

Planning and Development Acts 2000 to 2022

Planning Authority: Clare County Council

Planning Register Reference Number: P22/123

Appeal by Michael O'Rourke and others of Main Street, Mountshannon, County Clare against the decision made on the 6th day of April, 2022 by Clare County Council to grant subject to conditions a permission to Mountshannon Community Council care of Killaloe Consultants Limited of RahenaBeg, Killaloe, County Clare in accordance with plans and particulars lodged with the said Council.

Proposed Development: Erection of a pavilion (a roofed open structure) for communal, cultural, education and events and gatherings and all associated site works at Aistear Park, Mountshannon, 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 provisions of the Clare County Development Plan 2023 - 2029 and to the modest nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development of the site for an ancillary amenity facility in Aistear Park would be acceptable in principle, would not be visually obtrusive and would be acceptable in terms of visual and residential amenities. 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 development shall be modified such that the span of the roof shall not exceed 12 metres. Revised drawings showing compliance with this requirement shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. At least eight number bicycle parking spaces shall be provided within the site. Details of the layout and marking demarcation of these spaces shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure that adequate bicycle parking provision is available to serve the proposed development in the interest of sustainable transportation.

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

Reason: In the interest of visual amenity.

5. (a) No signage, advertising structures/advertisements, security shutters or other projecting elements, including flagpoles, shall be erected on the pavilion or within the site unless authorised by a further grant of planning permission.
- (b) Other than a temporary retractable screen and associated equipment, no other furniture, equipment or large fittings shall be stored overnight in, or alongside the pavilion, unless authorised by a further grant of planning permission.

Reason: To protect the amenities of the area.



6. The pavilion shall only be used for organised events between the hours of 0900 and 2100 from Mondays to Thursdays, inclusive, and between 0800 and 2200 hours on Fridays, Saturdays, Sundays and public holidays.

Reason: To protect the amenities of the area.

7. Any illumination associated with the proposed development shall not exceed the hours of 2200 and shall at all times be in accordance with an agreed scheme, details (to include levels/intensity, specification, angles, duration, times and dates) of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of amenity and the ecology of the area.

8. All public service cables for the development, including electrical and telecommunications cables shall be located underground throughout the site.

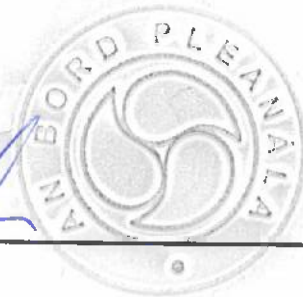
Reason: In the interest of the visual amenities of the area.



9. 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 environmental protection.

Peter Mullan



Peter Mullan

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this *26th* day of *July*, 2023.