the following:
 - (1) the demolition of the existing Aldi store;
 - (2) construction of a 2 storey commercial block fronting St. Margaret's Road, incorporating a foodstore, with ancillary off-licence sales area at first floor level over undercroft car parking, including an external service area;
 - (3) associated signage;
 - (4) reconfiguration of the existing car parking;
 - (5) 20 no. cycle spaces;
 - (6) revised southern vehicular access off St. Margaret's Road;
 - (7) All landscape, boundary treatment and site development works.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Dublin City Council recommend refusal for the following two reasons:

1. The proposed development fails to satisfactorily take account of the proposed Preferred Route for the extension of the Luas Green Line Finglas Luas project along this section of St. Margaret's Road. In this context, it is considered that the proposed development would compromise the delivery of the Luas Finglas and therefore would materially contravene Policy MT4 of the Dublin City Development Plan 2016 – 2022 the objective of which is 'to promote and facilitate the provision of Metro, all heavy elements of the DART Expansion Programme including DART Underground (rail interconnector), the electrification of existing lines, the expansion of Luas, and improvements to the bus network in order to achieve strategic transport objectives'. Section 8.5.3 also states that it is policy to protect route alignments from inappropriate development.
2. The proposed number of car parking spaces sought as part of this development application significantly exceeds the Dublin City Development Plan 2016 - 2022 parking standards, as set out in Table 16.1. The development proposal is not supported by a car parking rationale or car parking demand analysis to support the proposed quantum of parking spaces. The proposed quantum of car parking would contravene Section 16.38 Car Parking Standards of the City Development Plan 2016-22 and would be contrary to the proper planning and sustainable development of the area. The development would contravene materially condition 2 of permission ref. 3754/14, which set a time limit of 3 years on the second site entrance and the additional car parking.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Authority decided to refuse permission for two reasons, the basis of their decision can be summarised as follows:

Report 1

- The site is zoned Z6, for enterprise and employment, shop (neighbourhood) is permitted, part off-licence requires justification. Given the relatively modest nature of the increase on an existing site, neither a sequential test nor a Retail Impact Assessment is required in this instance.
- The proposal is acceptable from a visual amenity, design and landscaping perspective.
- In terms of traffic and transport, some items regarding the LUAS Finglas project, access and parking require further information.
- Further information was requested to address outstanding traffic and transport issues.

Report 2

- Neither Transport Planning Division (TPD) or NTA were satisfied with the response on transport matters. Consultations did not take place. The drawings submitted show the proposed LUAS works (a key objective of national, regional, and city transportation strategies and plans) overlaid on the subject site, but no amendments to landscaping or access to accommodate them. No rationale or evidence has been submitted for the retention of the second access, or the parking in excess of Development Plan car parking maximums. It is reiterated that the existing second access and additional car parking were granted retention on a strictly temporary basis, to allow for repair works to the permitted car park, and that permission expired in 2018. The use of car parking maximums is part of an overall strategy to promote modal shift from private car use, to reduce emissions, and to make optimum use of existing and proposed transport infrastructure.
- Permission was refused based upon the deficiencies above.

3.2.2. Other Technical Reports

Drainage Division – no objections.

EHO - no objections.

Roads Streets & Traffic Department Road Planning Division – Further Information is required regarding site layout overlay showing the proposed Finglas Luas project works, reduction in entrances, swept path drawings, car parking in excess of Development plan standards, accessible spaces and bike spaces. After submission of FI, two reasons for refusal recommended.

3.3. **Prescribed Bodies**

National Transport Authority (NTA) – The Luas Finglas project is at an advanced stage of design and has been subject to a number of rounds of public consultation. The project team will begin preparing documentation for lodgement of a Railway Order presently. The most recent drawings published show a requirement for land-take at the site of the proposed development in order to accommodate Luas, cycle tracks, footpaths and general traffic on St. Margaret’s Road. It does not appear, from the material submitted, that the proposed development takes account of this requirement. The NTA is of the view that any interface issues that may emerge should be addressed prior to the granting of planning permission.

