



Planning and Development Acts 2000 to 2019

Planning Authority: Kerry County Council

Planning Register Reference Number: 19/27

Appeal by Peter Browne care of Enright and Company Solicitors of Cordal, Castleisland, County Kerry against the decision made on them 11th day of March, 2019 by Kerry County Council to grant subject to conditions a permission to O’Keeffe’s of Rathmore Limited care of Diarmuid Mangan and Associates of Bohereen Na Goun, New Street, Killarney, County Kerry in accordance with plans and particulars lodged with the said Council.

Proposed Development: Retention of amending operating hours for the depot (i.e. amending condition 7 of Board Pleanala's Decision, planning reference PL 08.242487) so as to facilitate (1) all deliveries to the depot, (2) all deliveries from the depot and (3) all self-service refuelling at Clashganniv, Castleisland, 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 Kerry County Development Plan 2014-2020, the Killarney Municipal District Local Area Plan 2018-2024, the pattern of development in the area and the planning history of the site, it is considered that, subject to compliance with the conditions set out below, the development for which retention is sought would not seriously the amenities of the area and would be acceptable in terms of traffic safety and convenience. The development for which retention is sought would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained 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. 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 premises shall only operate between the hours of 6.00am to 22.00pm Monday to Saturday and between 9.00am and 2.00pm on Sundays and public holidays.

Reason: In the interest of residential amenity.

3. With the exemption of condition number 2 above, all other conditions attached to the Order granted by An Bord Pleanála, under PL 08.242487, shall be adhered to.

Reason: In the interest of clarity.

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

Dated this day of 2019.