



Planning and Development Acts 2000 to 2018

Planning Authority: Clare County Council

Planning Register Reference Number: P18/420

Appeal by Softdrive Limited care of Connellan and Associates of Sonas, Cahercalla Wood, Ennis, County Clare against the decision made on the 17th day of July, 2018 by Clare County Council to grant subject to conditions a permission to OBSF (1) Limited care of Carr Associates Architects of Unit 3, Chapel Court, Cathedral Place, Limerick in accordance with plans and particulars lodged with the said Council.

Proposed Development: Change of use from retail to restaurant with sit-down dining area, ancillary take-away facility, and all associated works above and below ground at Sky Court Shopping Centre, Ground, Floor Unit A16, Shannon, County Clare.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars 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 the policies and objectives of the Clare Country Development Plan 2017-2023 and the Shannon Town Centre and Environs LAP 2012-2018, and having regard to the location and nature of the proposed take-away use, it is considered that, subject to compliance with the conditions set out below, the proposed development would be an appropriate form of development at this location, would not lead to an over-concentration of takeaway uses in Shannon Town Centre and would not seriously injure the amenities of the area or of property in the vicinity. 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 in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The restaurant and take-away facility shall not be operated between 23:00 hours and 08:00 hours on any day.

Reason: In the interest of protecting the amenities of property in the vicinity.

3. Adequately sized grease traps shall be provided within the curtilage of the premises.

Reason: In the interest of public health and development control.

Terry Ó Niadh

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

Dated this day of 2018.