

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2017

Clare County

Planning Register Reference Number: P17/613

An Bord Pleanála Reference Number: ABP-300046-17

APPEAL by O'Sullivan and Hansbury Motors care of P. Coleman and Associates of Bank Place, Ennis, County Clare and by Clare Car and Tractor Parts Limited and Lohan Property Limited care of HRA Planning Limited of 3 Hartstonge Street, Limerick and by others against the decision made on the 2nd day of October, 2017 by Clare County Council to grant subject to conditions a permission to the said Clare Car and Tractor Parts Limited and Lohan Property Limited.

PROPOSED DEVELOPMENT: Development consisting of a change of use from, and modifications to, an existing 'retail warehouse' development previously granted under (Ennis Town Council) planning reference 05/134 to provide for a mixed use neighbourhood centre and, medical services. The proposed development shall include: (1) amalgamation and change of use of the four permitted ground floor 'retail warehouse' units to provide for (a) a supermarket including a licensed alcohol sales area; (b) eight number neighbourhood centre retail units with new independent shop front entrances; (c) neighbourhood centre management areas; (d) revision and extension to the main entrance and internal foyer area; (e) revised lifts and stairwell configurations to/from first floor including new foyer; (2) modification to first floor layout and part change of use of the permitted retail warehouse space to (a) supermarket services and store areas ancillary to the proposed ground floor supermarket and (b) a medical services facility including consultant rooms and associated waiting and administration area; (3) modifications to building façade

design and treatments including provision of new shop front canopies; (4) provision of dedicated enclosed service yard to the rear (south) elevation to serve the proposed supermarket with projecting service door canopy; (5) provision of individual retail unit signage and neighbourhood centre totem signage; (6) modification to and reconfiguration of site layout plan including incorporation of land adjacent to the Clonroadbeg Road to provide for additional parking and internal circulation areas; (7) provision of new electrical switch room; and (8) all ancillary site development works, all at Cahercalla More, Kilrush Road, Clonroadbeg, Ennis, County Clare.

DECISION

REFUSE permission for the above proposed development based on the reasons and considerations 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 –

- (a) the scale of the proposed development which would provide for a total floor area in excess of 6,000 square metres served by 216 car-parking spaces,
- (b) the mix of uses proposed including retail and medical uses of a significant scale in the context of Ennis,
- (c) the pattern of development in the area, the distance of the site from the town centre of Ennis and the location of the site on a major link road between the town centre and the N85 ring road and M18 motorway, and
- (d) the existing quantum of retail and commercial development within Ennis and the level of vacancy currently prevailing therein,

it is considered that, notwithstanding the zoning of the site for use as a neighbourhood centre, and objective COM6, the proposed development would be of an excessive scale which is beyond what would be reasonably envisaged for a neighbourhood centre in this area and would be of a nature and scale that would create a counter-attraction to existing town centre services. This would seriously impact on the vitality and vibrancy of Ennis town centre and would constitute an unsustainable form of development which would be principally dependent on private car based transport and on serving a wider catchment than the Cahircallamore neighbourhood area, as envisaged by objective COM6 in the Development Plan. The proposed development would, therefore, contravene the policies of the Mid-West Retail Strategy and Mid-West Regional Planning Guidelines 2010-2022 and the strategic aim of the current Clare County Development Plan, which seek to consolidate town centres and co-ordinate transport and land use planning thereby reducing the need to travel, and would conflict with objective V3(2)(8)(c) of the Development Plan, which seeks to encourage the provision of new neighbourhood centres...in order to provide a mix of uses and services suited to the scale of the local neighbourhood. Furthermore, having regard to the "Retail Planning Guidelines for Planning Authorities", issued by the Department of the Environment, Heritage and Local Government in April 2012, which seek to protect the vitality and viability of town centres as the primary focus for retailing development, the Board is not satisfied that a location closer to the town centre of Ennis is not available for the scale of development proposed. The proposed development would, therefore, be contrary to these Ministerial Guidelines, to the overall provisions of the Development Plan and to the proper planning and sustainable development of the area.

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

Dated this day of 2018.