



Planning and Development Acts 2000 to 2020

Planning Authority: Clare County Council

Planning Register Reference Number: P20/14

Appeal by Fionoora Management Company Limited care of Leahy Planning Limited of Mill Road House, Mill Road, Ennis, County Clare against the decision made on the 30th day of October, 2020 by Clare County Council to grant subject to conditions a permission to Hugh Galloway care of Senan Killeen of Baunkyle, Corofin, County Clare in accordance with plans and particulars lodged with the said Council.

Proposed Development: Retention of the change of use from shop to café/bakery with a customer area of approximately 21 square metres and all associated site works at 9 Fionoora, Kettle Street, Lahinch, 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 location of the site in the town centre on lands zoned “mixed use” in the Clare County Development Plan 2017-2023 and the pattern of development at this location, it is considered that, subject to compliance with the conditions set out below, the development proposed for retention would not seriously injure the amenities of the area or of adjoining properties. The development proposed for retention would, therefore, 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, as amended by the further plans and particulars submitted on the 5th day of October, 2020, 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 and the development shall be retained in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Operation hours including baking shall be carried out only between the hours of 0600 to 1700 Mondays to Saturdays inclusive and between 0700 to 1700 hours on Sundays and public holidays.

Reason: In order to safeguard the amenities of property in the vicinity.

3. The developer shall install a carbon filtration system as specified in the documents submitted to the planning authority on the 5th day of October, 2020.

Reason: In order to safeguard the amenities of property in the vicinity.

4. The mitigation measures listed under Option A (apart from operating hours) set out in the documents submitted to the planning authority on the 5th day of October, 2020 shall be implemented in full, unless otherwise specified by the conditions attached. Revised drawings showing compliance with this condition shall be submitted within two months of the date of this Order to the planning authority for written agreement. The works shall be completed within a further two months of the date of agreement with the planning authority.

Reason: In order to safeguard the amenities of property in the vicinity.

5. Bin storage shall be by way of fully enclosed bins with secure lids.

Reason: In the interests of orderly development and adjoining amenity.

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 three months of the date of this Order or in such phased payments as the planning authority may facilitate 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.

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

Dated this day of 2021.