



Board Direction

Ref: 235098

The submissions on this file and the Inspector's report were considered at a Board meeting held on 4th March 2010.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, subject to the amendments to the Inspector's draft reasons, considerations and conditions as set out below.

REASONS AND CONSIDERATIONS

Having regard to the location of the site within the town centre of Clara, the planning history of the site, the pattern of development in the vicinity and the town centre zoning objective for the area under the Clara Local Area Plan 2005, it is considered that the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would be acceptable in terms of traffic safety and convenience and would not prejudice public health. 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 the 24th day of August 2009, except as may otherwise be required in order to comply with the following conditions. Where such conditions require points of detail to be agreed with the planning authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars.

Reason: In the interest of clarity

2. This decision to grant permission is in respect of the following amendments only to block A, within that development permitted under PL19.224942, comprising of a complete change of plan and of elevations, the omission of the basement, first and second storeys levels, the provision of 126no. surface car parking spaces, and the provision ancillary refuse and storage areas. The development shall in all other respects comply with permission PL19.224942 and with the conditions attached thereto, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

3. Prior to commencement of construction of development, details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to the planning authority for agreement. In this regard, sample panels shall be erected on site to facilitate the planning authority.

Reason: In the interest of orderly development and the visual amenities of the area.

4. 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

5. Details in relation to signage, public lighting and security measures throughout the entire scheme, including the individual units, and shall be submitted to and agree with the planning authority prior to the commencement of the development. The main retail unit shall not be subdivided without a prior grant of planning permission.

Reason: In the interests of visual and residential amenity.

6. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interest of orderly development and the visual amenities of the area.

7. Prior to commencement of development the developer shall submit, and obtain the written agreement of the planning authority to, a plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials, and for the ongoing operation of these facilities.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

8. The developer shall facilitate the planning authority in the archaeological appraisal of the site and in preserving and recording or otherwise protecting archaeological materials or features which may exist within the site. In this regard, the developer shall:-

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and
- (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:-

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

Prior to commencement of development, a report containing the results of the assessment shall be submitted to the planning authority. Arising from this assessment, the developer shall agree with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be referred to the Board for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation of any remains which may exist within the site.

- 9. The site, including boundaries, shall be landscaped in accordance with a scheme of hard and soft landscaping, details of which shall be submitted to the planning authority for written agreement before development commences. The tree planting shall be carried out along the south eastern boundary shall be augmented to provide a screen between the surface car park and the road. The scheme shall include a timescale for its implementation.

Reason: In the interest of visual amenity.

- 10. 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. 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 the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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.

11. The developer shall pay to the planning authority a financial contribution in respect of the Clara sewerage scheme upgrade in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000. 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. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine.

Reason: It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

Board Member: _____ Date: 4th March 2010
Mary Bryan