



Planning and Development Acts 2000 to 2018

Planning Authority: Clare County Council

Planning Register Reference Number: P18/392.

Appeal by Newgrove Housing Association care of Leahy Planning Limited of Clifden, Corofin, County Clare against the decision made on the 4th day of October, 2018 by Clare County Council to refuse permission for the proposed development.

Proposed Development: Demolition of existing shed to rear of garage, conversion and extension of existing garage to self-contained apartment ancillary to the existing residential care dwelling on site and all associated works above and below ground at Monaskeha, Clonlara, County Clare. Further public notices were received by the planning authority on the 7th day of September, 2018.

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

The site is located in a designated rural cluster of Monaskeha, where the residential use on this site is a residential care centre and the proposed development, which would involve the provision of ancillary independent accommodation under the supervision of carers in the existing care centre, subject to compliance with the conditions set out below, would be in accordance with the planning authority's objective to facilitate the provision of accommodation to meet the needs of those with disabilities, would be acceptable in terms of traffic safety and convenience, would not detract from the residential amenities of adjoining properties or the amenities of the area 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 28th day of August, 2018, 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 use of the residential unit hereby permitted shall only be as a place of residence for a person under the care and supervision of the operators of the residential care centre on the site and shall not be used for any other activity or by any other person.

Reason: In the interest of clarity.

3. The residential unit shall not be sold or let separately from the main house on the site.

Reason: In the interest of clarity.

4. (a) The treatment plant and polishing filter shall be located, constructed and maintained in accordance with the details submitted to the planning authority on the 28th day of August, 2018, and in accordance with the requirements of the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2009, and shall be installed to details to be 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 all hard-surfaced areas of the site shall be diverted away from the location of the polishing filter.

- (e) Within three months of first occupation, 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.

Chris McGarry

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

Dated this day of 2019.