

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Clare County

Planning Register Reference Number: P16/253

An Bord Pleanála Reference Number: PL 03.247002

APPEAL by Joyce and Norman Green care of Shannon Planning Consultants of 5 Island View, Kilrush, County Clare against the decision made on the 6th day of July, 2016 by Clare County Council to grant subject to conditions a permission to Noel and Siobhan Mulderrig care of NAPS Limited of Loughash, Newmarket-on-fergus, County Clare in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Installation of a portacabin to be used as an extension to the existing childcare facility and permission to increase the number of car parking spaces including ancillary site works, all at 8 An Ros An Oir, Ballycasey, 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 zoning objective for the site and policies and objectives as set out in the current Clare County Development Plan and the Shannon Town and Environs Local Area Plan 2012 - 2018, to the pattern of development and planning history of the area, and to the nature and scale of the development, it is considered that, subject to compliance with the conditions set out below, the proposed development would be an appropriate form of development at this location, would be acceptable in terms of traffic safety and convenience and would not seriously injure the 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 as amended by the further plans and particulars submitted on the 10th day of June 2016 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. (a) In the event that the use of the proposed pre-fabricated unit becomes obsolete, the applicant shall at their own expense remove same and return the site to its original condition. Otherwise this permission shall be valid for the period of five years from the date of the final grant of planning permission.
- (b) On the expiry of that period the pre-fabricated unit shall be removed and the site reinstated unless its continued use or a revised pre-fabricated unit is allowed by reason of a future planning permission.

Reason: In the interest of orderly development having regard to the temporary nature of the portacabin structure.

3. The proposed sessional childcare facility shall not operate outside the period of 0900 to 1200 hours Monday to Friday inclusive between the months of September to June except public holidays, and shall not operate on Saturdays, Sundays or public holidays.

Reason: In the interest of residential amenity.

4. The number of children to be accommodated within the portacabin shall not exceed 20 at any time on any day.

Reason: To limit the development in the interest of residential amenity.

5. The proposed development shall be amended as follows:

- (a) the car parking spaces numbered 9-14 and the associated road way/turning area proposed adjacent to the eastern boundary to the rear of the site as indicated on drawing number P-02a-L submitted to the planning authority on the 10th day of June, 2016 shall be omitted,
- (b) no car parking area, road or turning area shall be constructed behind the rear building line of the original games room structure, and
- (c) the area resulting from (a) and (b) above shall serve as amenity space for the child care facility on the basis set out in the planning application.

A revised drawing showing compliance with these modifications shall be submitted to, and agreed, in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of the amenity.

6. 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.

Reason: In the interest of public health.

7. Notwithstanding the provisions of the Planning and Development Regulations, 2001, or any statutory provision amending or replacing them, no additional advertisement signs other than those indicated on the lodged drawings (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the building or within the curtilage of the site, unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

8. 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 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.

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

Dated this day of 2016.