



An
Bord
Pleanála

Board Order
PL 06F.248271

Planning and Development Acts 2000 to 2017

Planning Authority: Fingal County Council

Planning Register Reference Number: F17A/0007

Appeal by Michael Savage care of Hughes Planning and Development Consultants of The Mash House, Distillery Road, Dublin against the decision made on the 6th day of March, 2017 by Fingal County Council to grant subject to conditions a permission to Lidl Ireland GmbH care of Tony Bamford Planning of 127 Lower Baggot Street, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Amendment of operational trading hours from 08.00 hours to 21.00 hours Monday to Saturday and 10.30 hours to 21.00 hours on Sunday as per condition number 4 of An Bord Pleanála appeal reference number PL 06F.238054 (planning register reference number F10A/0088) to 08.00 hours to 22.00 hours Monday to Saturday and 09.00 hours to 21.00 hours on Sunday. This would also allow for the use of the air handling units granted under An Bord Pleanála appeal reference number PL 06F.242163 (planning register reference number F13A/0129, condition number 3) during the extended hours of trading and all associated works to accommodate the proposed development. All at Lidl, Rathbeale Road, Swords, County 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, the current use of the site and the pattern of existing development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the 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, 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. The hours of trading shall be between 08.00 hours and 22.00 hours on Mondays to Saturdays inclusive (excluding public holidays), and between 09.00 hours and 21.00 hours on Sundays and public holidays. No deliveries shall be taken at or dispatched from the premises outside the hours of 08.00 and 21.00, Mondays to Saturdays (excluding public holidays) and 10.30 hours and 19.00 hours on Sundays and public holidays.

Reason: To protect the residential amenities of the area.

3. During the operational phase of the proposed development, the developer shall ensure that all activities at the site shall not give rise to noise level off site, when measured at noise sensitive locations, which exceed
- (a) an L_{Aeq} (30 minutes) value of 55 dB(A) during the period 0800 hours to 2200 hours.
 - (b) an L_{Aeq} (30 minutes) value of 45 dB(A) during the period 2200 hours to 0800 hours.

There shall be no audible tonal component or impulsive component in the noise emission from the activity at any noise sensitive location.

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

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2017