



An  
Bord  
Pleanála

## Inspector's Addendum 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..

### Type of Appeal

First Party versus decision.

### Planning Authority

Dublin City Council.

### Planning Authority Reg. Ref

3278/22.

### Appellant(s)

Aldi Stores (Ireland) Limited.

**Planning Authority Decision**

Refuse Permission.

**Inspector**

Stephen Rhys Thomas.

## 1.0 Preliminary

- 1.1. This report has been prepared pursuant to a Board Direction (reference number BD-014624-23) that seeks an addendum report to be prepared in response to a section 137 request to relevant parties, as follows:

*It is noted by the Board that since the receipt of the appeals and responses to same, including observations on the appeals, that the Dublin City Development Plan 2022-2028 has come into effect.*

*You are therefore invited to provide a commentary in relation to the matters you may consider of relevance, included in the aforementioned Development Plan, as they relate to the proposed development submitted to the planning authority and revised by way of the response to the further information request. In particular, you are requested consider the policies and objectives related to key sustainable transport projects and car parking standards.*

- 1.2. Information has been received from the planning authority and from the appellant. The Board decided that the file be referred back to the Inspector for an updated report and recommendation having regard to all submissions received.

## 2.0 Further Responses

### 2.1. Summary of Responses

- 2.1.1. All received further responses as they relate to the appeal referred to ABP-313917-22, are summarised below.

### 2.2. The Planning Authority

- 2.2.1. Response dated 1 December 2023
- 2.2.2. The reasons to refuse the development set out in the Transportation Planning Division report dated 27 May 2022 remain valid. It is noted that the 2022 development plan has come into force and Policy SMT22 supports the delivery of the Luas to Finglas project and the proposed development would materially contravene this policy by failing to take account of the proposed preferred route.
- 2.2.3. The site remains in Parking Area 3 of the development plan (map J) and parking standards remain the same as before and concerns are still expressed in terms of

the car parking proposed. Bicycle parking standards have altered slightly when compared to the previous plan, appendix 5 of the development plan refers.

### 2.3. The Appellant

2.3.1. Response dated 21 December 2023

2.3.2. With respect to the current development plan and appendix 5 Transport and Mobility: Technical Requirements, these matters have been complied with. Points to note:

- The southern entrance has operated since a permission in the 1970s.
- Existing site operates with 171 car parking spaces serving Aldi and other retail park customers, access from two entrances off St Margaret's Road.
- The existing store will be removed and replaced with a larger store, but with reduced car parking.
- The current site layout would allow for the Luas and bus improvements along the site frontage to St Margaret's Road.
- Aldi has agreed to cede land to Luas, between the red boundary line and dashed blue line, drawing PA 300 (PR03C-1) refers. In its current format the layout of the site would conflict with the Luas track and new road alignment.
- It is unfair to demand a reduction in car parking for the proposed development and consequently, the existing store and carparking layout will continue to operate and not provide a Luas Park and Ride (P+R) facility at this location.
- Car parking is required for weekly shopping trips.
- Meetings with the Luas Design Team yielded drawings to which the further information drawings (11 April 2022) respond to and detail accommodation for the Luas alignment.
- The Luas Office, NTA and TII have never objected to the Aldi proposals.
- Car parking has been reduced to 132 spaces, to accommodate customers of the food store, other retail units on site and to prevent a traffic hazard from ad hoc parking in the wider area.
- As per Luas Design Team wishes, it is now proposed to assign possible P+R spaces.

- Due to the Luas project boundary intrusion, 132 parking spaces are proposed and the breakdown of all spaces are as follows:
  - 7 disabled spaces instead of 3
  - 4 EV spaces rising to 24, instead of 0
  - 9 cargo bike spaces instead of 0
  - 4 motorcycle spaces instead of 0
  - 30 P+R spaces
  - Separation of customer and delivery access
  - Safer access and circulation arrangements for pedestrians and vehicles, and set down areas.
- The Luas project may not proceed and holding back development is not reasonable.

