

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Clare County

Planning Register Reference Number: P15/478

An Bord Pleanála Reference Number: PL 03.246507

APPEAL by Robert Shannon care of HRA Planning of 3 Hartstonge Street, Limerick and by Carol Spencer care of Connellan and Associates of 'Sonas', Cahercalla Wood, Cahercalla, Ennis, County Clare against the decision made on the 5th day of April, 2016 by Clare County Council to grant subject to conditions a permission to Burke Shannon Burke Partnership care of McKenna Consulting Engineers of Miltown Malbay, County Clare.

PROPOSED DEVELOPMENT: Retention of existing temporary marquee structure and permission for continuation of use of same until October and erection of marquee temporary structure between March and October on a yearly basis, all at Fitz's Cross, Doolin, County Clare as amended by the revised public notice received by the planning authority on the 9th day of March, 2016

DECISION

REFUSE permission for the above proposed development based on the reasons and considerations 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

1. Taken in conjunction with existing and permitted development, it is considered that the development proposed to be retained and the proposed development, by reason of its nature, location and excessive scale, would represent overdevelopment of this site, would be out of character with the existing pattern of development in the village centre of Doolin and would be contrary to the proper planning and sustainable development of the area.
2. The use of the marquee is reliant upon the existing wastewater treatment plant that serves the Hotel Doolin and which discharges via the public surface water drainage network to the River Aille. This plant needs to be upgraded and yet the applicant has not demonstrated that any upgrade would be compatible with the achievement of water quality objectives for this river and the maintenance of public health. Furthermore, given the significant scale of the development involved, the Board is not satisfied that the use of a temporary wastewater treatment facility is appropriate and determines that, by reference to an existing deficiency in the provision of public sewerage services in the area, it would be premature to grant permission for the proposed retention and continued use of the marquee. The development proposed to be retained and the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
3. The use of the marquee is a source of significant noise that causes demonstrable disturbance within the surrounding area, especially at anti-social hours, and by its nature is not capable of providing the necessary attenuation. The proposed retention and continued use of the marquee would, therefore, seriously injure the amenities of property in the vicinity and would militate against the relative peace and quiet that Doolin affords as an established tourist destination and residential centre. Accordingly, the development proposed to be retained and the proposed development would be contrary to the proper planning and sustainable development of the area.

4. The applicant has failed to demonstrate that the access road from the R479 to the south east of the marquee has the benefit of planning permission. Furthermore, the applicant has failed to include the land to the south east of this road, which is proposed for a new use as an overflow car park, within the red edge of the application site. Accordingly, the Board is not in a position to fully assess the access and car parking arrangements envisaged as serving the marquee. In these circumstances, it would be inappropriate to consider a grant of permission for the proposed retention and continued use of this marquee and such use would be contrary to the proper planning and sustainable development of the area.

5. The marquee is sited to the rear of an attractive complex of buildings, which include the Hotel Doolin. Having regard to its nature and design, it is considered that the proposed retention and continued use of the marquee would seriously injure the visual amenities of the area and would, therefore, be contrary to the proper planning and sustainable development of the area.

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

Dated this day of 2016.