



An
Bord
Pleanála

Board Order

PL 03.248292

Planning and Development Acts 2000 to 2017

Planning Authority: Clare County Council

Planning Register Reference Number: P16/541

Appeal by Pat, Joan, Bernice and David O'Connor care of Michael J. Duffy of 1 Clós Na hEaglaise, Kilfenora, County Clare against the decision made on the 9th day of March, 2017 by Clare County Council to grant subject to conditions a permission to Marian and Frank Sheedy care of Deirdre Foran of Lisdoonvarna, County Clare in accordance with plans and particulars lodged with the said Council:

Proposed Development: Construction of a bed and breakfast, with part private accommodation use and install a waste treatment plant and all associated ancillary and site works at Doolin Townland, Doolin, 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 provisions of the Clare County Development Plan 2017 - 2023, and to the nature and scale of the proposed development, it is considered that, subject to compliance with the following conditions, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health or give rise to a traffic hazard. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The proposed 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 received by the planning authority on the 19th day of October, 2016 and on the 3rd day of February, 2017, 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. For the avoidance of doubt, the location, design, layout and finished floor levels of the proposed development shall be as indicated in the further plans and particulars received by the planning authority on the 3rd day of February, 2017.

Reason: In the interest of clarity.

3. The following wastewater treatment requirements shall be complied with:
 - (a) The treatment plant and polishing filter shall be located, constructed and maintained in accordance with the details submitted to the planning authority and in accordance with the requirements of the document entitled "EPA Wastewater Treatment Manuals - Treatment Systems for Small Communities, Business, Leisure Centres & Hotels 1999". No system other than the type proposed in the submissions shall be installed unless agreed in writing with the planning authority.
 - (b) 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.
 - (c) 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 development 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.
 - (d) 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.

- (e) Within three months of the first occupation of the development, 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 Environmental Protection Agency document.

Reason: In the interest of public health and to prevent water pollution.

4. The proposed development shall be occupied by not more than 10 residents and staff at any one time.

Reason: In the interest of public health and to prevent water pollution.

5. The vehicular entrance and driveway shall be as indicated in the further plans and particulars received by the planning authority on the 19th day of October, 2016.

Reason: In the interest of clarity and traffic safety.

6. The private accommodation shall not be let or sold as a separate dwelling unit from the main bed and breakfast development on the site.

Reason: In the interest of orderly development and to protect the amenities of the area.

7. The roof of the proposed building shall be finished in natural quarry slate which is blue-black, black or dark-grey, and the colour of the ridge tiles shall be the same as the colour of the roof.

Reason: In the interest of visual amenity.

8. The external walls shall be finished in neutral colours such as grey or off-white.

Reason: In the interest of visual amenity.

9. Signage and entrance details shall be submitted to the planning authority for written agreement before development commences.

Reason: In the interest of visual amenity.

10. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity.

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

Reason: In the interest of public health and to ensure a proper standard of development.

12. The mitigation measures outlined in the developer's Flood Risk Assessment Report shall be agreed, in writing, with the planning authority and shall be implemented in full prior to occupancy.

Reason: To ensure a proper standard of development.

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

- (a) A plan to scale of not less than 1:500 showing –
 - (i) The species, variety, number, size and locations of all proposed trees and shrubs, which shall comprise predominantly native species and not prunus species.
 - (ii) Hard landscaping works, specifying surfacing materials which should be permeable.
- (b) A timescale for implementation.

All planting shall be adequately protected from damage until established. 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 the interest of residential and visual amenity.

14. The banks of the Aille River shall be protected as follows:

- (a) Prior to commencement of development, the entire river bank and associated riparian vegetation that lies within the site boundary shall be protected by the erection of a stout fence not less than 1.5 metres in height. This protective fencing shall generally follow the line of the open space buffer shown on drawing number MFS-01-PL17 received by the planning authority on the 3rd day of February, 2017, and shall be maintained until the development has been completed.

- (b) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the riverbank and riparian vegetation have been protected by this fencing. No work shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, or fires.

Reason: To protect river bank and riparian vegetation during the construction period in the interest of visual amenity, ecology and water quality.

15. 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.

