



Planning and Development Acts 2000 to 2022

Planning Authority: Clare County Council

Planning Register Reference Number: P22/660

Appeal by Martin O'Malley of Clare Car and Tractor Parts Limited of Gort Road Industrial Estate, Ennis, County Clare against the decision made on the 7th day of November, 2022 by Clare County Council to grant subject to conditions a permission to Balloonloft Limited care of James Corbett Architects of 11 The Crescent, Limerick in accordance with plans and particulars lodged with the said Council:

Proposed Development: The development will consist of the following: (i) construction of a warehouse extension to light industrial unit number 3; (ii) minor alterations to unit numbers 1 and 2; (iii) erection of new signage boards; (iv) construction of six number car parking bays; (v) construction of one number loading bay; (vi) associated landscaping and (vii) all associated site development works including roads, paths, paving, parking bays, drainage, street lighting, modification to existing ground levels and boundary treatments at Ennis Enterprise Centre, Gort Road Industrial Estate, Gort Road, Dulick, 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.

Reasons and Considerations

Having regard to the zoning objective of the site for Light Industry as set out in the Clare County Development Plan 2023-2029, and the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of property in the vicinity or endanger public safety by reason of a traffic hazard and would constitute an acceptable form of development at this employment location. 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 particulars submitted on the 13th day of October 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 and the development shall be retained and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. (a) The roller shutter/loading bay access ope shall be omitted from the western elevation of the development. A revised drawing in this regard shall be agreed with the planning authority prior to the commencement of development.

(b) The public footpath to the west of the site shall not be used for deliveries, parking or loading by vehicles.

Reason: In the interests of clarity and road safety.

3. Drainage arrangements for the disposal of surface water shall comply with the requirements of the planning authority for such works.

Reason: To ensure adequate servicing of the development and in the interest of public health.

4. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and amenity.

5. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting the 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.



Stewart Logan

Stewart Logan

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this *8* day of *January* 2024.