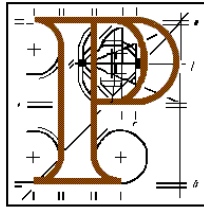


# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

**Clare County**

**Planning Register Reference Number: P15/655**

An Bord Pleanála Reference Number: PL 03.245877

**APPEAL** by Tony Sheil and Margaret Walsh care of Delahunty and Harley of 122 Merrion Road, Ballsbridge, Dublin against the decision made on the 17<sup>th</sup> day of November, 2015 by Clare County Council to grant subject to conditions a permission to Mildred Collins care of Oliver Higgins of Unit 4B, Oranmore Business Park, Oranmore, County Galway in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** Construction of a dwellinghouse and associated domestic garage and the provision of a proprietary treatment system and associated percolation area, all at Knocknagroagh, Ballyvaughan, 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 location within the settlement boundary for Ballyvaughan of the proposed development which is for permanent occupation and which is within an area zoned for low density residential development as set out in the Ballyvaughan Local Area Plan, 2011-2017; to the site layout, scale, height and design of the proposed dwelling, to the achievement of satisfactory standards by the proposed tertiary treatment system and satisfactory sightlines in either direction at the proposed entrance, it is considered that the proposed development, subject to compliance with the conditions set out below, would be in accordance with the Local Area Plan, would not seriously injure the residential and visual amenities of the area or designated scenic views, would not be prejudicial to public health and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Board adopted the Inspector's conclusions in respect of screening for Appropriate Assessment and concluded on the basis of the information available that the application for consent for proposed development, either individually or in combination with other plans or projects would not be likely to have a significant effect on the nearby European sites in view of the site's conservation objectives.

## 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 out in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

- 2 (a) The tertiary treatment plant and polishing filter shall be located, constructed and maintained in accordance with the details submitted to the planning authority on the 24<sup>th</sup> day of September 2015 and the requirements of the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e.  $\leq$  10)" – Environmental Protection Agency, 2009.
  - (b) 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 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 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 clarity and public health.

- 3. The entrance and roadside boundary treatment shall be located, constructed and maintained in accordance with the details submitted to the planning authority on 14<sup>th</sup> September 2015 and 5th October, 2015. New boundary treatment which shall not exceed 1.2 metres in height shall be setback by a minimum distance of 2.5 metres from the edge of the carriageway and the level shall match that of the road.

**Reason:** In the interest of public safety, the amenities of the area and clarity.

- 4. All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.

**Reason:** In the interest of traffic safety and to prevent pollution.

5. The site shall be landscaped, using only indigenous deciduous trees and hedging species, in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the establishment of an indigenous hedgerow along the side and rear boundaries of the site. Any plants which fail, are removed or become seriously damaged or diseased, within 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.

6. Details of the materials, colours and textures of all the external finishes shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Roof colour shall be blue-black, black, dark brown or dark grey in colour only.

**Reason:** In the interest of visual amenity.

7. The proposed dwelling is for permanent occupation only and the garage shall not be used for human habitation or any purpose other than ancillary use incidental to the residential use of the main dwelling.

**Reason:** In the interest of clarity, to ensure compliance with the North Clare Local Area Plan, 2011-2017 and in the interest of the proper planning and sustainable development of the area.

8. 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.

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

**Dated this            day of            2016.**