



An
Bord
Pleanála

Board Order
PL 06F.248075

Planning and Development Acts 2000 to 2016

Planning Authority: Fingal County Council

Planning Register Reference Number: FW16A/0039

Appeal by Nathan Higgins of 12 Saddlers Crescent, Mulhuddart, Dublin against the decision made on the 27th day of January, 2017 by Fingal County Council to grant subject to conditions a permission to Aldi Stores (Ireland) Limited care of O'Connor Whelan and Associates of 222-224 Harold's Cross Road, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: A variation of condition number 3 of the permission granted under planning register reference number FW11A/0122 to allow the store to open from 9 a.m. to 10 p.m. on Monday to Friday and from 9 a.m. to 9 p.m. on Saturdays and Sundays. All at Main Street, Mulhuddart, Dublin.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

Having regard to the local centre zoning of the site in the Fingal County Development Plan 2017-2023, the established retail use of the site and to the existing pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development would not be out of character with development within the area and would not seriously injure the residential amenities of the area or of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

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 submitted on the 6th day of January, 2017, 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. All other conditions of previous permissions shall apply, save where modified by the following conditions.

Reason: In the interest of clarity.

2. The supermarket opening times shall only be between 09:00 to 22:00 hours Monday to Saturday inclusive (excluding public holidays) and only between 09:00 to 21:00 hours on Sundays and public holidays.

Reason: In the interest of clarity and in order to protect the residential amenities of the area.

3. (i) Within four weeks of the date of this order, the developer shall:
- (a) install fridge compressor noise jacket/s,
 - (b) change the pallet truck wheels from hard to soft pneumatic type wheels, and
 - (c) the alarm from reversing trucks shall be replaced with a Flag man and appropriate signage,
- unless otherwise agreed in writing with the planning authority.
- (ii) Within four weeks of the date of this order, the developer shall submit for the written agreement of the planning authority, details of a sound absorptive barrier or roofed enclosure around the loading area and a date for installation.

Reason: In the interest of residential amenity.

