



Planning and Development Acts 2000 to 2019

Planning Authority: Kerry County Council

Planning Register Reference Number: 19/495

Appeal by Annamaria Gallivan care of Hickey Design and Associates of 10 Priory Paddocks, Muckross Road, Killarney, County Kerry against the decision made on the 18th day of November, 2019 by Kerry County Council to grant subject to conditions a permission to Dennis Coffey care of Ger Murphy Architectural of Glebe Lane, Killarney, County Kerry in accordance with plans and particulars lodged with the said Council.

Proposed Development: (a) Demolition of existing dwellinghouse, (b) construction of a new building to contain retail unit to ground floor and self-contained apartment to first and second floor levels. All at Well Lane South, Main Street, Killarney, County Kerry. Further public notices were received by the planning authority on the 11th day of September, 2019.

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 Killarney Town Development Plan 2009 – 2015, it is considered that, subject to compliance with the conditions set out below, the proposed redevelopment of the existing derelict site to provide a retail and a residential use would comply with its town centre zoning objective, and would not seriously injure the residential amenities of future occupants, the visual amenities of the area or adversely affect adjoining property. 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 on the 22nd day of July, 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 proposed development shall be amended as follows:
 - (a) The proposed shop front shall incorporate a three-light shop window and painted timber joinery to this window, and to the shop and apartment doors, fascia, and upper floor window and doors in the front elevation. uPVC shall not be used.
 - (b) The design of the balconies shall be simplified by means of the removal of the cross-work pattern to their sides.

- (c) All of the proposed windows on the southern (rear) elevation shall be in frosted glazing.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual amenity and to protect the amenities of adjoining property.

3. Apart from the fascia sign indicated on the elevational drawings submitted on the 22nd day of July 2019, and notwithstanding the provisions of the Planning and Development Regulations, 2001, as amended, no further signage of any kind (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the building, unless authorised by a further grant of planning permission. Any lettering on the fascia sign shall not be internally illuminated.

Reason: In the interest of visual amenity, and to allow the planning authority to assess any further such development through the statutory planning process.

4. No external security shutters shall be erected on the exterior of the proposed retail unit unless authorised by a further grant of planning permission. Any internal roller shutters shall be recessed behind the perimeter glazing and shall be factory finished in a single colour to match the colour scheme of the building. Such shutters shall be of the 'open lattice' type and shall not be used for any form of advertising, unless specifically authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

5. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

6. 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 Bord 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.

Philip Jones

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

Dated this day of 2020.