



Planning and Development Acts 2000 to 2019

Planning Authority: Fingal County Council

Planning Register Reference Number: F19A/0208

Appeal by Aldi Stores (Ireland) Limited care of O'Connor Whelan of 222-224 Harold's Cross Road, Dublin against the decision made on the 9th day of July, 2019 by Fingal County Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council

Proposed Development: Alterations to a previously permitted retail development (planning register reference number F13A/0306 (An Bord Pleanála appeal reference number PL 06F.243093) and planning register reference number F18A/0594). The development will consist of: elevational changes along part of the northern and western elevations consisting of high level strip windows, consistent with existing approved strip windows; variation of condition number 12 of the parent permission (planning register reference number F13A/0306, An Bord Pleanála appeal reference number PL 06F.243093) to allow the store to trade from 9 am to 10 pm Monday to Friday and 9 am to 9 pm Saturday and Sunday; and change the delivery times to Monday - Saturday: 7 am to 8 pm, Sunday and Bank Holidays: 7 am to 8 pm. All at River Valley Shopping Centre, River Valley Road, Swords, County Dublin.

Decision

Having regard to the nature of the condition the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000, to AMEND condition number 7 so that it shall be as follows for the reason set out.

7. (a) Store opening hours shall be between 0900 hours and 2200 hours Mondays to Fridays and between 0900 hours and 2100 hours on Saturdays, Sundays and public holidays.

- (b) No deliveries shall be taken at or dispatched from the premises outside the hours of 0730 hours and 2000 hours Mondays to Fridays, or 0800 hours and 2000 hours on Saturdays, Sundays or public holidays.

Reason: To protect the amenities of residential property in the vicinity.

Reasons and Considerations

Having regard to the zoning objective for the site, the nature of existing and permitted development on the site and the pattern of development in the area, it is not considered that the proposed changes to opening hours or delivery hours allowed for in this condition would unduly impact on the amenities of the area or of property in the vicinity or conflict with the objectives of the current development plan for the area and would, therefore, be in accordance with the proper planning and sustainable development of the area.

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.

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

Dated this day of 2019.