



An
Bord
Pleanála

Board Order

PL 03.249035

Planning and Development Acts 2000 to 2017

Planning Authority: Clare County Council

Planning Register Reference Number: P17/386

Appeal by Catherine Considine of Main Street, Liscannor, County Clare against the decision made on the 14th day of July, 2017 by Clare County Council to grant subject to conditions a permission to Tony Considine care of Thomas Burke of Feighroe, Connolly, Ennis, County Clare in accordance with plans and particulars lodged with the said Council.

Proposed Development: Retain upgraded roofed smoking area, storage shed and associated site works to the rear of Joseph McHugh's licensed premises at Main Street, Liscannor, 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 provisions of the Clare County Development Plan 2017-2023, the location of the site within the town centre of Liscannor, to the established use of the lands, and to the nature and scale of the development, it is considered that, subject to compliance with the conditions set out below, the development for which retention is sought would not seriously injure the amenities of the area or of property in the vicinity, and would not, therefore, be contrary to 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.

Reason: In the interest of clarity.

2. No sale of beverages shall occur from the rear yard, storage area or smoking area. The sale of beverages shall be restricted to the interior of the licensed premises only.

Reason: In the interests of orderly development and in order to safeguard the residential amenities of the area.

3.
 - (a) No music, amplified or otherwise, shall be played at any time in the rear yard or smoking area hereby permitted.
 - (b) The existing speakers within the yard, the smoking area and storage shed, and all speakers affixed to the exterior of the main buildings, shall be permanently removed within two months of the date of this order, and no new speakers shall be erected at any location on the exterior of the buildings, nor within the smoking areas hereby permitted at any time in the future.
 - (c) No projection screens shall be erected within the development and any existing such screens shall be permanently removed within two months of the date of this order.
 - (d) The area hereby permitted shall not be used for functions, meetings or other events at any time.

Reason: In order to safeguard the residential amenities of the area.

4. No window openings are permitted on the side elevations along the party boundary of the smoking areas or the storage shed.

Reason: In the interest of residential amenity.

5. All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.

Reason: In the interests of pedestrian and traffic safety and to prevent pollution.

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 six months of the date of this order 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.

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

Dated this day of 2018