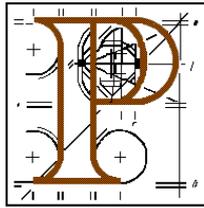


# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

**Kerry County**

**Planning Register Reference Number: 16/757**

An Bord Pleanála Reference Number: PL 08.247423

**APPEAL** by Michael and Tracey O’Flaherty of Church Sreet, Ardfert, Tralee, County Kerry and by Dan Joe Nagle of Ballaghcommane, Killarney, County Kerry against the decision made on the 29<sup>th</sup> day of September, 2016 by Kerry County Council to grant subject to conditions a permission to Brendan and Norrie Horgan care of Colman Cotter Consulting Engineers Limited of Sullane House, Great Island Enterprise Park, Ballincollig, County Cork in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** Modification to the recently permitted development (planning register reference number 15/406) for the change of use of part of the supermarket retail area to off-licence retail area at Horgans Filling Station, Gortaspiddale, Tralee Road, Ardfert, 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 existing and permitted retail development of the subject site, to the zoning objectives for the site as set out in the current development plan for the area, and to the nature and limited scale 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 property in the vicinity, would not adversely impact on the vitality and viability of the settlement of Ardfert, 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, except as may otherwise be required in order to comply with the following conditions.

**Reason:** In the interest of clarity.

2. The area and extent of the proposed off-licence shall be restricted to the area outlined in the plans and particulars lodged with the application on the 5<sup>th</sup> day of August, 2016, and shall not be expanded, nor relocated elsewhere within the overall retail area, without a separate grant of planning permission.

**Reason:** To regulate the use of the development in the interest of the proper planning and sustainable development of the area.

3. Apart from the change of use hereby permitted, the overall development shall be carried out and completed in accordance with the terms and conditions of the permission granted under planning register reference number 15/406.

**Reason:** In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission.

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

**Dated this            day of            2017.**