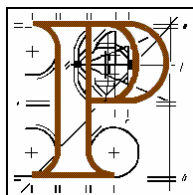


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2011

Clare County

Planning Register Reference Number: P13/13

An Bord Pleanála Reference Number: PL 03.241801

APPEAL by Shirely O'Neill and Mark Redden of Trillium, Church Road, Clonlara, County Clare against the decision made on the 11th day of March, 2013 by Clare County Council to grant subject to conditions a permission to Patrick Stritch care of Michael Begley Planning Services of Clonlara, County Clare in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: The construction of a dwellinghouse, entrance and all associated site works at Churchfields, Clonlara, 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, scale and design of the proposed development, the location of the site within the village of Clonlara, the 'Low Density Residential' zoning objective for the site as set out in the South Clare Local Area Plan 2012 - 2018, the pattern of development in the vicinity, and the planning history of the site, it is considered that, subject to compliance with the conditions set out below, the proposed development would not be prejudicial to public health, would not seriously injure the amenities of the area or of property in the vicinity, would be acceptable in terms of traffic safety and convenience and would 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. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development shall take place within five metres of the public water mains running north-west – south-east through this site. This area shall be kept free from trees or dense vegetation.

Reason: In the interest of public health and of safety.

3. The finished floor level of the house shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of orderly development and of public health.

4. Prior to commencement of construction of the house, details of the materials, colours and textures of all the external finishes to the proposed house shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interest of orderly development and the visual amenities of the area.

5. Prior to commencement of construction, details of the materials and external finishes of the boundary treatment shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interests of residential and visual amenity.

6. The site shall be landscaped, using only indigenous deciduous trees and hedging species, in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In order to screen the development and assimilate it into the streetscape, in the interest of visual amenity.

7. 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.

8. All service cables associated with the proposed development (such as electrical and telecommunications cables) shall be run underground within the site.

Reason: In the interest of orderly development and the visual amenities of the area.

9. A footpath complying with the requirements of the planning authority for such works shall be provided along the full extent of the roadside boundary.

Reason: In the interest of pedestrian safety.

10. 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 hours of working, noise management measures and off-site disposal of construction waste.

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

11. 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 the 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 the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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.

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

Dated this day of 2013.