

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Clare County

Planning Register Reference Number: 16/242

An Bord Pleanála Reference Number: PL 03.246750

APPEAL by Connolly O'Neill Solicitors care of Hassett Leyden Associates of 4 Bindon Street, Ennis, County Clare against the decision made on the 23rd day of May, 2016 by Clare County Council to grant subject to conditions a permission to John Considine of 3 Westwood, Golf Link Road, Ennis, County Clare in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Reconstruction of the front façade of the existing building at 13 Parnell Street car park, Ennis, County Clare.

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.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

Having regard to the site location at the centre of the town and within an area zoned 'Commercial 1', as set out in the current Ennis and Environs Development Plan, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities or integrity of the character of the area, would not adversely affect adjoining properties, would not be prejudicial to public health, would be acceptable in terms of traffic safety and convenience and would be in accordance with the proper planning and 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. This grant of permission is for the reconstruction of the front facade of the existing building, as indicated in the public and newspaper notices only.

Reason: In the interest of clarity.

3. A full demolition method statement shall be prepared by a suitably qualified person. The method statement shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The statement shall ensure the following:
- (i) Demolition work shall be carried out by suitably qualified operatives under full time supervision.
 - (ii) A dilapidation survey of adjoining properties shall be carried out prior to the demolition work.
 - (iii) Supports to the adjoining properties shall be provided during and after demolition works. Exposed gables of neighbouring properties resulting from demolition works shall be waterproofed.
 - (iv) A protective hoarding shall be provided on or adjacent to the public footpath.
 - (v) Proposals to minimise the environmental impacts of the demolition work, such as dust, noise and flying debris.
 - (vi) Details of how to properly secure the site on completion of the demolition works.

Reason: In the interest of orderly development and pedestrian safety.

4. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall 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 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.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing 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 An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

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

Dated this day of 2016.