Subsequent to the submission of further information, the NTA recommends that the applicant is requested to consult with the NTA Strategic Planning Team in order to ensure that the proposed development accommodates the Luas Finglas project. Permission should only be granted once the applicant has demonstrated that the requirements for Luas Finglas have been met to the satisfaction of the NTA.

Uisce Éireann – no report on file.

3.4. **Third Party Observations**

None.

4.0 **Planning History**

4.1. Subject Site:

Reg. Ref. 3754/14 – Retention permission granted for a period of three years for extension of car parking area to south to accommodate 56 car parking spaces, and new vehicular entrance.

Reg. Ref. 4474/08 – Planning permission granted for an extension to the existing discount food store (from 1306 sqm to 1570 sqm, net retail area increase from 859 sqm to 1121 sqm, associate site works.

5.0 Policy Context

5.1. Development Plan

The site is governed by the policies and provisions contained in the **Dublin City Development Plan 2022-2028**. The plan came into effect on the 14 December 2022.

The subject site is governed by the zoning objective Z6 – Employment/Enterprise. To provide for the creation and protection of enterprise and facilitate opportunities for employment creation.

Shop (local) is a permissible use and shop (neighbourhood), off licence is open for consideration in the Z6 zoning objective. Park and ride is also a permissible use.

Relevant policies contained within the Development Plan include:

SMT019 - 'Park and Ride' Services To promote 'Park and Ride' services at suitable locations in co-operation with neighbouring local authorities and to support the implementation of the NTA's Park and Ride Strategy for the Greater Dublin Area.

SMT22 - Key Sustainable Transport Projects • Delivery of Luas to Finglas

SMT26 - Commuter, Shopping, Business and Leisure Parking - To discourage commuter parking and to ensure adequate but not excessive parking provision for short-term shopping, business and leisure uses.

Appendix 5 - 4.0 Car Parking Standards

Table 2: Maximum Car Parking Standards for Various Land Uses

Dublin City Development Plan 2016-2022 – Section 8.5.3 *Public Transport* DCC policy on public transport will be implemented in collaboration with the NTA's Transport Strategy for the Greater Dublin Area 2016–2035. Key public transport elements of this strategy include: Luas to Lucan, Finglas and Poolbeg, and also Green Line enhancements.

Objective MT4: To promote and facilitate the provision of Metro, all heavy elements of the DART Expansion Programme including DART Underground (rail interconnector), the electrification of existing lines, the expansion of Luas, and improvements to the bus network in order to achieve strategic transport objectives.

5.2. **Regional Policy**

NTA Greater Dublin Area Transport Strategy 2022 – 2042

The Greater Dublin Area Transport Strategy 2022 – 2042 provides a framework for a sustainable transport network for the long term. Key projects include:

- Luas Finglas with a Railway Order due to be submitted by 2030.

5.3. **Natural Heritage Designations**

5.3.1. None in the vicinity.

5.4. **EIA Screening**

5.4.1. Having regard to the nature and scale of the proposed development, comprising the replacement of an existing retail unit in an established commercial area, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environment 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

6.1.1. The applicant has submitted an appeal against the decision of the planning to refuse permission and it can be summarised as follows:

- Permission for the retail functions on site were granted in the early 2000s and the Aldi store was constructed in November 2004, permission reference 0620/03 refers. The southern entrance operated with permission from the 1970s and this is confirmed further by a permission granted in 2014, PA ref 3754/14 refers.
- With reference to the first reason for refusal - Sufficient consultation has taken place with Transport Infrastructure Ireland (TII) and the National Transportation Authority (NTA). Though unable to contact either Dublin City or the NTA after further information (FI) was requested, details from the EIA Scoping Report provided enough data to prepare a response and show minimal impacts. Drawings 18, 19 and 20 of the EIA scoping report show the retention of two entrances to the Aldi store and minimal land take. The response to FI (drawing PA201), this layout drawing shows minimal impact to the Aldi proposal.
- After permission was refused, meetings were held with the design team, NTA and TII on the 14, 20 and 24 June 2022. There are no issues about DART underground and Metro proposals.

