

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2009

Clare County

Planning Register Reference Number: P08/463

An Bord Pleanála Reference Number: PL 03.232241

APPEAL by Residents of Tuamgraney care of Ann Hayes of Tuamgraney, County Clare and by Philip Moreau and others care of Thompsons Architects and Designers of Ballinacurra House, Ballinacurra, Limerick against the decision made on the 28th day of November, 2008 by Clare County Council to grant subject to conditions a permission to the said Philip Moreau and others.

PROPOSED DEVELOPMENT: Demolition of an existing pump house and construction of 89 number residential dwelling units comprising 31 number three-bedroom terraced houses, 36 number three-bedroom semi-detached houses, 12 number four-bedroom detached houses, five number two-bedroom apartments, five number three-bedroom duplex units and crèche of 412 square metres together with surface car parking and all associated site works at Tuamgraney, County Clare, Site R3, as amended by the revised public notice received by the planning authority on the 17th day of November, 2008.

DECISION

REFUSE permission for the above proposed development based on the reasons and considerations 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

1. Notwithstanding the residential zoning of the site and the quality of the proposed layout, it is considered that the scale of the proposed development, which would lead to an effective doubling of the population of Tuamgraney, would be contrary to national policy, as set out in the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities, issued by the Department of the Environment, Heritage and Local Government in December, 2008, that the expansion of small villages should proceed on a number of small scale developments, rather than on one very large site and would be contrary to the East Clare Local Area Plan, 2005, where controlled settlement growth for Tuamgraney is envisaged. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The proposed development is considered premature having regard to the existing deficiency in sewage facilities and pending the upgrading of the Scarrif Waste Water Treatment Plant.

In deciding not to accept the Inspector's recommendation to grant permission, the Board had regard to the material planning changes that had occurred since the grant of permission for residential development on an adjoining site, namely, the new national planning guidelines and the European Communities Environmental Objectives (Surface Waters) Regulations, 2009 and considered, given the scale of development proposed, that a refusal was warranted.

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

Dated this day of 2009.