



An  
Bord  
Pleanála

**Board Direction**  
**BD-007015-20**  
**ABP-307663-20**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 24/11/2020.

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 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 existing development and 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.

## 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 lodged on 16th March 2020, 19<sup>th</sup> March, 2020, 23<sup>rd</sup> June, 2020 and 24<sup>th</sup> June, 2020 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. Prior to the commencement of development, the developer shall submit for the written agreement of the planning authority, full details of the following requirements:
  - Surface treatment at the front of and between Dwelling Nos 1 and 2.
  - Design, layout and materials for the proposed pedestrian crossing point.
  - Taper and transition details for roads and footpaths at the site boundaries.
  - Omission of two communal parking spaces at the west of the site including footpath connectivity at Dwelling Nos 20 and 21.

- Provision for cycle parking for first floor apartment units.
- Amendment to the south pedestrian route to the adjoining lands. The footpath shall join the turning head directly opposite the footpath south east of the turning head. The boundary wall which shall be finished in natural stone to both sides, shall be reduced in height to a maximum of 1.2 metres and the opening shall be at a minimum of 1.8 metres in width.
- 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.
- A condition survey of the existing historic walling and ditch along the western boundary along with full details of proposed remedial works
- Details of the proposed arrangements for a pedestrian opening in the western boundary wall.
- Details for bin storage arrangements for the proposed apartments and Dwelling No 19.
- 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.
- First floor side elevation bathroom windows in the apartment blocks shall be in opaque glazing
- Full details of permeable paving and storm drainage for each dwelling.

**Reason:** In the interest of clarity, order development and the interests of the proper planning and sustainable development of the area.

### 3. PA c11

**Reason:** In the interest of residential and visual amenities.

4. 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.

5. 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.

6. Urban Finishes
7. Urban water drain
8. Irish Water
9. Intern road
10. Lighting

11. Cables

12. Naming

13. Ducting shall be provided for all 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.

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

14. Part V

15. ConstHours

16. CDW

17. CMP1

18. Urbanwaste 1

19. Security 1

20. S 48 unspecified

**Board Member**

**Date:** 24/11/2020

---

Terry Prendergast