During meetings in June 2022, layouts were tabled by the NTA, that show additional land take and could not be shown in the initial planning application drawings. The additional land take erodes the viability of the Aldi site in terms of delivery operations, trading and car parking.

To accommodate the increased set backs highlighted by the NTA, it is proposed to set back to the west by 2.5 metres the store footprint and reconfigure the layout accordingly, drawing 03C-1 Rev C (figure 1 in the grounds of appeal). This revised proposal is acceptable in principle to the

NTA Luas Project Design Team, but no correspondence is available to demonstrate the fact.

- The overall site currently operates with 171 car parking spaces, the proposal provides 154 spaces. After discussion with the Luas Design Team, it is proposed to provide 30 Park and Ride Spaces for the Luas. The total number of car parking spaces will reduce to a total of 132 spaces for the entire site.
- The southern entrance is part of the planning application, even though it has been operational legally since the 1970s, the current proposal sets out to relocate and continue use.
- Public realm improvements will follow and enough space is left to accommodate Bus Connect and Luas improvements.

The appeal is accompanied by an email correspondence from TII dated 27 June 2022 that states satisfaction with the latest drawings and due consideration of Luas Finglas Preliminary Design has been given and contact has been made with the NTA. A correspondence from Irish Rail is also enclosed and states no involvement in the delivery of Finglas Luas.

6.2. Planning Authority Response

None.

8.0 Assessment

8.1.1. The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. The issues can be dealt with under the following headings:

- Principle of Development
- Luas Alignment
- Car Parking and Access
- Appropriate Assessment

8.2. Principle of Development

8.2.1. The use and the structures proposed (shop-neighbourhood) would be open for consideration in the Z6 Employment/Enterprise zoning of which it is an objective to provide for the creation and protection of enterprise and facilitate opportunities for employment creation. At present, an Aldi supermarket occupies the lands together with a parade of shops. The applicant proposes to demolish the existing store, build a new two storey store with a frontage to St Margaret's Road. The planning authority are not opposed to the proposal in principle but are not satisfied that the alignment of a planned light rail extension, car parking standards and the legitimacy of a second vehicle entrance have all been properly taken into account. It is on these matters that the planning authority refused permission.

8.2.2. On that basis, I am satisfied that the principle of a retail use at this site on lands zoned Z6 is well proven and acceptable. The fact that permission was granted to extend the existing store back in 2008 and permit additional car parking and a second entrance in 2014, confirms this. In broad terms, the principle of an improved retail offering at this location is acceptable and permission could be granted. However, the way that the reasons for refusal have been framed, there are detailed matters to do with the planned alignment of a light railway, parking and access that all need to be addressed and these issues are examined in the following sections of my report.

8.3. Luas Alignment

- 8.3.1. The current and previous City Development Plans refer to supporting public transport infrastructure. Policy MT4 of the current development plan seeks to promote and facilitate the provision and expansion of Luas, the same policy appears in the previous plan too. It has been a longstanding policy of the planning to support public transport infrastructure, provision and expansion. The planning authority have refused permission for the proposed development because they are not satisfied that proper account has been taken of the Preferred Route for the extension of the Luas Green Line Finglas Luas project. Despite requesting further information in the course of the planning application process to fully consider the proposed layout and the Luas route, doubt remains. Without such certainty, and because the planning authority are committed to the protection of route alignments, permission was refused.
- 8.3.2. In the grounds of appeal, the applicant points out that they were unable to meet officials from the NTA and that their FI submission did not have the benefit of their input. However, since permission was refused the applicant has met a number of times with the TII, NTA and their consultant engineers, during June 2022. Subsequently, new drawings were prepared, tabled and met with the approval of the TII, an email correspondence from the TII refers. There is no new correspondence on file since the NTA reacted to the FI submission on the planning application, their response dated 25 May 2022 indicates that drawings submitted are not acceptable, meetings did not take place and that meetings should take place.
- 8.3.3. For clarity, drawing number PA 302 was submitted by the applicant as an FI submission on the 5 May 2022. It is this drawing that does not meet with the approval of the NTA. The applicant has submitted a drawing with their grounds of appeal that they say is acceptable to the NTA. I observe that the drawing that they have submitted is represented on an A4 page within their report and it is difficult to see the differences between it and that submitted as FI. No full size drawing appears on file that refers to the grounds of appeal. In addition, though a correspondence has been received by the applicant from the TII no such similar correspondence has been submitted by the NTA. This is a significant matter, because the TII and the NTA are the joint delivery agents for Luas Finglas (according to Irish Rail).
- 8.3.4. It would be preferable to have written confirmation from the NTA that the applicant's proposals are acceptable to them. It would also be preferable to have a properly