2.3.3. To conclude, discussions have taken place with the Luas Design Team and the car parking arrangements and quantum have been agreed.

2.3.4. The submission was accompanied by a detailed Traffic Report, it reiterates points already made above, expanded and technical responses are as follows:

- Site boundary drawings required as further information were submitted (11 April 2022), drawing 201 Rev D, this brown dotted boundary would have no material impact on the existing Aldi site layout. Further Luas intrusion is shown as a dotted blue line and this would have a significant impact on operations. These changes have resulted in the proposal to relocate the new store westwards and provide service access from the southern entrance, as per drawing 03C-1Rev C and agreed with the Luas Design Team
- Proposed car parking amounted to 154 spaces, reduced to 150 spaces after the response to further information. After discussions with the Luas Design Team and land take, results in 132 spaces in accordance with the development plan standards as follows:
  - 87 Aldi and other units car spaces
  - 30 P+R spaces

- 7 disabled persons spaces
- 4 guardian and child spaces
- 4 EV spaces

2.3.5. The response is accompanied by a correspondence from the NTA dated 27 June 2022, that references a meeting date of 23 June 2022, revised drawing showing Luas project and that the site layout takes account of the Luas Finglas preliminary design to the NTA's satisfaction.

2.3.6. Response dated 21 December 2023

2.3.7. After changed circumstances, the applicant's new agent, notes the previous submission of the 21 December 2023 and reiterates all points contained therein, additional matters can be summarised as follows:

- The quantum of car parking is clarified, 132 spaces in total with 60 spaces at undercroft level.
- As 30 spaces are assigned to P+R, the actual customer based spaces amounts to 102, 1 space above the Council's assessment of spaces and in accordance with car parking standards set out in appendix 5 of the current plan. A condition concerning car parking monitoring and management will be acceptable.

2.3.8. The submission was accompanied by a detailed Traffic Report, it reiterates points already made above, expanded and technical responses are as follows:

- A rationale for car parking spaces required is set out in the context of the type of retail on offer and the assumption that most customers will shop once weekly and require onsite parking.
- Revised drawings show, P+R parking located at the southern end of the site.

## 3.0 **Assessment**

### 3.1. **Introduction**

3.1.1. In this, my updated report, I have confined myself to all new matters raised by the appellant and the planning authority. The issues to be dealt with include:

- Luas Alignment
- Car Parking and Southern Entrance
- Conclusion

### 3.2. Luas Alignment

- 3.2.1. The applicant has submitted material to support the proposed layout of the site and how it takes account of the Preferred Route for the extension of the Luas Green Line Finglas Luas project along this section of St. Margaret's Road. Both the National Transport Authority (NTA) and Transport Infrastructure Ireland (TII) explain that they continue to work on developing the final design that will form the application for a Railway Order. In this instance the relevant information includes correspondence from the NTA dated 27 June 2022 that confirms the proposed interface of the development with the alignment of the Luas extension is acceptable. This correspondence was not submitted in the grounds of appeal and its omission caused me some doubt. However, the NTA correspondence refers to a drawing (301 Revision C) and its suitability for their route is noted. The applicant has submitted two versions of this drawing, the notable differences between drawings is that one shows a Luas boundary line in yellow and this refers to the dashed yellow line shown on drawing PA 302 submitted as further information to the planning authority.
- 3.2.2. The drawing referenced by the NTA has been submitted by the applicant embedded within their report and is illustrated in A4 format. This is not ideal, and I would have preferred a definitive drawing at an appropriate scale with which to reference in any conditions should they be necessary. Nevertheless, the Finglas Luas Line Boundaries appear the same between drawing PA 302 and those submitted at A4 format within the applicant's responses to the Board dated 23 February 2024 and 21 December 2023. To ensure clarity of design and the avoidance of doubt a drawing that shows the NTA's desired boundary line should be show on a layout to the appropriate scale.
- 3.2.3. Given the lack of detail in the planning application and appeal documentation originally submitted by the applicant, I was uncertain that the proposed development could satisfactorily integrate with the Preferred Route for the extension of the Luas Green Line from Broombridge to Charlestown through Tolka Valley and Finglas village. The information now provided by the applicant changes matters and I can

see that the preferred alignment will not be impeded by the development as proposed, the NTA agree. Thus, the proposed development would accord with Policy SMT22 - Key Sustainable Transport Projects, of the Dublin City Development Plan 2022-2028 and would not militate against the delivery of key sustainable transport projects.

