



An
Bord
Pleanála

Board Direction
BD-013774-23
ABP-313652-22

The submissions on this file and the Inspector's report were considered at a Board meeting held on 18/09/2023.

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 residential zoning objective for the site, provision for infill development in the Ennis Municipal District Area as part of the Clare County Development Plan 2023-2029, the pattern of development in the area and the scale, nature and design of the development, it is considered that, subject to compliance with the conditions set out below, the development would constitute an appropriate form of infill development at this location, would be acceptable in terms of scale and design and would not seriously injure amenities of the area or of property in the vicinity. The proposed development 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, 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 proposed garden sheds shall not be used as habitable accommodation.

Reason: In the interest of clarity

3. Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

4. The following shall apply in respect of boundary treatment:

(a) Screen walls shall be provided along the boundaries of the site with existing dwelling properties, public space and along the access road and in this regard the following shall apply:

- i) All walls along the access road shall be faced in local stone. The 1.4m high timber and post rail shall be replaced accordingly.
- ii) Along point D-C as per Drawing no. 1847(P)(01) received by the planning authority on 8th March 2022 the boundary wall shall consist of a 2.4m high block wall which shall be stone faced on the public side

(b) The timber and post fence between the front curtilages of the dwellings shall be replaced by a 1.2m high concrete wall, capped and rendered or painted decorative metal railing.

(c) Save where otherwise stipulated or unless otherwise agreed in writing with the planning authority, all boundaries between dwellings shall be of block construction, plaster and capped and 1.8 metres in height.

(d) Details of the layout, heights, materials, and external finishes of the screen walls and front boundaries and garden boundaries shall be submitted to, and

agreed in writing with, the planning authority, prior to commencement of construction of the dwellings.

(e) Clarification of plans indicating preservation of the boundary hedgerow and vegetation on the site in conjunction with proposed planting in such a manner as to ensure its value as a habitat for wildlife species including bats is protected.

(f) The timber fences (T3) proposed as boundary walls in the front gardens and alongside the access road from points C-D-E as marked on Drawing no.1847(P)01 received by the planning authority on 8th March 2022 shall be replaced with concrete walls faced with stone.

Revised Plans indicating the above measures shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: To ensure protection of a feature of importance and enhance foraging areas for wildlife in the area and to control light spill in the interest of biodiversity and in the interest of visual amenity and in the interest of residential amenity, orderly development and traffic safety.

5. The in-curtilage car parking spaces serving the dwelling house shall be provided with electric connections to the exterior of the house to allow for the provision of future electric vehicle charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: in the interest of sustainable transportation.

6. The site shall be landscaped, using only indigenous deciduous trees and hedging species and in accordance with details which shall be submitted to, and agreed

in writing with, the planning authority prior to commencement of development. Existing boundary screening shall be suitably strengthened. Any plants which die, are removed or become seriously damaged or diseased, within a period of 4 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 the interest of visual amenity.

7. The internal access road serving the proposed development including turning bay, pedestrian crossing, junction layout, parking areas, footpaths and kerbs shall comply with the detailed standards of the planning authority for such road works.

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

8. Prior to the making available for occupation of any house, the access road serving the development shall be widened and constructed to at least base wearing course and realigned wall(s) as indicated on drawing 1847(P)01 which shall be stone faced on the public side, together with landscaping in accordance with condition 2 of this permission, shall be in place.

Reason: To ensure timely and satisfactory provision of such site development works.

9. Public lighting shall be provided in accordance with a scheme which shall be submitted in writing with the planning authority prior to commencement of development.

Reason: To control light spill and in the interest of amenity and public safety.

10. All service cables associated with the proposed development shall be located underground.

Reason: In the interest of orderly development.

11. Water supply and drainage arrangements, including the disposal of surface water, shall incorporate SuDS and shall comply with the requirements of the planning authority for such works and services. Details shall be submitted to and

agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of public health.

12. The applicant or developer shall enter into water and wastewater connection agreements with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

13. Proposals for estate/street name and house numbering and associated signage shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.

14. The open spaces shall be developed for public amenity and shall be kept free of any development and shall not be incorporated into house plots. Works shall be completed prior to any of the dwellings being made available for occupation and shall be maintained as such until taken in charge by the local authority.

Reason: In the interest of amenity.

15. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between the hours 0800 to 1400 on Saturdays and not at all on Sundays and public holidays. Deviations from these times will only be allowed in exceptional circumstances where prior written approval has been received by the planning authority.

Reason: In order to safeguard the residential amenities of the area.

16. The development hereby permitted shall be carried out and completed at least to the construction standards as set out the Recommendations for Site Development Works for Housing Area issued by the Department of Environment and Local Government (1998) and the planning authority's Taking -In -Charge policy. Following completion the development shall be maintained by the developer in compliance with these standards until taken in charge by the county council.

Reason: To ensure that the development is carried out and completed to an acceptable standard of construction.

17. Prior to the commencement of development, the developer or any agent acting on its behalf shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP shall be submitted to the planning authority for written agreement prior to commencement of development.

Reason: In the interest of sustainable waste management.

18. 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, off-site disposal of construction /demolition waste, details of management of excavation soil, details of fencing /hoarding, means to ensure surface water run-off is controlled such that no silt or other pollutant enter the surface water sewers or drains, measures to avoid the spread of non—native invasive plant species.

Reason: In the interest of amenities, public health and safety and protection of biodiversity.

19. 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.

20. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure 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


Liam Bergin

Date: 18/09/2023

