



An  
Bord  
Pleanála

**Board Direction**  
**BD-002455-19**  
**ABP-302798-18**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 27/02/2019.

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 Clare County Development Plan, 2017-2023 according to which the areas within the site are subject to the zoning objectives. 'Residential', 'Buffer' and 'Open space', to the layout of the proposed development, to the established pattern and layout of existing development adjacent to the site location and within the area and, to the planning history, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual and residential amenities of the area, would not depreciate the value of properties in the vicinity 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, as amended by the further plans and particulars submitted on 30<sup>th</sup> May, 2018, 15<sup>th</sup> June, 2018 and the 16<sup>th</sup> August, 2018 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. The layout shall accord with the details shown on Drawing No 410- pa -201 lodged with the planning authority on 16<sup>th</sup> August, 2018 including the following revisions to the details indicated on Drawing 410-205 Rev A lodged with the planning authority on 15<sup>th</sup> June, 2018.
  - House no 49 shall be omitted.
  - Single storey two bedroom houses shall be constructed on Site Nos 47 and 48.
  - The house shown on an area zoned, “buffer” (Site No 51) to the west of No 22 Cloonbeg shall be omitted and the area shall be incorporated into landscaped designated open space in accordance with the requirements of Condition No.3
  - The house shown on an area zoned, “open space” (Site No 50) to the east of No 33 Shanacloon shall be omitted and the area shall be incorporated into landscaped designated open space in accordance with the requirements of Condition No 3.

**Reason:** To ensure consistency with the zoning objectives for the lands within the site, visual and residential amenity and the proper planning and sustainable development of the area.

3. New walls two metres in high on stepped retaining walls ground works, and landscaping at the rear of properties at Nos 19, 20 and 21 Woodlawn shall be positioned and constructed in accordance with the details shown in Sections on Drawings 410-pa-208-Rev A) lodged with the planning authority on 16<sup>th</sup> August, 2018. Rear, side garden boundaries between Unit Nos 43-47 shall be in concrete block walling not exceeding two metres in height to the inner

side and shall be in timber post and panel fencing to the outer side of the new walls on the stepped retaining walls. The 'low karstic woodland' shall be planted to the satisfaction of the planning authority following completion of construction and prior to the occupation of the dwellings.

**Reason:** in the interest of clarity, residential amenity and orderly development.

4. The landscaping plan and boundary treatment, incorporating the amendments to the screen planting and layout shall be in accordance with the details provided for in the further information submission lodged with the planning authority on 15<sup>th</sup> June, 2018 and in the clarification of further information (Drawing 410-pa-208-Rev A) lodged with the planning authority on 16<sup>th</sup> August, 2018 and shall be fully implemented within the first planting season following completion of construction and shall incorporate the following: -
- Boundary walls facing towards public or communal open space or roadways shall be up to 1.6 metres in height and stone faced.
  - The area within the rear garden boundaries at Units 1 to 8 and 25 to 32 shall be in accordance with Drawing No 410 pa 203 Rev A lodged with the planning authority on 30<sup>th</sup> May, 2018.
  - Boundary walls, fencing or hedging is not permitted on front or front side boundaries forward of the front building line of any units.

**Reason:** In the interests of the visual and residential amenities of the area and orderly and sustainable development.

5. Details of the following requirements shall be submitted to and agreed in writing with the planning authority prior to the commencement of the development:
- Materials, colours and textures of all the external finishes. Roof tiles shall be in dark grey, blue black or black.
  - External lighting through the development

- Proposals for a naming and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and numbers shall be provided in accordance with the agreed scheme.

**Reason:** In the interests of orderly development, visual and residential amenities of the area.

6. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

**Reason:** In the interests of visual and residential 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. Communal waste storage areas within the basement shall be designed and managed in accordance with the proposals within the operational waste management plan lodged with the planning authority. Waste materials shall be transferred to the designated surface level space on the day of collection only.

**Reason:** In the interests of residential and public amenities.

9. The construction of the development shall be managed in accordance with a construction waste and demolition management plan, which, on appointment of a contractor, 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:
- (a) Location of the site and materials compounds including areas identified for the storage of construction refuse; areas for construction site offices and staff facilities; site security fencing and hoardings; and on-site car parking facilities for site workers during construction;
  - (b) 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; measures to obviate queuing of construction traffic on the adjoining road network; and measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
  - (c) Details of the implementation of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels. Noises levels shall be managed to accord with the standards in BS 5228: Noise Control on Construction and Open Sites Part 1 Code of Practice for Basic Information and procedures for noise control and shall not result in grounds for complaint as provided for in B.S. 4142. *“Method for rating industrial noise affecting mixed residential and industrial areas”*;
  - (d) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
  - (e) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
  - (f) 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.
  - (g) The plan shall be 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.

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

- 10 Public lighting shall be provided in accordance with a scheme, [which shall include lighting along pedestrian routes through open spaces] details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.

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

- 11 Hours of work shall be confined to 0700 to 1900 Mondays to Fridays inclusive, excluding bank holidays and 0800 to 1400 hours on Saturdays. Deviation from these times will only be allowed in exceptional circumstances subject to the prior written agreement of the planning authority.

**Reason:** In the interest of residential amenities of the surrounding properties.

- 12 Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

**Reason:** To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

13 Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** To ensure the satisfactory completion and maintenance of the development until taken in charge.

14 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:** 27/02/2019

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Paul Hyde