



An  
Bord  
Pleanála

## Board Order ABP 312296-21

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**Planning and Development Acts 2000 to 2021**

**Planning Authority: Clare County Council**

**Planning Register Reference Number: P21/1045**

**Appeal** by Maxol Limited care of Pabia Consulting Limited of Unit 1G North Valley Business Centre, Mallow Road, Cork against the decision made on the 25<sup>th</sup> day of November, 2021 by Clare County Council to refuse permission for the proposed development.

**Proposed Development:** Relocation and refurbishment of Maxol café/deli area, including food preparation and clean-up areas with chiller/freezer rooms (area 65.55 square metres); change of use of children's play area to restaurant use (area 48.25 square metres); provision of a second hot-food take-away offering including order/sales counters, kitchen and clean-up area, chiller/freezer rooms, store and supervisor office (area 95.44 square metres incorporating change-of-use area 48.25 square metres); revised circulation area (area 87.61 square metres); revised seating area (area 74.93 square metres) and revised Maxol back-of-house area including ATM room, manager's office, staff facilities and electrics room (area 93.62 square metres); sale of hot food for consumption both on and off the premises; provision of external customer seating area at northern elevation of forecourt building (26 seats); provision of additional external corporate signage to forecourt building on eastern elevation (area 0.57 square metres); installation of dedicated grease trap for the new

hot-food area under previously approved parking area at rear of existing forecourt building; provision of an additional M&E switch room (area 12.69 square metres) and all necessary air-handling/ventilation /extract-air equipment at rear of existing building; lowering section of stone wall on northern and eastern boundaries to 450 millimetres overall height around Maxol ID totem sign and all associated site works all at Maxol Service Station, Ennis Road, Clarecastle, 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.**

## **Reasons and Considerations**

Having regard to the location of the site on lands zoned 'mixed use' under the provisions of the Clare County Development Plan 2023-2029, the established pattern of development on the site and the planning history, specifically the parent planning permission, planning register reference number P16/764, it is considered that, subject to compliance with the conditions set out below, the proposed development would not endanger public safety by reason of traffic hazard or obstruction of road users and would not result in the creation of a destination that would adversely impact upon the vitality and viability of Ennis and Clarecastle. 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. Prior to the opening and commencement of trading of the second hot-food counter, the car parking layout as approved under planning register reference number 20/830 shall be constructed and operational.

**Reason:** In the interest of the proper planning and sustainable development of the area.

3. Details of all external signage associated with the proposed development shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

4. 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.



Mary Henchy

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



Dated this 2 day of June 2023