### 3.3. Car Parking and Southern Entrance

- 3.3.1. The applicant has provided additional material to support their rationale for the car parking quantum proposed and how the site is arranged and accessed. The planning authority reiterate that the car parking standards do not differ between development plans and appendix 5 of the current development plan refers. The applicant has set out a revised parking strategy and this includes the provision of 30 P+R spaces. In addition, two vehicular entrances are shown on map revision C to which the NTA are supportive of. According to the *Luas Finglas - Public Consultation on the Preferred Route Consultation Report* prepared by TII and dated August 2022, a month after the NTA correspondence of the 27 June 2022, no mention is made of a P+R facility at this particular location along St Margaret's Road. However, I am satisfied that the entire project is still at a preliminary and evolving stage and that specific design issues such as additional park and ride offerings can be determined at railway order stage. Hence, I am satisfied that the drawings tabled by the applicant all met with the qualified approval of the NTA and that includes the provision of 30 P+R spaces as well as two vehicular entrance points. That being so, the planning authority still raise a concern about parking spaces but remain silent in their response to the Board with regard to the provision of two vehicular entrances that formed part of the second reason for refusal.
- 3.3.2. Appendix 5 of the current development sets out car and cycle parking standards, table 2 refers to Maximum Car Parking Standards for Various Land Uses. The site is located in Zone 3 and table 2 states that a maximum of 1 car parking space per 30 sqm is acceptable. The applicant proposes to demolish the existing store (1,306 sqm) and build a new store (2,620 sqm gross floor area). In terms of simple arithmetic, this would mean that no more than 87 spaces should be provided for the new store and 36 spaces for the unaltered 1,100 sqm of retail and retail service units at the northern end of the site, a total of 123 spaces. The applicant explains in their response to the Board why the provision of 132 spaces is acceptable, sections 2.7 to

2.23 of the TPS M Moran and Associates Report refers. The report explains that parking is required for those units scheduled to remain unaltered, at the north of the site. In addition, the report explains the provision of different types and forms of car and cycle parking provision and these accord with appendix 5 of the current development plan. Finally, the applicant gives an undertaking to monitor and manage the proposed P+R spaces and will accept a suitable condition.

- 3.3.3. With reference to car parking, I am satisfied that the quantum and design of car parking proposed is within the parameters set by the development plan. Specifically, I note that car parking standards are set out in table 2 the current development plan are qualified by the following statement:

*Car parking above maximum permitted standards may be acceptable in very limited circumstances at the discretion of Dublin City Council. Such circumstances could include proposals where overspill car parking may arise, where the need to protect the primacy of the City in the regional retail hierarchy is identified, or where the need to accommodate car parking as part of a larger scheme of civic importance is apparent.*

- 3.3.4. In this instance, I consider that given the agreement of the NTA to drawings that show the provision of 30 P+R spaces, the need to accommodate car parking as part of a larger scheme of civic importance, has been met. I am also satisfied that if the Luas extension does not progress the difference between a maximum of 123 spaces advised by the development plan and the actual provision of 132 spaces would have no material impact on development plan policy SMT26 to ensure adequate but not excessive parking provision for short-term shopping, business and leisure uses.
- 3.3.5. In terms of the second entrance that posed difficulties for the planning authority, I also note that two vehicular entrances formed part of drawings that met with the approval of the NTA and so I see no reason to refuse permission on that basis. It will be necessary, however, that the technical standards of the planning authority are met with regard to the street interface and this can be addressed by a suitably worded condition.

