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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Clare County Council**

**Planning Register Reference Number: P18/299**

**Appeal** by Joan and Fionnuala McMahon of Tobartescain, Clonroadmore, Ennis, County Clare and by Eoin Keating care of Brendan McGrath and Associates of Riverstown Cottage, Corrofin, County Clare against the decision made on the 23<sup>rd</sup> day of January, 2019 by Clare County Council to grant subject to conditions a permission to the said Eoin Keating in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Demolish existing dwellinghouse and garage, construct two detached dormer dwellinghouses, two semi-detached dormer dwellinghouses and four semi-detached two-storey dwellinghouses, one private garage, access road and services at Tobartescain, Clonroadmore, Ennis, County Clare, as amended by the further public notice received by the planning authority on the 18th day of December, 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**

Having regard to the residential zoning objectives for the existing house and the site, to the established character and pattern of development in the area including proximity to a large public open space to the north of the site, it is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the residential amenities of properties in the vicinity, would be acceptable in terms of pedestrian and traffic safety and convenience, and would not pose a risk to public health. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **Conditions**

1. The development shall be carried out 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 3<sup>rd</sup> day of December 2018, except as may otherwise be required in order to comply with the following conditions.

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

2. The proposed development shall be modified as follows:
  - (a) Unit numbers 1 and 2 shall be modified to provide for dual frontage, facing west and south and, Unit number 6 shall be modified to provide for dual frontage, facing west and north.
  - (b) The pedestrian entrance and side elevation window for the detached garage at Unit number 1 shall be located on the west elevation and at Unit number 2 shall be located on the north elevation.
  - (c) The proposed post and wire and post and panel fencing shall be omitted in entirety and replaced with boundary walls.

A revised site layout plan, and plan, section and elevation drawings and full details of locations, materials, finishes and heights for the boundary walls shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interests of visual and residential amenity.

3. The following requirements shall be provided for in the development:
  - (a) The internal access road shall be 5.5 metres in width and shall terminate at the western boundary of the site (without the provision of a grass verge or ransom strip) where it shall be dished and provided with dropped kerbs to footpaths, if any.
  - (b) Pedestrian facilities shall be provided for throughout the entirety of the internal circulation space between the entrance and the hammerhead, either by way of shared surface or segregated public footpath.
  - (c) Pedestrian access shall be provided between the proposed development and the public open space to the north.

- (d) A “Stop” sign to be erected on the internal access road on the inner side of the entrance onto Tobartescain Road and road markings in accordance with the standards in “Department of Transport: Local Government Traffic Signs Manual” shall be erected, at the applicant’s expense.

Prior to the commencement of the development a full specification, an accompanying plan and section drawings shall be submitted to, and agreed in writing with, the planning authority.

The internal roads, footpaths, lighting and open space shall be fully in situ, to the satisfaction of the planning authority, prior to the occupation of the proposed dwellings.

**Reason:** In the interest of vehicular and pedestrian safety and convenience and amenity.

4. Prior to commencement of construction of the proposed development, details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to the planning authority for written agreement.

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

5. The site 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.

**Reason:** In the interests of visual and residential amenities.

6. (a) The car parking spaces within the development shall be retained solely for use associated with dwellings and shall not be sold, rented or otherwise sub-let or leased to other parties.
- (b) The proposed development shall make provision for the charging of electrical vehicles. All car parking spaces serving the development shall be provided with electrical connections, to allow for the provision of future charging points and in the case of all visitor spaces, shall be provided with electrical charging points by the developer. Details of how it is proposed to comply with these requirements, including details of design of, and signage for, the electrical charging points shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of sustainable transportation.

7. 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 and services. The attenuation facilities which shall discharge to the public storm sewer network shall be constructed in accordance with the details shown in the details lodged with the planning authority on the 3<sup>rd</sup> day of December, 2018.

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

8. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site.

**Reason:** In the interest of orderly development and the visual amenities of the area.

9. Prior to commencement of development, the developer shall submit, and obtain the written agreement of the planning authority to, a plan containing details for the management of waste within the development, provision of facilities for the storage, separation and collection of the waste, and for the ongoing operation of these facilities.

**Reason:** To provide for the appropriate management of waste and, in particular, recyclable materials, in the interest of protecting the environment.

10. The site and building works required to implement the development shall be carried out between 0800 hours and 1800 hours, Monday to Friday and between 0800 hours and 1400 hours on Saturdays. No work shall take place outside these hours or on Sundays or Bank or Public Holidays.

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

11. 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.

**Reason:** In the interests of sustainable waste management.

12. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall include detailed proposals for management and routing of construction traffic, noise and dust management measures, materials and machinery storage arrangement and security fencing and hoardings.

**Reason:** In the interests of clarity, orderly development and the residential amenities of the area.

13. Proposals for a naming and numbering scheme for the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

**Reason:** In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.

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 and satisfactory completion and maintenance until taken in charge by the planning authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the planning 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 of the development.

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 the 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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**Maria FitzGerald**

**Member of An Bord Pleanála**

**duly authorised to authenticate**

**the seal of the Board.**

**Dated this            day of            2019.**