

An
Bord
Pleanála

Board Direction
BD-019113-25
ABP-319507-24

The submissions on this file and the Inspector's report were considered at a Board meeting held on 04/03/2025.

The Board decided to grant permission, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

Having regard to the nature and scale of the proposed development, the existing building on the site and the location along the streetscape in a town centre location and to the presented design and layout, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the provisions of the provisions of the Kerry County Development Plan 2022-2028, including of particular relevance to the proposal for the development of an apartment on the first and second floor, Objectives KCDP 4-36 (Promote and encourage the refurbishment and reuse of the upper floors of retail/commercial premises) and KCDP K4-37 (facilitate a flexibility approach in relation to development in upper floors of retail commercial premises) and having regard to the provisions of Corca Dhuibhne Electoral Area Local Area Plan 2021-2027 including Objective D-TC-4 (Encourage and incentivise the use of upper floors in the town centre) and would not be injurious to the visual or residential amenities of the area. 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. 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 apartment shall not be sold or otherwise transferred or conveyed, save as part of the overall premises.

Reason: In the interest of orderly development.

3. Surface water drainage arrangements shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health

4. Insert Uisce Éireann condition and reason.
5. Site development and building works shall be carried out only between the hours of 0700 to 1900 Monday to Fridays, between 0800 and 1400 hours on Saturday and not at all on Sundays and Public Holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: To safeguard the residential amenities of adjoining property in the vicinity.

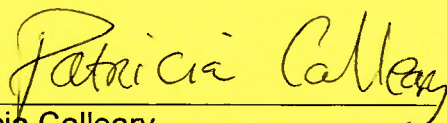
6. Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including noise and dust management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and amenity.

7. Insert a S.48 Development Contribution (General) condition and reason.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board did not share the view of the inspector that the proposed development would be substandard by reason of access, and the Board took into account the strong policy support for addressing vacancy and utilising upper floors as set out in both the Kerry County Development Plan 2022-2028 and the Corca Dhuibhne Electoral Area Local Area Plan 2021-2027.

Board Member


Patricia Calleary

Date: 05/03/2025