#### **3.4. Conclusion**

- 3.4.1. The Board will note that my initial report highlighted the overall acceptability of the proposed retail development at this location. My reservations were related to the lack

of clear and definitive documentation and drawings related to the Luas alignment, car parking standards and vehicular entrance acceptability. These matters have been clarified by the responses submitted by the applicant at the request of the Board. I note that the planning authority remain concerned about the Luas alignment, development plan policy and car parking. However, I am satisfied that these matters have all been addressed by the applicant and subject to conditions that add clarity and definition, the proposed development is acceptable in the context of the Dublin City Development Plan 2022-2028, with specific reference to Policy SMT22 - Key Sustainable Transport Projects and Appendix 5: Transport and Mobility: Technical Requirements.

#### **4.0 Recommendation**

- 4.1. I recommend that planning permission should be granted subject to conditions, for the reasons and considerations as set out below.

#### **5.0 Reasons and Considerations**

Having regard to the provisions of the Dublin City Development Plan 2022-2028 that include Policy SMT22 - Key Sustainable Transport Projects and Appendix 5: Transport and Mobility: Technical Requirements, the established foodstore use of the site and the scale of the development as proposed, it is considered that the proposed development works, and subject to compliance with the conditions set out below, would not seriously injure the amenities of the area or of property in the vicinity. The proposed development would not, therefore, be contrary to the proper planning and sustainable development of the area.

1. 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 received by the planning authority on the 5<sup>th</sup> day of May 2022, and by the further plans and particulars received by An Bord Pleanála on the 21<sup>st</sup> day of December 2023 and on the 23<sup>rd</sup> day of February 2024 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.

Reason: In the interest of clarity.

2. Parking for the development shall be provided in accordance with a detailed parking layout which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The layout shall provide for:

(a) A total of 132 car parking spaces shall be provided within the site.

(b) Of the 132 car parking spaces, a total of 30 Park and Ride spaces shall be provided as detailed in drawing number PA 301 Revision C submitted to the Board on the 23<sup>rd</sup> day of February 2024 and shall include a monitoring and management plan to ensure use for public transport Park and Ride purposes once the Luas Green Line Finglas Extension along St Margaret's Road is complete and operational.

(c) landscaping within the boundary of the parking area,

(d) lining or other method of demarcation of the individual spaces.

Reason: To ensure a satisfactory parking layout in the interest of pedestrian and traffic safety and of visual amenity.

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

Reason: In the interest of visual amenity.

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

Reason: In the interest of visual amenity.

5. A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:-

(a) details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development;

(b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings;

(c) details of proposed street furniture, including bollards, lighting fixtures and seating; and

(d) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes of perimeter walls.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

Reason: In the interest of visual and residential amenity.

6. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

7. 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.

Reason: In the interest of public health.

8. The developer shall enter into water and wastewater connection agreements with Uisce Éireann prior to the commencement of development.

Reason: In the interest of public health.

9. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of amenity and public safety.

10. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

11. 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 traffic management measures, inclusive of HGV delivery routes, construction parking, and storage areas.

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

12. 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. 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.

Reason: In the interest of sustainable waste management.

13. 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 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.

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

14. A minimum of 10% of all car parking spaces shall be provided with functioning electric vehicle (EV) charging stations/points and ducting shall be provided for all remaining car parking spaces to facilitate the installation of electric vehicle charging points/stations at a later date. Where proposals relating to the installation of EV ducting and charging stations/points have not been submitted with the application, in accordance with the above requirements, such proposals shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development, and the agreed provisions shall be carried out and completed prior to the operational phase of the development.

Reason: In the interest of sustainable transport.

15. 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 retail centre. 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.

Reason: In the interest of encouraging the use of sustainable modes of transport.

16. 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 the 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.

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.

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Stephen Rhys Thomas  
Senior Planning Inspector

5 March 2024