scaled drawing that provides the detail necessary to enable permission to be granted. The applicant's revised proposals and repositioned new store may all be satisfactory and leave sufficient room along the Luas corridor, the TII have indicated this by email. However, I am left uncertain that there is sufficient detail or correspondence (from the NTA) on the file for the Board to consider a grant of permission.

8.4. Car Parking and Access

- 8.4.1. The second reason for refusal revolves around the issue of car parking and the restrictions on site access that a previous planning permission required. With reference to car parking, the applicant proposes to reduce car parking on the overall site (171 at present) from the 154 spaces proposed down to 132, and allocated as set out in the bullets points in section 3.2 of the grounds of appeal. The applicant points out that the overall lands support other retail units and that when combined with a reduced site area as a consequence of the Luas alignment and the offer of 30 park and ride spaces, they believe that the revised car parking proposal is acceptable.
- 8.4.2. According to the planning authority table 16.1 of the Dublin City Development Plan 2016 – 2022 sets out what an appropriate level of car parking would be, and the proposal exceeds this. A further complication arises insofar as the planning authority understand that 56 car parking spaces out of the 171 spaces were only permitted on a temporary basis, three years, and so cannot be included in the applicant's overall assessment of car parking, PA reference 3754/14 refers. The original quantum of car parking spaces generated in 2003 was 149 car parking spaces, PA reference 0620/03 and 5742/03 all refer.
- 8.4.3. The amount of car parking spaces has fluctuated over the years and according to the planning authority always exceeded what should have been permitted under the relevant plans. In terms of the appeal before the Board, the planning authority consider that the 150 spaces now applied for would exceed the 2016 development plan standards. The planning authority have not stated what number of actual car parking spaces is appropriate and they have not submitted a response to the current appeal.

- 8.4.4. According to the planning application form, the total amount of commercial/retail floorspace new and to be retained amounts to 3,664 sqm (1,044 sqm retained and 2,620 sqm of new). If I applied the standards of the 2016 Plan, the site is located in car parking zone 3 and 87 spaces would be required for the new store and 14 spaces for the retained units, a total of 101 spaces. It is clear that the standards detailed in table 16.1 have been exceeded. Taking the 2022 development plan into account, I can see that the standards have not changed from before, table 2 Appendix 5 refers. From my calculations, I can see that the amount of car parking that is advised by the previous and current development plan amounts to just over 100 car parking spaces. This makes sense given the location of the development in the outer city area and in advance of public transport infrastructure improvements. I agree with the planning authority in one respect, that the amount of car parking spaces proposed exceeds that advised by the development plan.
- 8.4.5. With reference to the car parking history of the site, it is of less relevance to the case in hand. In the appeal, the applicant now proposes 132 car parking spaces, with 30 allocated to park and ride, this may be acceptable and seems to be in light of advice from the Luas Project Team themselves. However, I do not have any actual confirmation from either the NTA or TII that 30 park and ride car parking spaces are necessary at this location along the planned Luas route. It is plausible that park and ride spaces would be useful at this location, removed from the city centre and along a route that passes through both residential and employment areas. I am hesitant to advise a refusal of planning permission based on the simple exceedance of car parking standards when the bare number of 102 car parking spaces proposed by the applicant would be acceptable. That leaves the additional dedicated 30 park and ride spaces outside of any calculation. I have not seen any rationale as to the need for park and ride spaces, other than the undertaking of the applicant to provide same. I note that Objective SMTO19 - 'Park and Ride' Services – seeks to promote 'Park and Ride' services at suitable locations and to support the implementation of the NTA's Park and Ride Strategy for the Greater Dublin Area. The NTA strategy is not on the appeal file, but it is possible that a Luas based Park and Ride facility has been proposed as part of the Luas Finglas Extension. In light of a lack of any information in this regard, permission should be refused for the combination of the ordinary car parking spaces and park and ride spaces component of the proposal.

