



An
Bord
Pleanála

Board Order
ABP-310118-21

Planning and Development Acts 2000 to 2020

Planning Authority: Clare County Council

Planning Register Reference Number: P21/119

Appeal by Fazammy Limited care of P. Coleman and Associates of Bank Place, Ennis, County Clare against the decision made on the 8th day of April, 2021 by Clare County Council to refuse permission for the proposed development.

Proposed Development: Change of use of part of the existing retail unit to a coffee shop and associated site works at Unit 2, Quin Road Business Park, 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 zoning objective for the area, the pattern of development in the area and the nature and scale of the proposed development, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area and would be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered the modest floor space and scale of the proposed coffee shop use, which is part only of the existing unit, is situated within a broader employment area and is distant from the town centre and in this context determined that the modest coffee shop use would provide a facilitative service to the established employment related population in this area and would not militate against the viability and vitality of the Ennis town centre.

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. Prior to the commencement of use on site as a coffee shop, details for the effective control of fumes and odours emanating from the development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of public health and to protect the amenities of the area.

3. Details of the proposed hours of operation of the coffee shop shall be agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of residential amenity.

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 waste and in particular recyclable materials and for the ongoing operation of these facilities 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.

5. The grant of permission excludes the use of the premises as an internet café or for the sale of hot food for consumption off the premises.

Reason: In the interest of the protection of the amenity and character of the area.

6. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

7. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

Reason: In the interest of public health.

8. No signage, advertising structures/advertisements, security shutters, or other projecting elements, including flagpoles, shall be erected within the site without the prior agreement, in writing, of the planning authority.

Reason: To protect the visual amenities of the area.



9. 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 prior to the commencement of development 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.



Terry Ó Niadh

Member of An Bord Pleanála

duly authorised to authenticate
the seal of the Board.



Dated this 4th day of August 2021.