

An
Bord
Pleanála

Board Order ABP-314150-22

Planning and Development Acts 2000 to 2022

Planning Authority: Kerry County Council

Planning Register Reference Number: 22/454

Appeal by Micheal Hegarty care of Reeks Consulting Engineers of The Reeks Gateway, Rock Road, Killarney, County Kerry against the decision made on the 27th day of June, 2022 by Kerry County Council to grant subject to conditions a permission to Aldi Stores (Ireland) Limited care of Coakley O'Neill Town Planning of NSC Campus, Mahon, Cork in accordance with plans and particulars lodged with the said Council.

Proposed Development: Retention of an amendment to the opening hours (0800 to 2100 Monday to Saturday, inclusive, and 1000 to 1900 hours on Sundays and public holidays) and to the delivery hours (no deliveries outside the hours of 0700 to 2200 Monday to Saturday, inclusive, nor outside the hours of 0900 to 1900 on Sundays and public holidays) permitted under condition 10 of An Bord Pleanála reference number ABP-302971-18 (Kerry County Council register reference number 18/337) to the opening hours of 0900 to 2200 Monday to Friday and 0900 to 2100 on Saturdays, Sundays and public holidays and to no restrictions on delivery hours, all at Ardshanavooly, Killarney, County Kerry.

Decision

GRANT permission for the above development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

Having regard to the location of the site on lands zoned objective M3 – District/Neighbourhood Centre in the Killarney Town Development Plan 2009-2015 (as extended and varied), as incorporated into the Kerry County Development Plan 2022-2028, the existing permission on the site, and the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the development proposed to be retained would not seriously injure the amenities of the area or of property in the vicinity, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained 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.

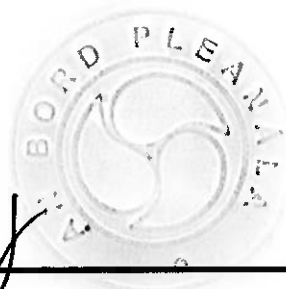

Reason: In the interest of clarity.

2. The development proposed to be retained shall not be open to the public outside the hours of 0900 to 2200 hours Monday to Friday, inclusive, nor outside the hours of 0900 to 2100 hours on Saturdays, Sundays and public holidays.

Reason: In the interest of residential amenity and traffic safety.

3. The permission hereby granted shall solely relate to the hours of operation and delivery hours of the subject premises only and for no other component of the development of the site, and the development proposed to be retained shall comply with the terms and conditions of An Bord Pleanála reference number ABP-302971-18 which governs the overall development of the lands of which the site forms part, unless amended by a grant of planning permission.

Reason: For the avoidance of doubt and to ensure that the development, other than those approved variations to the hours of operation, is in accordance with the approved plans, particulars and conditions.



Mary Cregg

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board

Dated this 28th day of November 2023.