



An
Bord
Pleanála

Board Order

PL 03.248074

Planning and Development Acts 2000 to 2017

Planning Authority: Clare County Council

Planning Register Reference Number: P16/204

Appeal by Republic Land Development Limited (RLD) care of CMG Architectural Design, Technology and Building Surveying of Haus Bergsee, Hillside, Aghada, Middleton, County Cork against the decision made on the 27th day of January, 2017 by Clare County Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

Proposed Development: To complete two number two storey dwellings and construct eight number two storey and five number storey and a half dwellings and associated site works, including completion of site works, drainage etc., granted under planning permission planning register reference number 07/381 at Springhill, Blackwater, Ardnacrusha, County Clare, as amended by the revised public notice received by the planning authority on the 8th day of December, 2016 as follows: revision to site boundaries, thereby excluding dwellings 1 to 5 and dwellings 14 and 15 all granted and authorised under previous permissions planning register reference numbers 07/381 and 09/280 and resulting in just 11 dwellings being included in this application as opposed to the 18 originally applied for and consisting of five number storey and a half dwellings and six number two storey dwellings with floor levels of houses 6 to 10 being reduced by up to 700 millimetres.

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 of the site within the boundaries of the Ardnacrusha settlement plan, the zoning of the site for residential purposes and the planning history relating to the site, it is considered that, subject to compliance with the following conditions, the proposed development would not seriously impact on the visual or residential amenities of the area or of property in the vicinity 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 submitted on the 8th 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 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 interests of clarity.

2. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Front doors shall be in solid wood only.

Reason: In the interest of visual amenity.

3. Prior to commencement of development, details of house garden walls to include height and finish shall be submitted to, and agreed in writing with, the planning authority. All walls shall be suitably capped.

Reason: In the interests of visual amenity.

4. The site shall be landscaped in accordance with a landscaping plan, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of the development. The plan shall include details of the species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species. Cupressocyparis x leylandii shall not be used on any part of the site. The plan shall include a timescale for implementation.

Reason: In the interests of residential and visual amenity.

5. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works.

Reason: To ensure adequate servicing of the development and to prevent flooding.

6. The wastewater treatment system serving the development shall be retained in the ownership and control of the developer until such time as it is taken in charge by the local authority. If a public sewer becomes available in the area, the treatment system shall be decommissioned and connected into a main drainage scheme.

Reason: To ensure effective future maintenance and management of the treatment system and to prevent water pollution.

7. The internal road network serving the proposed development including parking areas, footpaths and kerbs shall comply with the detailed standards for taking in charge of the planning authority for such road works.

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

8. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interests of amenity and public safety.

9. Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of the development. Thereafter, all estate and street signs and house numbers shall be provided in accordance with the agreed scheme. No advertisements/marketing signage relating to the names of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed names.

Reason: In the interest of urban legibility.

10. 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.

Reason: In the interests of visual and residential amenity.

11. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

12. 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.

13. 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.

14. 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 satisfactory completion and maintenance until taken in charge by the local authority of roads, sewers, watermains, drains, car parks, open spaces and other services required in connection with the proposed development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion and 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 Pleanala for agreement.

Reason: To ensure the satisfactory completion of the development.

15. 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 the value of €100,000 (one hundred thousand euro) to secure the future maintenance of the wastewater treatment system until such time as it is decommissioned or taken in charge by the local authority, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion and 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 Pleanala for agreement.

Reason: To ensure the satisfactory development.

16. Prior to the 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 provisions of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.

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

Dated this day of 2017