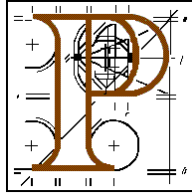


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2006

Carrick-on-Suir Town

Planning Register Reference Number: 05/74

An Bord Pleanála Reference Number: PL 44.219630

APPEAL by James Gilligan and John Walsh of 44 Main Street, Carrick-on-Suir, County Tipperary and by Sylvia Cooney-Sheehan of Abbey Square, Carrick Beg, Carrick-on-Suir, County Tipperary against the decision made on the 15th day of August, 2006 by Carrick-on-Suir Town Council to grant subject to conditions a permission to John Dineen care of CDA Architects of North Point House, North Point Business Park, Mallow Road, Cork in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Demolish existing buildings and to construct a five-storey multi-use commercial building with a total gross floor area of 7582 square metres consisting of the following: eight number duplex office units and one number first floor office unit totalling 972 square metres gross floor area. A 14-bedroom boutique hotel with reception area, bar, restaurant, waterfront terrace and rear service areas totalling 1759 square metres. Six number retail units totalling 604 square metres gross floor area. A 537 square metre health suite with roof garden. A 545 square metre gymnasium with associated ancillary spaces. A 91 space two-storey split level car park with entrance and exit off North Quay. 16 number surface car parking spaces. Service entrance and service yard. Alterations to existing bridge wall to accommodate new vehicle set down area off Dillon Bridge. All associated site works and landscaping. Located at the west end of the Goldcrop Limited (formally Unicast) site fronting Dillon Bridge and North Quay, at Dillon Bridge and North Quay, Carrick-on-Suir, County Tipperary.

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 town centre location of the site, the zoning of the site and the objectives pertaining to the site as set out in the current development plan for 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 the area or of property in the vicinity, would be acceptable in terms of traffic safety and convenience and would be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be carried out 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 21st day of April, 2006 and the 19th day of July, 2006, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

2. Prior to commencement of development, detailed elevational drawings showing details of the materials, colours and textures of all the external finishes and boundary treatment shall be submitted to the planning authority for agreement. Details in this regard shall provide for the provision of high quality external finishes and paving throughout and selection of materials shall be made following the erection on site of a range of sample panels where appropriate. In this regard, the two lower levels of the southern elevation shall have a natural stone finish.

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

3. Pedestrian access throughout the development, including from the bridge level across the terrace and steps to the North Quay, shall be maintained at all times and no gates shall be erected without a prior grant of planning permission.

Reason: In the interest of facilitating pedestrian mobility in the town centre.

4. The detailed design of the proposed shopfronts shall be agreed with the planning authority prior to commencement of development. This shall include proposals for signage and security shutters, which shall be located to the rear of the glazing and shop/office display area.

Reason: In the interest of visual amenity and to ensure that the development contributes to the amenities of the area after business hours.

5. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to the planning authority for agreement prior to commencement of development. Proposals for flood lighting of the southern and western facades of the building shall be included.

Reason: In the interest of visual amenity and public safety.

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. 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.

8. 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 and to ensure a proper standard of development.

9. The proposed car parking area to the front of the office units shall be reduced to provide for a loading bay at this location. The junction treatment of the car park entrance and the public road and the internal road network serving the proposed development, including turning bays, junctions, parking and loading areas, shall be in accordance with the detailed requirements of the planning authority for such works.

Reason: In the interest of amenities and public safety.

10. 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.

11. Prior to commencement of development, a Construction Management Plan shall be submitted to the planning authority for written agreement. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures, off-site disposal of construction waste and a scheme for dust and dirt control.

Reason: In the interest of amenities and public safety.

11. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the planning authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to the Board for determination.

Reason: To ensure the satisfactory completion of the development.

12. 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.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2007.