



An
Bord
Pleanála

Board Direction

BD-006978-20

ABP-306960-20

The submissions on this file and the Inspector's report were considered at a Board meeting held on 17/11/2020.

The Board decided to grant permission, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

Having regard to:

- the policies and objectives of the Clare County Development Plan 2017-2023, as varied,
- the Residential R3 zoning objective for the site,
- the provisions of the Sustainable Urban Housing - Design Standards for New Apartments – Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in March, 2018 and by the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas issued by the Department of the Environment, Heritage and Local Government in May, 2009,
- the layout, design and density of the proposed development including provision for connectivity with adjoining lands zoned for development, and
- the pattern and established character of surrounding development.

It is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities or architectural character of the area or the residential amenities of property in the vicinity, would be acceptable in terms of pedestrian and traffic safety and

convenience, would not be prejudicial to public health and, would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board did not agree that the proposed development would endanger public safety by reason of a traffic hazard but considered that the proposed access and junction arrangements to serve the proposed development, including the turning movements onto and off the Tulla Road were consistent with the Clare County Development Plan 2017-2023 and were satisfactory in terms of pedestrian and traffic safety.

The Board also did not agree that the proposed development was piecemeal, substandard in layout or in quality and quantity of public open space provision. It considered the street hierarchy, central focus and sense of place to be acceptable and considered the layout of the proposed scheme to be consistent with the provisions of the Design Manual for Urban Roads and Streets, issued by the Department of the Environment, Community and Local Government and the Department of Transport, Tourism and Sport in 2013 and with the proper planning and sustainable development of the area.

Conditions

1. Planpartic to include plans and particulars submitted to An Bord Pleanála on the 3rd day of September 2020.
2. House Nos 1 and 2 on the Site Layout Plan submitted to An Bord Pleanála on 3rd day of September 2020 shall be omitted and the area shall be levelled and landscaped as public open space in place of same.

Prior to the commencement of development. revised drawings and particulars illustrating this amendment, shall be submitted to the planning authority for written agreement

Reason: in the interest of residential amenity.

3. Prior to the commencement of development, the developer shall submit for the written agreement of the planning authority, full details of the following requirements:

(b) Footpaths shall be provided to the north and south of the access road to the lands to the east of the site to the satisfaction of the planning authority.

(c) The proposed footpath located between house nos. 19 and 20 on the Site Layout Plan submitted to An Bord Pleanála on 3rd day of September 2020 shall integrate with the proposed footpath on the adjoining site to the south. A boundary wall with a maximum height of 1.2 metres finished in natural stone on both sides with an opening with a minimum of 1.8 metres in width shall be erected at the location of the pedestrian link to the north.

(d) Universal access shall be available from the dwellings to the adjacent parking areas and adequate residual width shall be available on public footpaths when the parking spaces are occupied.

(e) Raised tables shall be provided to the satisfaction of the planning authority at junctions in accordance with the Signage Layout drawing submitted to the planning authority on the 22nd day of January 2020. There shall be no controlled pedestrian crossing on the site.

(f) Rear garden boundary treatment which shall comprise block walls, 1.8 metres in height, capped, and rendered, on both sides, or concrete post and panel fences to a similar height.

(g) A condition survey of the existing historic walling and ditch along the western boundary along with full details of proposed remedial works

Revised drawings and documentation demonstrating these amendments shall be submitted to the planning authority for written agreement prior to the commencement of development.

Reason: In the interest of residential amenity and traffic safety.

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

- (a) 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,
- (b) employ a suitably qualified archaeologist who shall monitor all site investigations and other excavation works, and
- (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

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 site and to secure the preservation and protection of any remains that may exist within the site.

- 5. Notwithstanding the provisions of the Planning and Development Regulations, 2001, or any statutory provision amending or replacing them, no additional development shall take place at roof level, including any lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorized by a further grant of planning permission.

Reason: To protect the visual amenities of the area, and to permit the planning authority to assess any such development through the statutory planning process.

- 6. Urban Finishes
- 7. Urban water drain
- 8. Irish Water
- 9. Intern road 1
- 10. Lighting
- 11. Cables
- 12. Naming
- 13. PA c 24 (a) (b) (c)

(d) All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of [five] years from the completion of the development [or until the development is taken in charge by the local authority, whichever is the sooner], 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 the interest of residential and visual amenity.

14. A minimum of 10% of all communal car parking spaces shall be provided with functioning electric vehicle (EV) charging stations/points. Ducting shall be provided for all remaining car parking spaces, including in-curtilage spaces, to facilitate the installation of electric vehicle charging points/stations at a later date. Where proposals relating to the installation of EV ducting and charging stations/points have not been submitted with the application, in accordance with the above requirements, such proposals shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development, and the agreed provisions shall be carried out and completed prior to the making available by the developer for occupation of any of the residential units in the proposed development.

15. **Reason:** In the interest of sustainable transport.

16. Part V

17. ConstHours

18. CDW

19. CMP1

20. UrbanManage 2

21. Urbanwaste 1

22. Security 1

23. S 48 unspecified

Board Member

Date: 18/11/2020

Terry Prendergast