

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Clare County

Planning Register Reference Number: P15/234

An Bord Pleanála Reference Number: PL 03.245701

APPEAL by Michael O'Neill and Patricia McCarthy of 1 Foyle Park, Drumgeely, Shannon, County Clare and by Drumgeely Playground Association care of Ayisha Buckley of 2 Slaney Park, Shannon, County Clare against the decision made on the 7th day of October, 2015 by Clare County Council to grant subject to conditions a permission to the said Drumgeely Playground Association in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Construction of a community playground and activity Park, perimeter fencing and all ancillary site works at Drumgeely, Shannon, 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 nature and scale of the proposed development and to the pattern of development in the vicinity of the site, the planning history of the public open space and to the open space zoning of the site within the Shannon Town and Environs Local Area Plan 2012–2018, it is considered that, subject to compliance with the conditions set out below, the proposed community playground/activity park would be an appropriate use of the site, would be of benefit to the local community, would not seriously injure the residential amenities of the area, would be acceptable in terms of traffic safety and convenience 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 10th day of September 2015, 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 development shall be amended as follows:
 - (a) The two metres high, steel mesh, dark green fence along the northern boundary shall be set back by 500 millimetres from the nearside edge of the existing footpath.
 - (b) The two metres high, steel mesh, dark green fence along the northern boundary shall be re-routed across the northernmost portion of the site so as to align with the existing east/west fence to the side of Saint John's National School.
 - (c) Details of the following items:
 - (i) the proposed access gates to the site,

- (ii) the proposed type of seating to be installed in the site, and
- (iii) the surface treatments to be laid down throughout the site.

Revised drawings at a scale of 1:100 showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In order to safeguard the commodiousness of the footpath and in the interests of visual amenity and public safety.

- 3 The trees on the site shall be managed in accordance with the horticulturalist's report dated 15th February, 2015 and the submitted site plans, unless any variations to this report and these plans are agreed in writing with the planning authority.

Reason: In the interests of orderly and well-planned development.

4. (a) Prior to commencement of development, all trees, groups of trees, hedging and shrubs which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum a radius of two metres from the trunk of the tree or the centre of the shrub, and to a distance of two metres on each side of the hedge for its full length, 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 trees which are to be retained 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, and no lighting of fires, over the root spread of any tree to be retained.

Reason: To protect trees and planting during the construction period in the interest of visual amenity.

5. 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 and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

6. Prior to the commencement of use of the proposed community playground/activity park, the developer shall submit to the planning authority a Management Plan for the site, which shall include a scheme for the future maintenance of play equipment and features.

Reason: In the interest of visual and residential amenity.

7. The proposed community playground/activity park shall only be used between the hours of 10.00 and 21.00 hours during the months of April to September (inclusive) and 10.00 and 18.00 hours during the months of October to March (inclusive).

Reason: In the interest of residential amenity.

8. Any proposals for the provision of lighting on the site shall be submitted to, and agreed in writing with, the planning authority prior to the installation of same.

Reason: In the interest of orderly development.

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

Dated this day of 2016.