

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

Kerry County

Planning Register Reference Number: 16/235

An Bord Pleanála Reference Number: PL 08.247486

APPEAL by Mike Hegarty Junior care of Griffin Project Management of 51 New Street, Killarney, County Kerry against the decision made on the 4th day of October, 2016 by Kerry County Council in relation to an application for permission for (1) demolition of existing office building and construction of a drive-through restaurant, (2) construction of service station and canopy to front of existing supermarket, (3) construction of building containing four number shop units and 12 number two bedroom apartments, (4) change of use of existing shop units in Countess Shopping Centre as follows: (a) Unit number 1 from financial services to retail, (b) Unit number 4 from financial services to restaurant, (5) alteration of layout of units 2 and 3, as detailed on plans, (6) construction of car parking, traffic control measures, drainage and all ancillary works at Avenue, Park Road, Killarney, County Kerry in accordance with the plans and particulars lodged with the said Council (which decision was to grant subject to conditions permission for demolition of existing office building, change of use of existing shop units in Countess Shopping Centre as follows: (i) unit number 1 from financial services to retail, (ii) unit number 4 from financial services to restaurant, (iii) alteration of layout of units 2 and 3 as detailed on plans and construction of car parking, traffic control measures, drainage and all ancillary works and to refuse permission for construction of a drive through restaurant, construction of a service station and canopy to front of existing supermarket and construction of a building containing four number shop units and 12 number two bedroom apartments.

DECISION

GRANT permission for change use of existing shop units in Countess Shopping Centre as follows: (a) Unit number 1 from financial services to retail; Unit number 4 from financial services to restaurant; alteration of layout of units 2 and 3 as detailed on plans and construction of car parking, traffic control measures, drainage and all ancillary works in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below. REFUSE permission for demolition of existing office building, construction of a drive through restaurant; construction of service station and canopy to front of existing supermarket and construction of building containing four number shop units and 12 number two bedroom apartments based on the reasons and considerations marked (2) under.

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 (1)

Having regard to the established use of the site for retail/commercial purposes, 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 the area or of property in the vicinity, 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 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 7th day of September, 2016 and by the further plans and particulars received by An Bord Pleanála on the 27th day of October, 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 change of use of Unit number 4 from financial services to restaurant shall operate predominantly as a restaurant, and any associated take-away facility shall remain ancillary to the main restaurant use. Details of the occupancy and operation of the unit, including detailed floor plans indicating the layout of the proposed development, public seating areas, service areas and any external plants/vents/machinery and food preparation areas, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To protect the amenities of the area.

3. Prior to the commencement of development, a scheme for the effective control of fumes and odours generated by the proposed restaurant shall be submitted to the planning authority for written approval. Furthermore, the developer shall submit details regarding ventilation systems, ducting and route of pipework to discharge point for written agreement with the planning authority.

Reason: In the interest of public health and in order to safeguard the residential amenities of properties in the vicinity.

4. Litter in the vicinity of the restaurant premises shall be controlled in accordance with a scheme of litter control which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the provision of litter bins and refuse storage facilities.

Reason: In the interest of visual amenity.

5. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

6. Water supply and drainage arrangements, including the attenuation and 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.

7. The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths and kerbs shall comply with the detailed standards of the planning authority for such road works.

Reason: In the interest of amenity and of traffic and pedestrian safety

8. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

