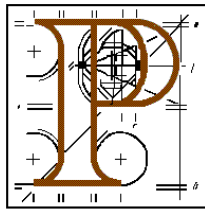


# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

**Cavan County**

**Planning Register Reference Number: 15/272**

An Bord Pleanála Reference Number: PL 02.245505

**APPEAL** by Phelim McCabe care of Michael Fitzpatrick Architects Limited of Main Street, Butlersbridge, County Cavan against the decision made on the 21<sup>st</sup> day of August, 2015 by Cavan County Council to refuse permission in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** Development comprising the conversion of an existing premises known as 'The Bent Elbow, to fully serviced auto workshop with alterations to existing plan, elevations and all ancillary works at Knocknagillagh, New Inn, County Cavan.

## **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 planning history of the site, to the former use of the premises as a public house/restaurant and the hours of operation and the intensity of the latter uses during peak business periods, to the low intensity nature of the proposed auto workshop use and to the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would facilitate the use of a currently vacant building, would contribute to the rural area's local economy through the provision of local services and employment and would, therefore, comprise an acceptable rural enterprise in this area. Furthermore, it is considered that the proposed development would not result in the creation of any additional access point, would not result in the generation of increased traffic from the existing access to the national road and would not be at variance with the Spatial Planning and National Roads Guidelines for Planning Authorities issued by the Department of the Environment, Community and Local Government in January, 2012. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered that the proposed use was an acceptable use to replace the former bar and restaurant use and considered that the no intensification of traffic volumes would arise from the proposed development.

## 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 use of the premises shall be restricted to that of an auto workshop and no other use, including any change of use, shall be commenced on site without a prior grant of planning permission.

**Reason:** In the interest of clarity and traffic and pedestrian safety.

3. The hours of operation shall be between 0800 hours and 1900 hours Monday to Saturday. The workshop shall not operate on Sundays or public holidays.

**Reason:** In the interest of the amenities of property in the vicinity.

4. Details of all signage 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. Details of all lighting to serve 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 amenity and public safety.

6. The site shall be landscaped in accordance with a scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The scheme shall include a timescale for its implementation.

**Reason:** In the interest of visual amenity.

7. Surface water from the site shall not be permitted to drain onto the adjoining public road.

**Reason:** In the interest of traffic safety.

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

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

**Dated this            day of            2016.**