

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Clare County

Planning Register Reference Number: 15/782

An Bord Pleanála Reference Number: PL 03.246135

APPEAL by Michael and Nuala Crosse care of Michael J. Duffy of 1 Clós Na hEaglaise, Kilfenora, County Clare against the decision made on the 15th day of January, 2016 by Clare County Council to grant subject to conditions a permission to Sean and Fiona Haugh care of Deirdre Foran Design of Lisdoonvarna, County Clare in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Retention of the following changes to that granted originally by 042567: (1) The retention of part of the restaurant area for use as both a butcher and deli sales, display and preparation, (2) The retention of the signage as erected on the building, and (3) The retention of the extractor fan on the northern gable of the building, all at The Market House, (a protected structure), Church Street, Ennistymon, 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 nature and scale of the development proposed for retention including the scale of the proposed butcher and delicatessen use, the Board considered that the development proposed to be retained, subject to compliance with the conditions set out below, including a condition requiring the omission of signage and an extractor fan, would be acceptable in terms of its impact on the character of the Protected Structure, would not seriously injure the residential or visual amenities of the area and would 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 prior to the commencement of development and the development shall be retained in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The following shall be omitted from this retention permission:
 - (a) The elongated sign on the southern gabled elevation,
 - (b) The two number banners located on the front elevation, and
 - (c) The extractor fan in the northern gabled elevation.

Reason: In the interest of visual and residential amenity.

- 3 Within two months of the date of this Order, details of a scheme for the housing of bins associated with the uses carried out in the Market House shall be submitted to, and agreed in writing with, the planning authority. The scheme shall be implemented within two months of the date of agreement with the planning authority.

Reason: In the interest of visual and residential amenity and public health.

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

Dated this day of 2016.