

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

Clare County

Planning Register Reference Number: P16/678

An Bord Pleanála Reference Number: PL 03.248031

APPEAL by Sean Carroll, Bill Walsh and others of 17 Riverside, Clonroadmore, Ennis, County Clare against the decision made on the 26th day of January, 2017 by Clare County Council to grant subject to conditions a permission to Michael O'Dea care of Cyril O'Reilly Design Limited of Parting Glass, Quin, County Clare in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Construction of a dwelling house, ancillary site works and connection to public services (note part foundations and rising walls previously constructed under planning register reference number 04/1980) at 9 Riverside Court, Clonroad More, Ennis, 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 planning history and to the extent and nature of the proposed development, it is considered that, subject to compliance with the conditions set out hereunder, the proposed development would not be prejudicial to public health, would not seriously injure the residential amenities of properties in the vicinity, would satisfactorily integrate with the existing established development at Riverside 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 with the planning authority on the 22nd day of December, 2016, 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 on the site, unless the written agreement of the planning authority has been obtained to confirm that upgrade works to the sewer network serving the development has been carried out to the satisfaction of the planning authority. No surface water emanating within the site shall be discharged to the foul sewer.

Reason: In the interest of clarity, orderly development and public health.

3. (a) The rear return of the proposed dwelling shall be modified to provide solely for a ground floor return which does not exceed four metres in height.
- (b) The side window serving bedroom number and the side window serving the Master bedroom shall be omitted. The internal floor space at first floor level shall be rearranged to provide for the incorporation of the floor space of proposed bedroom number 2 into other bedrooms.

Prior to the commencement of development, the developer shall submit revised plan, section and elevation drawings to the planning authority for written agreement.

Reason: In the interest of the visual amenities of the area and the residential amenities of properties in the vicinity.

4. (a) Details of the proposed boundary treatment including materials and finishes and for hard and soft landscaping within the perimeter of the site shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of the development.
- (b) A maximum of two number car parking spaces shall be provided within the site.

Reason: In the interest of the visual amenities of the area and the residential amenities of properties in the vicinity.

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

Reason: In the interest of visual amenity.

6. Hours of construction shall be confined to the hours of 0800 and 1900 Mondays to Fridays excluding bank holidays and 0800 and 1400 on Saturdays only. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In the interest of the amenities of the area and clarity.

7. A drop kerb shall be provided along the entirety of the site frontage in accordance with the requirements of the planning authority at the developer's own expense.

Reason: In the interest of public safety and amenity.

8. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

9. 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.

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

Dated this day of 2017.