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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Clare County Council**

**Planning Register Reference Number: P19/510**

**Appeal** by Derek Considine trading as Derek Considine Car Sales Limited care of Deirdre Foran of Lisdoonvarna, County Clare against the decision made on the 20<sup>th</sup> day of November, 2019 by Clare County Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Retention of the following: 1. New advertising signage on existing totem structure in the north-eastern corner of the site. 2. The increase in car sales parking spaces provided within the site from 39 to 53. 3. The security fencing on all site boundaries. 4. The realigned and altered sections of the security fencing along the front and rear boundaries of the site. And all ancillary site works associated with and relevant to the development at Ennis Road, Leagard North, Miltown Malbay, County Clare.

**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.**

## **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.

## **Reasons and Considerations**

Having regard to the zoning objective for the site in the Clare County Development Plan 2017-2023, and the planning history of the site, it is considered that the retention of planning permission for the works sought, subject to compliance with the conditions set out below, would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health and would generally be acceptable in terms of traffic safety and convenience. 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 as amended by the further plans and particulars submitted on the 24<sup>th</sup> day of October 2019 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. (a) Car parking spaces numbers 14, 15 and 44 shall not be permitted to accommodate the parking of vehicles in the forecourt area. Within three months of the date of this Order, the applicant shall provide a formal undertaking to the planning authority that cars will not be parked/advertised for sale on these spaces. A revised site layout plan shall be submitted to and agreed in writing with the planning authority which clearly shows the omission of the said spaces.
- (b) No parking of vehicles associated with the operation of the car showroom and sales business shall take place on the public road or any other area outside the boundaries of the site.

**Reason:** In the interests of traffic safety and visual amenity.

3. Within six months of the date of this Order, the applicant shall provide a footpath along the entire length of the front boundary of the site. The footpath shall be 1.8 metres in width measured from the edge of the public road. Prior to commencement of construction of same the applicant shall submit full details regarding the provision of the footpath and the setting back of the existing boundary wall and fence and such details shall be agreed in writing with the planning authority.

**Reason:** In the interest of pedestrian and vehicular safety.

4. The security fence along the rear boundary of the site along the common boundary of number 2 Meadowlands Drive and number 3 Meadowlands Drive shall be omitted in its entirety. The said boundary fencing shall be removed within three months of the date of this Order.

**Reason:** To protect the visual amenities of residents in the vicinity of the subject site.

5. All surface water drainage arrangements shall be agreed in writing with the planning authority within three months of the date of this Order. Any soiled surface water run-off arising from the washing of vehicles on the site shall be directed through hydrocarbon interceptors prior to discharge to the main surface water drainage network.

**Reason:** In the interest of orderly development.

6. The permitted signage including signage on the totem pole shall not be internally illuminated.

**Reason:** In the interest of visual amenity.

7. The fencing along the roadside boundary shall be reinstated so as to be grey in colour. The applicant shall submit photographic evidence of same to the planning authority for written agreement within six months from the date of this Order.

**Reason:** In the interest of visual amenity.

8. No unloading of cars shall take place on public roads or residential estate roads in the vicinity of the site.

**Reason:** In the interests of traffic safety, residential amenity and orderly development.

9. 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 within three months of this 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.

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

**Dated this            day of            2020**