

**Robert McLoughlin**  
RMLA Ltd.  
Unit 3B Santry Avenue Industrial Estate,  
Santry Avenue  
Dublin 9

**Date : 16-Aug-2023**

**Reg. Ref. :** SD22A/0128/C3  
**Proposal :** Amendment to Block D2, located towards the south-eastern corner of the site located north of Scholarstown Road called 'Two Oaks', formally incorporating dwellings known as 'Beech Park' and 'Maryfield (657sq.m) of the scheme granted under ABP Ref: 305878-19 and the non-material amendments permitted under ABP Ref: 311752-21; Block D2 as granted provided two retail units at ground floor level measuring 135sq.m and 112sq.m and a restaurant/cafe at first floor level measuring 271.5sq.m; The amendment proposes the provision of a single retail unit in Block D2 comprising the amalgamation of the two permitted ground floor units and the change of use of the first-floor unit from restaurant/cafe to ancillary retail floor area principally providing storage/back-of-house/office space for the retail unit at ground floor level; and all associated works. Retention permission is sought for minor elevational changes to Block D2.

**Condition 3:**

**Hours of Operation.**

Prior to the commencement of development the applicant/developer shall submit the opening hours for the unit for the written agreement of the Planning Authority.  
**REASON:** In the interest of residential amenity, and the proper planning and sustainable development of the area.

**Location :** Site at Scholarstown Road, Rathfarnham, Dublin 16  
**Applicant :** Ardstone Homes Limited  
**Application Type:** Compliance with Conditions

Dear Sir/Madam,

I refer to your submission received on 23-Jun-2023 to comply with Condition No 3 of Grant of Permission No. SD22A/0128, in connection with the above.

In this regard I wish to inform you that the submission received is deemed **not** compliant.

Comments:

“Compliance submission:

The applicant has submitted a compliance submission stating that Tesco Ireland Limited, which will occupy the unit, confirms the following opening hours:

Monday-Saturday 7am-10pm

Sunday 9am-10pm

Bank holidays 8am-10pm

Planner’s response:

A lot of stores in similar locations, also surrounded by residential development, have opening hours on a Saturday of 8am to 10pm. Given the sensitive location of the unit the opening hours on a Saturday should not fall outside of 8am to 10pm. The submission is therefore not considered to be fully in compliance with the condition.

**Conclusion**

The submission is **not** in compliance with Condition 3. “

Yours faithfully,

M.C.

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*for Senior Planner*