



An
Bord
Pleanála

Board Order
ABP-320719-24

Planning and Development Acts 2000 to 2022

Planning Authority: South Dublin County Council

Planning Register Reference Number: SD24A/0147W

Appeal by Greenwin Limited care of The Black Lion Public House of Orchard Lane, Clondalkin Village, Clondalkin, Dublin against the decision made on the 6th day of August, 2024 by South Dublin County Council to refuse permission for the proposed development.

Proposed Development: The retention of a single-story pavilion structure (floor area 203 square metres) and will consist of two proposed acoustic lobbies (floor area 11.6 square metres) at the rear of the existing premises. The use of the pavilion structure is ancillary to the existing bar and restaurant use on the site. Permanent permission sought for the pavilion structure at The Black Lion Public House, Orchard Lane, Clondalkin Village, Dublin (A Protected Structure).

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 information submitted with the application and the nature and scale of the development proposed to be retained, it is considered that, subject to compliance with the conditions set out below, the development proposed to be retained would comply with the zoning objective for the site as set out in the South Dublin County Development Plan 2022–2028, would not be injurious to the visual or residential amenities of the area and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained 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 within three months of the date of this Order and the development shall be retained in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The use of the pavilion shall be restricted to that of a beer garden only, ancillary to the use of the public house/restaurant. The pavilion shall not be used for the purposes of a music club/night club or live music venue and there shall be no use of amplification for music, television, or presentations.

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

3. The pavilion structure shall close at 2300 hours each night.

Reason: In the interest of residential amenity.

4. During the operational phase of the proposed development, the noise level shall not exceed (a) 55 dB(A) rated sound level between the hours of 1200 to 2300, and (b) 45 dB(A) 15min and 60 dB LAfmax, 15min at all other times, (corrected for a tonal or impulsive component) as measured at the nearest dwelling or at any point along the boundary of the site. Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

5. Surface water drainage arrangements shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

6. Prior to commencement of development, the developer shall submit to the planning authority, for their written agreement, a revised layout for the car park, of not less than 1:200 scale, that includes sufficient and appropriately marked car parking spaces for those with a Disabled Persons Parking Permit and for the charging of EV vehicles.

Reason: In the interest of orderly development and sustainable transportation.

7. 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 prior to commencement of development 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.


Declan Moore

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



Dated this 16th day of JANUARY 2025.