



An
Bord
Pleanála

Board Order ABP-319819-24

Planning and Development Acts 2000 to 2022

Planning Authority: Clare County Council

Planning Register Reference Number: 23/60153

Appeal by Eileen O'Grady care of Michael J. Duffy of 1 Clós na hEaglaise, Kilfenora, County Clare against the decision made on the 1st day of May, 2024 by Clare County Council to grant subject to conditions a permission to Caitriona Finn care of Diarmuid Keane and Associates of O'Curry Street, Kilkee, County Clare in accordance with plans and particulars lodged with the said Council.

Proposed Development: Retention of three number cooling units to the rear of the premises along with all associated site works, all at The Corner Bar, The Square, Ennis Road, Kildysart, County Clare.

Decision

GRANT permission for the above 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, the design, layout and scale of the development proposed to be retained, and the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the development proposed to be retained would not seriously injure the visual or residential amenities of property in the vicinity, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 2nd day of April, 2024, 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 in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Within three months of the date of this order, the developer shall submit exact details (drawings and associated particulars), including materials, design and finishes, of the proposed acoustic barrier to be provided around the three existing cooler units for the written agreement of the planning authority. These barriers shall permanently achieve internal noise levels (when measured at the windows of adjacent dwelling) not exceeding 35 dB(A) LAeq during the period from 0700 to 2300 hours and 30 dB(A) LAeq at any other time. Certification from an acoustic engineer or other suitably qualified professional, with professional indemnity insurance, that the acoustic attenuation barrier shall achieve these requirements shall also be submitted. An implementation plan and agreed timeline for installation shall be submitted to the planning authority.

Reason: In the interest of clarity and to protect the residential amenity of adjoining property.



Peter Mullan

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board**

Dated this 10th day of December, 2024.