



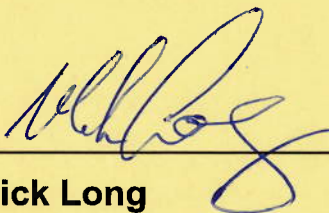
An
Coimisiún
Pleanála

Commission Direction
CD-000937
PL-501019-KY-26

The submissions on this file and the Inspector's report were considered at a meeting held on 14 July 2026.

The Commission decided to grant permission generally in accordance with the Inspector's recommendation, subject to the reasons, considerations and conditions.

Planning Commissioner:



Mick Long

Date:

21st day of July 2026

Reasons and Considerations

Having regard to the historical use of the site as a cinema, to the nature and scale of the development proposed and to the policies and objectives of the Kerry County Development Plan 2022-2028 and the Corca Dhuibhne Electoral Area LAP 2021-2027 in particular Objective WK-RT-2 which seeks to promote a vibrant and culturally-rich town centre, it is considered that the proposed development would contribute to the development of the cultural and creative sector in Kerry,

would be an appropriate use of this town centre brownfield site and would not detract from 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 on 23rd day of December 2025 and 18th day of February 2026, 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. Prior to commencement of development, the developer shall submit revised drawings to the planning authority at an appropriate scale for their written agreement incorporating the following change:

(a) The windows to proposed Studios 1 and 2 (west elevation) shall be permanently fitted with opaque glazing.

Reason: To protect existing residential amenity and in the interests of the proper planning and sustainable development of the area.

3. The applicant is requested to incorporate specific designed measures to be agreed with the planning authority for provision of nesting for swifts, through the use of 'swift bricks' into the normal courses of facades, 'swift boxes' under eaves, or 'swift towers' in courtyards. These are to be located and installed in consultation with a qualified ecologist and with reference to the specific design requirements for the targeted species and the 'Saving Swifts' national guidance booklet (2019). Evidence of proper installation will be provided by a suitably qualified ecologist to the Planning Authority.

Reason: To provide for maintenance of local breeding populations of swift

4. The mitigation measures and monitoring commitments identified in the Landscape Planning Report, Arborists Report, Construction and Environmental Management Plan and other plans and particulars submitted with the application shall be carried out in full except as may otherwise be required in order to comply with other conditions.

Reason: In the interest of clarity and protection of the environment during the construction and operational phases of the proposed development.

5. Prior to the commencement of development on site, the applicants shall ascertain and comply with all requirements of the planning authority with regards to the eradication of invasive species from the site. In this regard, the applicants shall also submit an assessment and method statement on how best to deal with invasive species contaminated material on site shall be submitted to the planning authority, for their written agreement, prior to the commencement of any works on site. The method statement shall provide details of the buffer zones,

nominated authorised waste collector and on-going treatment programme. The works shall be carried out under the supervision of an invasive species specialist, who shall monitor all site investigations and other works and who, on completion shall submit a report certifying that the removal process of invasive species is satisfactory.

Reason: In the interests of environmental protection and orderly development.

6. (a) The proposed residential studio units shall be used by artists for short-term periods and shall not be used for general short-term letting purposes or for full-time permanent occupancy.

(b) The two residential studio units shall not be sold or otherwise separated from the proposed development.

Reason: In the interests of clarity.

7. During the operational phase of the proposed development the noise level shall not exceed (a) 55 dB(A) rated sound level between the hours of 0700 to 2300, and (b) 45 dB(A) 15min and 60 dB LAfmax, 15min at all other times, (corrected for a tonal or impulsive component) as measured at any point along the boundary of the site. Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

8. The developer shall comply with all requirements of the planning authority in relation to roads, access, lighting and parking arrangements, including facilities for the recharging of electric vehicles.

Reason: In the interest of traffic safety and convenience.

9. Site development and building works shall be carried out only between the hours of 0700 to 1900, Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

10. Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the relevant Section of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit to the planning authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit. Upon completion of the development a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.

Reason: In the interest of public health and surface water management.

11. Prior to the commencement of development, the developer shall enter into a Connection Agreement with Uisce Éireann to provide for a service connection to the public water supply and/or wastewater collection network.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

12. The site shall be landscaped in accordance with the detailed comprehensive scheme of landscaping, which accompanied the application submitted, unless otherwise agreed in writing with, the planning authority prior to commencement of development. The developer shall retain the services of a suitably qualified Landscape Architect throughout the life of the site development works.

The approved landscaping scheme shall be implemented fully in the first planting season following completion of the development or each phase of the development and any plant materials that die or are removed within three years of planting shall be replaced in the first planting season thereafter. All tree and shrub planting shall be native species only. No clearing or cutting of any trees on site during period beginning on 1st day of March to the 31st day of August. No externally fitted lighting shall be provided on site, which directs into the Mall River.

The applicant shall ascertain and comply with the requirements of the planning authority in relation to any proposed works to the Mall River.

Reason: In the interests of protecting the environment.

13. No signage, advertisement or advertisement structure (including that which is exempted development under the Planning and Development Regulations, 2001 (as amended)), other than those shown on the drawings submitted with the application, shall be erected or displayed on the buildings or within the curtilage of the site unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

14. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interest of visual and residential amenity.

15. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, or any statutory provision amending or replacing them, no additional plant, solar/PV panels, machinery or telecommunications structures shall be erected on the roof of the proposed development. No fans, louvres or ducts shall be installed unless authorised by a further grant of permission.

Reason: To protect the visual amenity of the area.

16. The construction of the development shall be managed in accordance with a Construction and Environmental Management Plan, which shall be submitted

to, and agreed in writing with the planning authority prior to commencement of development. This plan shall provide, inter alia: details and location of proposed construction compounds, details of intended construction practice for the development, including hours of working, noise and dust management measures, details of traffic arrangements and routes for construction traffic, parking during the construction phase, and off-site disposal of construction/demolition waste.

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

17. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July 2006.

Reason: In the interest of sustainable waste management.

18. 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 and for the ongoing operation of these facilities 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.

19. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall: (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and (b) employ a suitably qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works. The assessment shall address the following issues: (i) the nature and location of archaeological material on the site, and (ii) the impact of the proposed development on such archaeological material. A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works. In default of agreement on any of these requirements, the matter shall be referred to An Coimisiún Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

20. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Coimisiún Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.

21. The developer shall pay to the planning authority a financial contribution 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 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. Details of the application of the terms of the Scheme shall be agreed

between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

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.