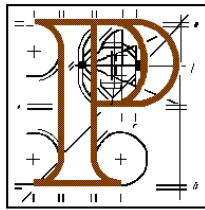


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2014

Kerry County

Planning Register Reference Number: 15/15

An Bord Pleanála Reference Number: PL 08.244715

APPEAL by Tony O'Shea care of McCutcheon Halley Walsh of 6 Joyce House, Barrack Square, Ballincollig, County Cork and by Tom and Mary O'Donoghue care of Purtill Consulting Engineers Limited of Listellick South, Tralee, County Kerry against the decision made on the 10th day of March, 2015 by Kerry County Council to grant subject to conditions a permission to Richard Leane care of James O'Riordan of Gortahoosh, Glenflesk, Killarney, County Kerry in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Development consisting of (a) retention of existing structure consisting of a basement and ground floor extension to existing building and (b) completion of extension to existing building consisting of (1) a storage space at basement level to serve existing ground floor retail outlet and (2) extension to existing retail unit at ground floor level including a retail storage space, customer w.c., staff canteen, staff changing rooms and a staff w.c. to serve existing retail outlet and provisions for car parking to rear of proposed building, all at Muckross Drive/Muckross Road, Killarney, County Kerry.

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 nature and scale of the proposed development, the established retail use on the site, and the mixed use nature of the wider area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area and would be acceptable in terms of traffic safety and convenience. 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 and appeal, 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 parapet level of the extension to be completed shall be reduced in height by 600 millimetres at the northern boundary. The proposed roof may be altered to a flat roof to accommodate this change. Drawings showing this alteration shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of residential amenity.

3. No part of the proposal shall oversail any adjoining property.

Reason: In the interest of orderly development.

4. The proposed extensions at ground floor and basement level shall be used in conjunction with the existing retail use on site and shall not be leased, rented or sold separately from the existing retail units on site.

Reason: To ensure effective planning control of the development.

5. Water supply and drainage arrangements for the site, including the disposal of surface and soiled water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of environmental protection and public health.

6. Adequate space shall be provided within the curtilage of the proposed building (and not on the public footpath/roadway) for the collection and storage of waste and refuse generated in the proposed development.

Reason: In the interest of public health and orderly development.

7. No ancillary plant or equipment including satellite dishes shall be placed on the external walls or roofs without a prior grant of planning permission.

Reason: In the interest of architectural harmony and in order to integrate the structure into the surrounding area.

8. All excavations and building works shall be carried out between the hours of 0800 and 1800 from Monday to Friday inclusive, and between the hours of 0800 and 1300 on Saturdays only. No work shall be carried out on Sundays, Bank or Public Holidays.

Reason: In the interest of residential amenity.

9. 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 2015.