

Planning and Development Acts 2000 to 2022

Planning Authority: Clare County Council

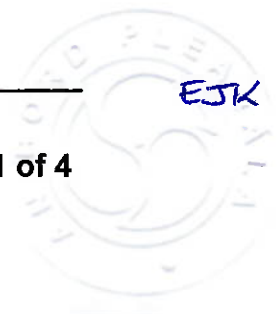
Planning Register Reference Number: P21/1377

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: A storage yard for the storage of gravel and to provide a display area for walling and patio materials 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 of development, the zoning of the land, 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 use and 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 attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

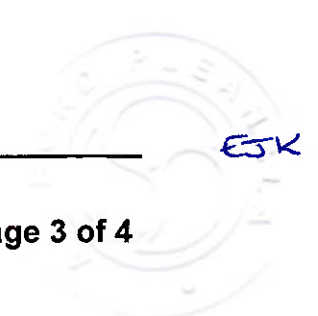
Reason: In the interest of public health.

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.

5. Prior to commencement of development the developer shall enter into water and/or wastewater connection agreement(s) with Uisce Éireann.

Reason: In the interest of public health.



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 prior to 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.

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.