- 8.4.6. Second site entrance – the second reason for refusal refers to a second site entrance that the planning authority understand to contravene a previous permission that restricted its use for three years. The applicant argues that the entrance has been in use since it was permitted in the 1970s and in any case the current proposal does not seek its retention but its reposition. My understanding is that the previous permission (PA ref 375/14) allowed development to progress but that the use of additional car parking and the second entrance should stop after three years. No enforcement action appears to have taken place to date. I note that the development description of the current proposal is for a reduction in car parking and a revised location of the southern entrance to the site. In my view, this is a new access point at a different location and should be treated as such. Notwithstanding the authorised or unauthorised nature of the existing southern entrance, if permission were to be refused it should be on the basis set out in the Transportation Planning Division report of the 27 May 2022 and not linked to previous permissions. In that respect I note that the Transportation Planning Division generally seek to limit access points along St Margarets Road in advance of Luas and that all site operations should be served by one access point. This is a reasonable reason to refuse the provision of a second access point, if it will assist the delivery of public transport infrastructure.
- 8.4.7. I am satisfied that a new southern entrance should be assessed on its own merits in terms of traffic safety, access and egress. In this instance I refer to the planning authority's preference for limiting access points along the route of Finglas Luas and the southern entrance should be omitted or refused on that basis. In that regard, I refer to Policy SMT22 - Key Sustainable Transport Projects, of the Dublin City Development Plan 2022-2028, the objective of which is to support the expeditious delivery of key sustainable transport projects including the delivery of Luas to Finglas. Section 1.9.7 also states that the alignment of future growth and key public transport infrastructure is a key consideration of the plan, the provision of a second entrance would militate against this policy.
- 8.4.8. Car Parking and Access Conclusion – in the absence of any substantive information on file with respect to the park and ride element of the revised proposal, I find that the overall quantum of car parking exceeds that advised by the current development plan. With respect to the second entrance to the site, it would militate against the aim

of the planning authority to protect public transport routes and for that reason it should be refused.

8.5. Appropriate Assessment

- 8.5.1. Given that the development is already connected to the public water supply and drainage networks, and having regard to the nature and scale of the proposed development and its location relative to Natura 2000 sites, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect, either individually or in combination with other plans or projects, on a European site.

9.0 Recommendation

- 9.1. I recommend that planning permission should be refused for the reasons and considerations as set out below.

10.0 Reasons and Considerations

1. The proposed development fails to satisfactorily take account of the proposed Preferred Route for the extension of the Luas Green Line Finglas Luas project along this section of St. Margaret's Road. In this context, it is considered that the proposed development could compromise the delivery of the Luas Finglas and therefore would be contrary to Policy SMT22 - Key Sustainable Transport Projects, of the Dublin City Development Plan 2022-2028, the objective of which is to support the expeditious delivery of key sustainable transport projects including the delivery of Luas to Finglas. Section 1.9.7 also states that the alignment of future growth and key public transport infrastructure is a key consideration of the plan.

2. The proposed number of car parking spaces sought as part of this development application significantly exceeds the Dublin City Development Plan 2022-2028 parking standards, as set out in Table 2 Maximum Car Parking Standards for Various Land Uses. The development proposal is not supported by a car parking rationale or car parking demand analysis to support the proposed quantum of

parking spaces or the need for park and ride spaces. The proposed quantum of car parking would militate against the aims of section 15.16 Sustainable Movement and Transport of the Dublin City Development Plan 2022-2028 to achieve sustainable and efficient movement of people and goods by the implementation of the standards set out in Appendix 5 including Cycle and Car Parking Standards and Management and the amount of car parking spaces would be contrary to the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Stephen Rhys Thomas
Senior Planning Inspector

10 July 2023