



An
Bord
Pleanála

Board Order
ABP-313643-22

Planning and Development Acts 2000 to 2022

Planning Authority: Dublin City Council

Planning Register Reference Number: 3444/22

Appeal by Inishelm Limited care of Michael Halligan Planning Consultants of Seapoint House, Balbriggan, County Dublin against the decision made on the 28th day of April, 2022 by Dublin City Council to refuse a permission for the proposed development.

Proposed Development: Retention of awning with retractable roof covering and fixed side panels at rear, and all associated site works at The Comet, 243-245 Swords Road, Santry, 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.

Reasons and Considerations

Having regard to the zoning of the site as part of a neighbourhood centre under objective Z3 of the Dublin City Development Plan 2022-2028, to the established use of the site as a public house, and to the size of the structure whose retention is proposed, and its separation from neighbouring houses, it is considered that, subject to compliance with the conditions set out below, the development proposed to be retained would not seriously injure the amenities of property in the vicinity of the site and would comply with the provisions of the development plan. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained, 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 and the development shall be retained, carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. No amplified music or other specific entertainment noise shall be permitted in the structure whose retention is permitted or elsewhere on the site outside the main building. Any amplified music or other specific entertainment noise from within the main building shall not be audible on residential properties adjoining the site.

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

3. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid with three months of the date of this Order or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.



Mick Long

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this *28* day of *September* 2023.