

An
Bord
Pleanála

Board Order
ABP-313652-22

Planning and Development Acts 2000 to 2022

Planning Authority: Clare County Council

Planning Register Reference Number: P22/205

Appeal by Eimear Ní Chléirigh of 68 Inis Cláir, Kildysart Road, Clarecastle, Ennis, County Clare against the decision made on the 29th day of April, 2022 by Clare County Council to grant subject to conditions a permission to Easy Build Limited care of Brian Foudy and Associates of Osprey House, Carmody Street, Ennis, County Clare in accordance with plans and particulars lodged with the said Council.

Proposed Development: (a) Alter boundaries and extend access roadway previously granted under P19-28 and (b) construct an additional three number dwelling houses and detached sheds together with all ancillary site development works and connections to public services, all at Ballaghafadda East, Clarecastle, 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.

Reasons and Considerations

Having regard to the residential zoning objective for the site, to the provision for infill development in the Ennis Municipal District Area as part of the Clare County Development Plan 2023 - 2029, to the pattern of development in the area and to the scale, nature and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an appropriate form of infill development at this location, would be acceptable in terms of scale and design and would not seriously injure amenities of the area or of property in the vicinity. 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 and completed in accordance with the plans and particulars lodged with the application, 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 proposed garden sheds shall not be used as habitable accommodation.

Reason: In the interest of clarity.

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

Reason: In the interest of visual amenity.

4. The following shall apply in respect of boundary treatment:
 - (a) Screen walls shall be provided along the boundaries of the site with existing dwelling properties, public space and along the access road and in this regard the following shall apply:
 - (i) all walls along the access road shall be faced in local stone. The 1.4 metres high timber and post rail shall be replaced accordingly; and
 - (ii) along point D-C as per Drawing Number 1847(P)(01) received by the planning authority on 8th day of March, 2022, the boundary wall shall consist of a 2.4-metre-high block wall which shall be stone faced on the public side.
 - (b) The timber and post fence between the front curtilages of the dwellings shall be replaced by a 1.2-metre-high concrete wall, capped and rendered or painted decorative metal railing.
 - (c) Save where otherwise stipulated or unless otherwise agreed in writing with the planning authority, all boundaries between dwellings shall be of block construction, plaster and capped and 1.8 metres in height.
 - (d) Details of the layout, heights, materials, and external finishes of the screen walls and front boundaries and garden boundaries shall be submitted to, and agreed in writing with, the planning authority, prior to commencement of construction of the dwellings.

- (e) Clarification of plans indicating preservation of the boundary hedgerow and vegetation on the site in conjunction with proposed planting in such a manner as to ensure its value as a habitat for wildlife species including bats is protected.
- (f) The timber fences (T3) proposed as boundary walls in the front gardens and alongside the access road from points C-D-E as marked on Drawing Number 1847(P)01 received by the planning authority on 8th day of March, 2022 shall be replaced with concrete walls faced with stone.

Revised Plans indicating the above measures shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure protection of a feature of importance and enhance foraging areas for wildlife in the area and to control light spill in the interests of biodiversity, visual amenity, residential amenity, orderly development and traffic safety.

- 5. The in-curtilage car parking spaces serving the dwelling house shall be provided with electric connections to the exterior of the house to allow for the provision of future electric vehicle charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: in the interest of sustainable transportation.

6. The site shall be landscaped, using only indigenous deciduous trees and hedging species and shall be in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Existing boundary screening shall be suitably strengthened. Any plants which die, are removed or become seriously damaged or diseased, within a period of four 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 visual amenity.

7. The internal access road serving the proposed development including turning bay, pedestrian crossing, junction layout, parking areas, footpaths and kerbs shall comply with the detailed standards of the planning authority for such road works.

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

8. Prior to the making available for occupation of any house, the access road serving the development shall be widened and constructed to at least base wearing course and realigned wall(s) as indicated on Drawing Number 1847(P)01 which shall be stone faced on the public side, together with landscaping in accordance with condition number 2 of this permission, shall be in place.

Reason: To ensure timely and satisfactory provision of such site development works.

9. Public lighting shall be provided in accordance with a scheme which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To control light spill and in the interest of amenity and public safety.

10. All service cables associated with the proposed development shall be located underground.

Reason: In the interest of orderly development.

11. Water supply and drainage arrangements, including the disposal of surface water, shall incorporate SuDS and shall comply with the requirements of the planning authority for such works and services. Details shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of public health.

12. The applicant or developer shall enter into water and/or wastewater connection agreement(s) with Uisce Éireann, prior to commencement of development.

Reason: In the interest of public health.

13. Proposals for estate/street name and house numbering and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

14. The open spaces shall be developed for public amenity and shall be kept free of any development and shall not be incorporated into house plots. Works shall be completed prior to any of the dwellings being made available for occupation and shall be maintained as such until taken in charge by the local authority.

Reason: In the interest of amenity.

15. Site development and building works shall be carried out only between the hours of 0700 and 1900 from Mondays to Fridays inclusive, between the hours of 0800 and 1400 on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received by the planning authority.

Reason: In order to safeguard the residential amenities of the area.

16. The development hereby permitted shall be carried out and completed at least to the construction standards, as set out in the "Recommendations for Site Development Works for Housing Areas", issued by the Department of Environment and Local Government in October 1998 and the planning authority's 'Taking-In-Charge' policy. Following completion the development shall be maintained by the developer in compliance with these standards until taken in charge by the county council.

Reason: To ensure that the development is carried out and completed to an acceptable standard of construction.

17. Prior to the commencement of development, the developer or any agent acting on its behalf shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP shall be submitted to the planning authority for written agreement prior to commencement of development.

Reason: In the interest of sustainable waste management.

18. 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 provide details of intended construction practice for the development including hours of working, noise management measures, off-site disposal of construction/demolition waste, details of management of excavation soil, details of fencing/hoarding, means to ensure surface water run-off is controlled such that no silt or other pollutant enter the surface water sewers or drains, measures to avoid the spread of non-native invasive plant species.

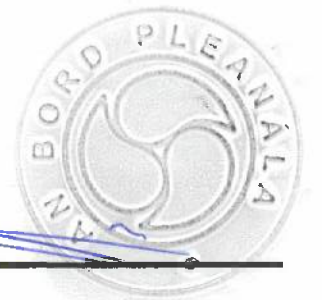
Reason: In the interests of amenities, public health and safety and the protection of biodiversity.

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

20. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure 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.



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

Dated this 22 day of September 2023.