



An  
Bord  
Pleanála

**Board Direction**

**PL03.246562**

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The submissions on this file and the Inspector's report were considered at a Board meeting held on September 7<sup>th</sup> 2016.

The Board decided, by a vote of 2 to 1, to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

### **Reasons and Considerations**

Having regard to the established community use of the site, to the zoning and other provisions of the North Clare local Area Plan 2011 – 2017, and to the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area, would not lead to traffic or pedestrian hazard, and 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, 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. The proposed extension shall not commence until the car parking and access, to which planning permission register reference no. 16/387 applies, shall have been provided, to the written satisfaction of the planning authority. The proposed demolition works, and upgrading works to the existing building, may be carried out in

conjunction with, or prior to, the development of this car park and access.

**Reason:** In the interest of providing on-site car parking to service the proposed extension.

3. Details of the external wall and roof finishes of the proposed extension, shall be submitted to, and shall be agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

4. 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.

5. The site and building works required to implement the development shall be carried out only between the hours of 08.00 to 18.00 Monday to Fridays, between 08.00 to 14.00 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 amenities of adjoining residential occupiers.

6. 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 commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interests of public safety and residential amenity.

**Note 1:** The Board noted the Inspector's comments regarding the potential for the presence of bats within the existing community centre, and agreed

with him that this would represent a new issue in the context of the appeal. However, the Board considered that the issue of whether or not a bat derogation licence may be required, prior to commencement of development, was a matter covered by other legislation, and also noted the provisions of Section 34 (13) of the Planning and Development Act, 2000, as amended.

The Board concurred with the view of the Inspector that the proposed development would not be likely to have a significant effect, individually or in combination with other plans or projects, on any European sites, in the light of the conservation objectives for such sites, having regard to the scope of the proposed development and the distances between the subject site and the European sites in question, and adopted the Inspector's conclusions in this regard.

**Note 2:** In imposing condition 2 of this permission, the Board did not concur with the view of the Inspector, and of the appellants' consultant, that it was not possible to link the current planning application and the proposed development of car parking as outlined in planning application register reference no. 16/387. In this context, the Board noted that the applicants had confirmed that they had completed the purchase of the additional land for the development of this car parking and that the planning authority had granted permission for this development on the 6<sup>th</sup> day of August 2016. In addition, the Board took cognisance of the provisions of Section 34 (4) of the Planning and Development Act, 2000, as amended.

[Please issue a copy of this Direction with the Board Order]

Board Member: \_\_\_\_\_  
Philip Jones

Date: 7<sup>th</sup> September 2016