



An
Bord
Pleanála

Board Direction
PL03.248755

The submissions on this file and the Inspector's report were considered at a Board meeting held on 8th December 2017.

The Board decided 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 planning history,
- the provisions of the Clare County Development Plan, 2017-2023, and to the provisions therein for the Killaloe Municipal District;
- to the location and area within the site, in which the convenience store, carparking and site development works are proposed, which is subject to the zoning objective: "Commercial",
- to the proposed layout, scale, mass, and design of the proposed building, and to the proposed landscaping, planting and screen wall construction, and,
- to the proposed carparking provision and arrangements for access to and circulation within the site,

it is considered that, subject to compliance with the conditions set out below, the proposed development would not adversely affect the vitality and viability of the existing town core retail area, would not be visually intrusive or seriously injure the

integrity and character of the Deanery, St. Flannan's Cathedral and Belfry, Abbey House (protected structures) or the adjoining Town Core Architectural Conservation Area, would be acceptable in terms of traffic safety and convenience, would not be prejudicial to public health and would not seriously injure the residential amenities of adjoining properties. The proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

The Board adopted the screening carried out by the Inspector and was satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on any European site, in view of the conservation objectives of those sites.

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 on 13th April, 2017, and by the applicant's submission received by An Bord Pleanála on 24th July, 2017 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. Prior to the commencement of development, a revised site layout plan shall be submitted to, and agreed in writing with, the planning authority, illustrating the detail of a lime mortared masonry wall along the entire boundary of the site adjoining the Deanery between Abbey Street and the south-eastern corner adjacent to carpark space No 105.

Reason: In the interest of the protection of the context and setting of The Deanery (a protected structure), and the visual amenities of the area.

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4. Prior to the commencement of the development the applicant shall submit and agree in writing with the planning authority full details of the proposed management arrangements for use of the public and dedicated convenience store parking facilities including vehicular and pedestrian circulation and access to and egress from the segregated public carparking spaces.

Reason: In the interest of clarity and orderly development.

5. Prior to the commencement of the development, details of the materials, colours and textures of all external finishes, including samples for the proposed development shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interest of visual amenity.

6. 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.

7. Prior to the commencement of the development the applicant shall submit and agree in writing with the planning authority, full details of a lighting scheme for all proposed signage within the site. Awnings, canopies or projecting signs shall not be erected without a prior grant of planning permission.

Reason: In the interests of visual and residential amenity.

8. No additional development shall take place above roof parapet level, including air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas equipment, unless authorised by a further grant of planning permission.

Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.

9. The public lighting scheme, details of which were submitted to the planning authority on 13th April 2017, shall be fully implemented and operational prior to the opening of the proposed convenience store for business. Lighting shall not spill over into the area of trees and hedgerows.

Reason: In the interest of the protection of the visual amenities and the historic character of the area.

10. The internal road network serving the proposed development including loading bay, junctions, parking area, footpaths and kerbs, and the surface finishes and markings, shall comply with detailed standards of the planning authority for such works.

Reason: In the interest of amenity and of traffic and pedestrian safety.

11. All service cables associated with the proposed development (such as electrical and telecommunications) shall be located underground. All existing overhead cables crossing or bounding the site shall be relocated underground as part of the site development works.

Reason: In the interest of visual and residential amenity.

12. No display or storage of goods, produce, waste, plant, packaging or crates, machinery or equipment shall be stacked or stored on this site at any time except within such buildings or storage areas as may be agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of residential and visual amenity.

- 13 Any internal shutters shall be only of the perforated type, coloured to match the shopfront colour. Details of all internal shutters shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. External roller shutters are not permitted. No adhesive material shall be affixed to the windows of the shopfront

Reason: In the interest of visual amenity.

14 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 include provision for a dedicated bunded space for storage of fuels and all pollutant materials during the construction stage, and details of construction practice for the development, including construction hours, noise management measures and off-site disposal of construction/demolition waste.

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

15 Prior to commencement of development, all trees, groups of trees, hedging and shrubs which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum a radius of 2 metres from the trunk of the tree or the centre of the shrub, and to a distance of 2 metres on each side of the hedge for its full length, and shall be maintained until the development has been completed. No construction equipment, machinery or materials shall be brought onto the site until all the trees which are to be retained have been protected by this fencing. No work shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.

Reason: To protect trees and planting during the construction period in the interest of visual amenity.

16 Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management

Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region.

Reason: In the interest of sustainable waste management.

17 The convenience store shall not be open to the public outside the hours of 0900 to 2200 Monday to Saturday inclusive, nor outside the hours 1000 to 1900 on Sundays or public holidays. Deliveries shall not take place before the hour of 0700 Monday to Saturday inclusive, before the hour of 0800 on Sundays and public holidays, or after 2200 hours on any day.

Reason: In the interest of residential amenity.

18 The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2) (c) of the Planning and Development Act 2000 in respect of the costs of provision of a pedestrian crossing at Abbey Street facilitating the development. The amount of the contribution shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board for determination. The contribution shall be paid prior to the commencement of the development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development

19 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, as amended. The contribution shall be paid prior to 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.

Board Member

Date: 8th December 2017

John Connolly