



An
Bord
Pleanála

**Board Order
PL 03.248804**

Planning and Development Acts 2000 to 2017

Planning Authority: Clare County Council

Planning Register Reference Number: P17/267

Appeal by P.K. Yeung and others care of Jade Cottage, Unit 3 Roslevan Centre, Tulla Road, Ennis, County Clare against the decision made on the 7th day of June, 2017 by Clare County Council to grant subject to conditions a permission to J.C.F. Verdant Investments care of Hassett Leyden and Associates of 4 Bindon Street, Ennis, County Clare in accordance with plans and particulars lodged with the said Council:

Proposed Development: Change of use from vacant retail unit to Asian restaurant along with associated alterations and services at Unit 3, Gort Road Shopping Centre, Gort Road, Ennis, 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 commercial zoning objective, the pattern of development in the vicinity and the scale and nature of the proposed development, it is considered that, subject to compliance with conditions set out below, the proposed development would not be prejudicial to public health, would not seriously injure the visual amenities of the area or of residential amenity of the adjoining dwellings and would not have a serious negative impact on the vitality and viability of Ennis Town Centre. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be 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 prior to commencement of development and the development shall be carried out and completed out in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Details of all external shopfronts and signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of the amenities of the area/visual amenity.

3. (a) Details of the grease trap to be provided within the curtilage of the site shall be submitted to, and agreed in writing, with the planning authority prior to commencement of the development.
- (b) No air conditioning extractor fans or other apparatus shall be mounted on the façade of the premises.

Reason: In the interest of public health and proper planning.

4. A plan containing details for the management of waste and, in particular, recyclable materials within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

