

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Kerry County

Planning Register Reference Number: 16/252

An Bord Pleanála Reference Number: PL 08.246920

APPEAL by Michael Daly care of Frank Curran Consulting Engineers Limited of 16 Main Street, Caherciveen, County Kerry against the decision made on the 20th day of June, 2016 by Kerry County Council to refuse permission in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Retain store for private use as constructed and permission to alter entrance door to store, all at East End, Cahersiveen, County Kerry, as revised by the further public notice received by the planning authority on the 24th day of May, 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 location of the site within the town of Cahersiveen, the land use zoning objective for the site, the established residential use of the site, the pattern of development in the area, the nature and scale of the proposed development and the policy of the planning authority, as set out in the Cahersiveen, Waterville and Sneem Functional Areas Local Area Plan 2013 - 2019, it is considered that, subject to compliance with the conditions set out below, the development proposed to be retained and the proposed development would not seriously injure the residential amenities of the area or of property in the vicinity, would constitute an appropriate form of development at this location, would be acceptable in terms of traffic safety and convenience and would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be retained, 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 April, 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. The permitted garage/store shall be used solely for purposes ancillary to the enjoyment of the main dwelling and shall not be used for commercial, trade or business purposes.

Reason: In the interest of proper planning and sustainable development and to protect the amenities of property in the vicinity.

3. (a) The entrance gate shall open inwards only from the public road.
(b) The entrance door shall be maximum of 1.8 metres wide as indicated on Drawing MDR1.

Reason: In the interest of traffic safety owing to the lack of visibility at this location.

4. Drainage arrangements, including the attenuation and disposal of rain water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

5. 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.