



Planning and Development Acts 2000 to 2019

Planning Authority: Kerry County Council

Planning Register Reference Number: 19/120

Appeal by Siobhán Flynn of 'Aisling', Monavalley, Tralee, County Kerry and by Bernadette Daly of Rockall, The Spa, Tralee, County Kerry against the decision made on the 23rd day of May, 2019 by Kerry County Council to grant subject to conditions a permission to the said Bernadette Daly care of Oliver Daly Architects of 6 Church Street, Castleisland, County Kerry in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of a warehouse building for use as a bus depot, new site entrance and all ancillary site works at Cloonanorig, Monavalley Industrial Park, Tralee, 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 urban location of the site, which is located within an established industrial estate within the Development Boundary for the Hub town of Tralee and to the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the policies and objectives for the area as set out in the Tralee Town Development Plan 2009-2016 (as extended and varied) and would not seriously injure the amenities of the area or of property in the vicinity 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, as amended by the further plans and particulars submitted to the planning authority on the 26th day of April, 2019, 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 development shall be used solely as a bus depot for the parking, cleaning and re-fuelling of five buses as described in the documents submitted to the planning authority. A change of use or intensification of this use shall not take place without the benefit of a further grant of planning permission, notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, as amended.

Reason: In the interest of orderly development and to safeguard the amenities of the area.

3. No vehicle repairs shall be carried out at/in the premises without a prior grant of planning permission.

Reason: To protect the amenities of property in the vicinity.

4. No goods, raw materials or waste products shall be placed or stored outside the building, other than in receptacles approved by the planning authority.

Reason: In the interests of public health and the visual amenities of the area.

5. A plan containing details for the management and storage of waste (and in particular recyclable materials and end-of-life metal equipment) within the development, including facilities for the storage, separation and collection of waste, and in particular recyclable materials and for the ongoing operation of this facility shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of the amenities of the area and to ensure the provision of adequate refuse storage.

6. 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.

7. The site shall be landscaped in accordance with a scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development

Reason: In the interests of residential and visual amenity.

8. No advertisement or advertisement structure, the exhibition or erection of which would otherwise constitute exempted development under the Planning and Development Regulations, 2001, or any statutory provision amending or replacing them, shall be displayed or erected within the curtilage of the site unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

9. The developer shall enter into water and/or wastewater connection agreement(s) with Irish Water prior to commencement of development.

Reason: In the interest of public health.

10. No building works shall be carried out over the culvert or associated wayleave. No building works shall commence until the foul sewer traversing the site is diverted to the satisfaction of Irish Water.

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

11. The developer shall pay to the planning authority a financial contribution of €7,128 (seven thousand, one hundred and twenty-eight euro) 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 the 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. The application of any indexation required by this condition 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.

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.

Terry Ó Niadh

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this day of 2019.