

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Mayo County

Planning Register Reference Number: P15/466

An Bord Pleanála Reference Number: PL 16.246885

APPEAL by Micheal McNamara of Keel West, Dooagh, Achill, County Mayo against the decision made on the 15th day of June, 2016 by Mayo County Council to grant subject to conditions a permission to Joseph Carey care of Gerard Coen of Creeragh, Ballinrobe Road, Castlebar, County Mayo in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Retention of alteration of previously permitted dive centre (planning register reference number P97/295) including (a) modification of site boundaries and site layout; (b) modification of permitted elevations and main building entrance; (c) construction of single storey flat roof self-contained plant room extension measuring 6.80 square metres to rear of dive centre containing air compressor; (d) raising of permitted eaves and roof level by 1.15 metres and development/conversion of first floor area measuring 94 square metres of permitted dive centre for ancillary uses including administration and training. Permission for: (e) construction of single storey flat roof extension measuring 16.67 square metres to rear of dive centre for storage purposes; (f) use of roof of extensions referred to in (d) and (e) for external balcony and provision of associated railings, door opening(s), (g) change of use of first floor to café/restaurant use associated with/ancillary to the principal dive centre use and (h) all associated and ancillary internal and external works and development at Purteen Harbour, Keel, Achill, County Mayo. A further public notice was received by the planning authority on the 26th day of February, 2016.

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 subject site, and to the pattern of development in the vicinity, and having regard to the nature, scale and form of the development for which retention is sought and for which permission is sought, it is considered that, subject to compliance with the conditions set out below, the development for which retention is sought, and the proposed development, would not seriously injure the amenities of the area, would not be prejudicial to public health and would not be likely to lead to traffic hazard. The development for which retention is sought and the proposed development would, therefore, not be contrary to the proper planning and sustainable development of the area.

Appropriate Assessment

The Board noted that the subject development is not directly connected with or necessary to the management of a European Site. In completing the screening for Appropriate Assessment, the Board noted the Natura Impact Assessment (Stage 1) screening statement submitted by the applicant to the planning authority as part of his response to the authority's request for further information, including the mitigation measures set out therein. The Board also noted the Inspector's Appropriate Assessment Screening assessment and concurred with the Inspector's conclusions in respect of likely significant effects of the subject development, either individually or in combination with other plans or projects, on the Achill Head Special Area of Conservation (Site Code 002268) in view of the site's Conservation Objectives. The Board adopted the Inspector's assessment and, therefore, was satisfied that the subject development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on the Achill Head Special Area of Conservation (Site Code 002268), or on any other European site, in view of the Conservation Objectives of those sites.

CONDITIONS

1. The development shall be retained, and 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 12th day of February, 2016, and the 20th day of May, 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. Details of the external finishes, colours and materials of the proposed extension to the building shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development on the site. These finishes, colours and materials shall have the same visual appearance as those on the existing building.

Reason: In the interest of visual amenity.

3. All of the works associated with the development shall be confined to the proposed development site and all site development works shall adhere to best practice, and comply with the mitigation measures set out in Section 5 of the Natura Impact Assessment Stage 1 screening statement, as submitted to the planning authority on the 12th day of February, 2016. No works shall take place on, and there shall be no encroachment onto, the adjacent European site, and there shall be no interference with the boundary of this European site.

Reason: In the interest of environmental and ecological protection.

4. Details of all signage proposed for the building, and the site generally, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This shall include any signage already erected on the building or within the site, if it is proposed to retain such signage.

Reason: In the interests of visual amenity and clarity.

5. Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no further advertisement signs, other than those specifically agreed in writing with the planning authority under condition number 4 of this order, (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, and to allow the planning authority to assess any such development through the statutory planning process.

6. The car parking spaces, as outlined in the plans and particulars submitted to the planning authority on the 20th day of May, 2016, shall be provided before the proposed café/restaurant is first opened to the public.

Reason: In the interests of traffic safety and visual amenity.

7. The proposed fence bounding the site shall not exceed 1.4 metres in height. This fence shall be provided before the proposed café/restaurant is first opened to the public. No signs or advertisements of any kind whatsoever shall be placed on this fence at any time.

Reason: In the interests of proper boundary demarcation and visual amenity.

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.

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.