



An  
Bord  
Pleanála

**Board Direction**  
**BD-007700-21**  
**ABP-308775-20**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 11/03/2021.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

### **Reasons and Considerations**

Having regard to the location of the site in town centre on lands zoned mixed use in the Clare County Development Plan 2017-2023 and the pattern of development at this location, 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 and adjoining properties. 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 in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 5<sup>th</sup> day of October, 2020, 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 in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. Operation hours including baking shall be carried out only between the hours of 0600 to 1700 Mondays to Saturdays inclusive and between 0700 to 1700 hours on Sundays and public holidays.

**Reason:** In order to safeguard the amenities of property in the vicinity.

3. The developer shall install a carbon filtration system as specified in the documents submitted to the planning authority on the 5<sup>th</sup> day of October, 2020.

**Reason:** In order to safeguard the amenities of property in the vicinity.

4. The mitigation measures listed under Option A (apart from operating hours) set out in the documents submitted to the planning authority on the 5<sup>th</sup> day of October, 2020 shall be implemented in full, unless otherwise specified by the conditions attached. Revised drawings showing compliance with this condition shall be submitted within two months of the date of this Order to the planning authority for written agreement. The works shall be completed within a further two months of the date of agreement with the planning authority.

**Reason:** In order to safeguard the amenities of property in the vicinity.

5. Bin storage shall be by way of fully enclosed bins with secure lids.

**Reason:** In the interests of orderly development and adjoining amenity.

6. 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

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.

**Board Member**

**Date:** 12/03/2021

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Michelle Fagan