

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Clare County

Planning Register Reference Number: 15/169

An Bord Pleanála Reference Number: PL 03.245706

APPEAL by Muriel Noble care of Michael J. Duffy of 1 Clós Na hEaglaise, Kilfenora, County Clare and by Mary O'Dea and others care of P. Coleman and Associates of 5 Bank Place, Ennis, County Clare against the decision made on the 6th day of October, 2015 by Clare County Council to grant subject to conditions a permission to Domhnal and Elaine Slattery care of David H. Leahy of 1 Riverpoint, Lower Mallow Street, Limerick in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Demolish existing dwelling and construct replacement dwellinghouse including the following: a) construction of a replacement two-storey dwellinghouse, b) construction of a single storey garage, c) revised landscaping, d) replacement of existing septic tank with proposed new wastewater treatment system and soil polishing filter and all associated site works at Caherycahill, Liscannor, 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 established residential use on site, it is considered that the proposed development which includes the demolition of the existing house and provision of a replacement house and new improved wastewater treatment system and other associated works, subject to compliance with the conditions set out below, would not impact adversely on the character and amenities of the rural area. The proposed development would not seriously injure the residential amenities of adjacent property or the visual amenities of the area and would not be prejudicial to public health. 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, as amended by the further plans and particulars submitted to the planning authority on the 10th day of September, 2015 and by the further plans and particulars received by An Bord Pleanála on the 2nd day of December, 2015, 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 high level bedroom window on the first floor of the eastern elevation shall be fitted with obscure glass.

Reason: In the interest of residential amenity.

3. Details of the materials, colours and textures of all the external finishes to the proposed dwelling, including fenestration, and for the balcony to the living/dining room area, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual and residential amenity.

4. The site shall be landscaped in accordance with a scheme of landscaping, details of which shall be submitted to and agreed in writing with the planning authority prior to commencement of development. This shall include:

- (a) The retention and augmentation of existing boundary hedges;
- (b) The provision of landscaping of indigenous species along the south, north and western boundaries of the site. Species to be used shall not include either cupressocyparis x leylandii or grisellinia.
- (c) The landscaping shall be completed before the dwelling is first made available for occupation.

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 surrounding rural landscape, in the interest of visual amenity.

5. Water supply and drainage arrangements, including the 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.

6. (a) The existing septic tank and percolation area shall be decommissioned and removed from site prior to the installation of the replacement wastewater treatment system.
- (b) The replacement treatment plant and polishing filter shall be located, constructed and maintained in accordance with the details submitted to the planning authority on the 23rd day of March, 2015 and the 10th day of September, 2015 and to An Bord Pleanála on the 2nd day of December 2015, and in accordance with the requirements of the document “Wastewater Treatment Manual: Treatment Systems for Single Houses”, Environmental Protection Agency (current edition). No system other than the type proposed in the submissions shall be installed unless agreed in writing with the planning authority.
- (c) Certification by the system manufacturer that the system has been properly installed shall be submitted to the planning authority within four weeks of the installation of the system.
- (d) A maintenance contract for the treatment system shall be entered into and paid in advance for a minimum period of five years from the first occupancy of the replacement dwellinghouse and thereafter shall be kept in place at all times. Signed and dated copies of the contract shall be submitted to, and agreed in writing with, the planning authority within four weeks of the installation.
- (e) Surface water soakways shall be located such that the drainage from the dwelling and paved areas of the site shall be diverted away from the location of the polishing filter.
- (f) Within three months of the first occupation of the replacement dwelling, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner and that the polishing filter is constructed in accordance with the standards set out in the EPA document.

Reason: In the interest of public health.

7. (a) The proposed replacement house shall be used as a single dwelling unit and shall not be used as a guest house or for bed and breakfast accommodation.
- (b) The proposed garage shall not be used for human habitation, for any commercial activity or for any other purpose than a purpose incidental to the enjoyment of the dwellinghouse.

Reason: In the interest of residential amenity and orderly development of the area.

8. 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.

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

Reason: In order to safeguard the residential amenities of property in the vicinity.

10. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared 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. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

11. 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 noise management measures and off-site disposal of construction/demolition waste.

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

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

Dated this day of 2016.