

An
Bord
Pleanála

Board Direction
BD-010819-22
ABP-311621-21

The submissions on this file and the Inspector's report were considered at a Board meeting held on 16/05/2022.

The Board decided to grant permission, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

Having regard to the zoning of the subject site, to the pattern of development in the area and to the nature, scale and form of the development, 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 including residential property in the vicinity, would be acceptable in terms of pedestrian and traffic safety and would constitute an appropriate form of use at this location. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered the totality of the documentation on the file, including the submissions from third parties and from the planning authority and also considered the planning history of the site. Specifically, the Board shared the opinion of the planning authority that the current proposed development constituted a significant reduction in the scale of overall development compared to the previous application on site and that the petrol station use would constitute the primary use with the deli counter and associated seating area representing a subsidiary use. In this regard the

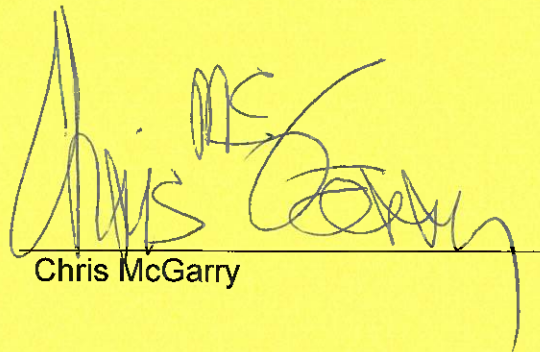
Board determined that recommended reason number 1 (scale of restaurant/café forming the primary use of the proposed development) and recommended reason number 2 (undermining of the role and function of nearby local centres and Swords Town Centre) as set out by the Inspector were not warranted. Furthermore, the Board determined that the scale, form and layout of the proposed development on zoned lands would not endanger public safety by reason of traffic hazard through obstruction of road users and that having regard to the distance of the proposed development from residential properties on the opposite side of the existing public road, that the proposed development would not seriously injure the residential amenity of residential properties in the vicinity.

Conditions

Attach PA condition numbers: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, 16, 17.

Add in standard construction management plan condition and bond condition.

Board Member



Chris McGarry

Date: 02/06/2022