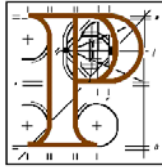


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Kerry County

Planning Register Reference Number: 16/135 (Killarney)

An Bord Pleanála Reference Number: PL 08.247186

APPEAL by Brian Bowler of Bowlers Garage, Ballycasheen, Killarney, County Kerry against the decision made on the 4th day of August, 2016 by Kerry County Council to grant subject to conditions a permission to Nocwerdna Limited of Nunstown, Aghadoe, Killarney, County Kerry in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Construction of a warehouse unit at Ballycasheen, 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 established use on the appeal site, the pattern of development in the area and the extent of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not result in a risk of flooding, would not result in a traffic hazard and 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, as amended by the further plans and particulars submitted on the 11th day of July 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 proposed development shall be used for warehousing storage use only. No general retail or retail warehousing use shall not take place from this premises.

Reason: To limit the use of the development, having regard to the availability of car parking and in the interest of the proper planning and sustainable development of the area.

3. The development shall include all proposed flood resilient construction measures detailed in the Flood Risk Assessment submitted to the planning authority on the 11th day of July 2016.

Reason: In the interest of orderly development.

4. No additional floorspace shall be formed by means of internal horizontal division within the building hereby permitted unless authorised by a prior grant of permission.

Reason: In order to control the intensity of development and to ensure that adequate car parking will be provided.

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

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

6. The existing stone clad wall and railing boundary with Ballycasheen Road shall be retained along the site frontage.

Reason: In the interest of visual amenity.

7. 13 number car parking spaces and two number loading bay spaces shall be provided within the overall site. The layout of these spaces shall be shall be no less than 4.8 metres by 2.4 metres for car parking spaces and 6.1 metres by 3 metres for loading bays. Details in this regard shall submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure that adequate off-street parking provision is available to serve the proposed development.

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

Reason: In the interest of public health.

9. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

10. No signage, advertising structures/advertisements, security shutters, or other projecting elements, including flagpoles, shall be erected within the site and adjoining lands under the control of the development unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

11. 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 2017.