



An  
Bord  
Pleanála

**Board Order  
PL 03.248694**

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## **Planning and Development Acts 2000 to 2017**

**Planning Authority: Clare County Council**

**Planning Register Reference Number: P17/223**

**Appeal** by Ronan Connolly and Siobhán O'Neill care of Hassett Leyden and Associates of 4 Bindon Street, Ennis, County Clare against the decision made on the 22<sup>nd</sup> day of May, 2017 by Clare County Council to grant subject to conditions a permission to John Considine care of Howard Konick of Derrycragg, Tubber, County Galway in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Demolition of the existing building and construction of a new two-storey commercial building at 13 Parnell Square Carpark, 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 nature and scale of the proposed development, the existing pattern of development in the vicinity and the policies of the current Clare County Development Plan, 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 not be prejudicial to public health and would otherwise 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. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. In this regard, the following shall apply -

(a) The first floor sash windows shall be of wooden manufacture and all external doors shall be of wooden manufacture.

(b) The fascias, soffits and shopfront elements shall be of wooden manufacture.

(c) The roof shall be covered with natural quarry slate under dark, clay or concrete ridge tiles.

**Reason:** In the interest of the amenities of the area and of visual amenity.

3. (a) Details of the individual uses, including the opening hours of the commercial units, shall be submitted to and agreed in writing with the planning authority prior to their commencement of use.

(b) There shall be no storage of goods on the footpath outside of the units.

**Reason:** In the interests of clarity and residential amenity.

4. Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no advertisement signs (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the building or within the curtilage of the site, unless authorised by a further grant of planning permission.

**Reason:** To protect the visual amenities of the area.

5. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or 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.

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. No water shall discharge from the site onto the public road.

**Reason:** To ensure adequate servicing of the development, and to prevent pollution.

7. Access, servicing/loading arrangements and any works to footpaths and kerbs shall be in accordance with the detailed requirements of the planning authority for such works. Details in this regard shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

**Reason:** In the interest of amenities and public safety.

8. A plan containing details for the management of waste and recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

**Reason:** In the interest of the amenity of adjoining premises, and to ensure the provision of adequate refuse storage.

9. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours 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 residential amenities of property in the vicinity.

10. A full demolition method statement shall be prepared by a suitably qualified person with professional indemnity insurance. 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.
- (vii) Details of how it is proposed to reinforce the existing party walls with adjoining premises.

**Reason:** In the interest of orderly development, amenity of adjoining occupiers and pedestrian safety.

11. (a) 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 having regard to the protection of the amenities of adjoining properties. Details on noise management measures, off-site disposal of construction/demolition waste, details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site; and provision for car parking facilities for site workers during the course of construction.
- (b) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

**Reason:** In the interest of amenities, public health and safety.

12. 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:

