

Planning and Development Acts 2000 to 2022

Planning Authority: Clare County Council

Planning Register Reference Number: P21/1376

Appeal by James Quinn and Margaret Marcus of Shannon Garden Centre, Smithstown, Shannon, County Clare against the decision made on the 7th day of October, 2022 by Clare County Council to grant subject to conditions a permission to Flan O'Neill care of D Collins Consulting Engineers and Construction Limited of Ballymorris, Cratloe, County Clare in accordance with plans and particulars lodged with the said Council.

Proposed Development: Retention permission for opening an entrance and hanging a farm gate at Smithstown, 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 under and subject to the conditions set out below.

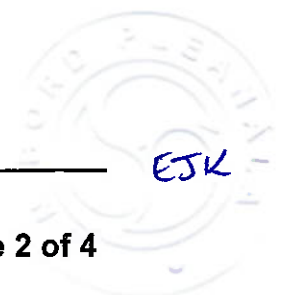
Reasons and Considerations

Having regard to the Clare County Development Plan 2023-2029, the form and layout of the proposed development, the roads layout in the area and surrounding land uses, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities of the area or the residential amenities of property in the vicinity and would be acceptable in terms of traffic safety and convenience. 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 as amended by the further plans and particulars submitted on the 12th day of September 2022, 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.

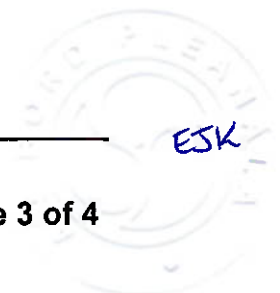


2. (a) Comprehensive plans and details regarding the implementation of sight distances, including consent for specific required works, regarding the front boundary treatment of the site and of adjacent land as per plans and details submitted on the 12th day of September 2022, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (b) The entrance hereby permitted shall not become operational unless the sight distances are established and have been completed in full to the satisfaction of the planning authority.

Reason: In the interest of traffic safety.

3. 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.



4. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

Eamonn James Kelly

Eamonn James Kelly

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this *21st* day of *November* 2023.