



An
Bord
Pleanála

Board Order
ABP-311322-21

Planning and Development Acts 2000 to 2021

Planning Authority: Kerry County Council

Planning Register Reference Number: 21/667

Appeal by Gleann Beithe Management and Trading Services Limited care of Frank Coffey Consulting Engineer of Daly's Lane, Killorglin, County Kerry against the decision made on the 13th day of August, 2021 by Kerry County Council to refuse permission for the proposed development.

Proposed Development: (i) Retention permission for existing temporary car park, (ii) retention permission for access/connection from centra supermarket, (iii) permission to undertake all proposed site works, surfacing, lighting and landscaping associated with car park development and (iv) permission to install car park signage at Flesk Road, Scrahane, Killarney, 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 zoning of the site as 'Mixed Use Town Centre (M4 – Built Up Area) in the Killarney Town Development Plan 2009 as extended, to the nature and scale of the proposed development and to the existing pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the zoning objective for the area, would not seriously injure the amenities of the area or of property in the vicinity, would be acceptable in terms of traffic safety and convenience and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by An Bord Pleanála on the 7th day of September, 2021, 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. This permission shall apply for a temporary period of five years from the date of this Order.

Reason: In order to facilitate the monitoring of the long term strategic suitability of the proposed use in the light of the zoning of the site.

3. The site surfacing, car park signage, car space demarcation and boundary delineation and site drainage shall be carried out and completed to the written satisfaction of the planning authority within six months from the date of this Order.

Reason: In the interests of clarity and orderly development.

4. A comprehensive boundary treatment and landscaping scheme shall be submitted to, and agreed in writing with, the planning authority. This scheme shall include the following:-
- (a) details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing, parking areas and road surfaces within the development,
 - (b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings,
 - (c) details of any proposed street furniture, including bollards, lighting fixtures and seating, and
 - (d) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme within six months from the date of this Order.

Reason: In the interest of visual amenity.

5. Recommendations 1, 2, 3 and 4 of the Road Safety Audit Stage 1/2 submitted to An Bord Pleanála on the 7th day of September, 2021, shall be carried out and completed to the written satisfaction of the planning authority within three months from the date of this Order.
- Recommendations 4 and 5 shall be carried out and completed to the written satisfaction of the planning authority within six months from the date of this Order.

Reason: In the interests of vehicular and pedestrian safety.

6. Bicycle stands shall be provided within the site. Details in this regard shall be submitted to, and agreed in writing with, the planning authority and shall be installed within six months of the date of this Order.

Reason: In the interest of orderly development.

7. A minimum of four car parking spaces shall be provided with functioning electric vehicle charging stations or points. Where proposals relating to the installation of charging stations or points has not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted to, and agreed in writing with, the planning authority, and shall be installed and commissioned within six months of the date of this Order.

Reason: To facilitate the use of electric vehicles.



8. Prior to commencement of development, design and siting details of the proposed lighting shall be submitted to, and agreed in writing with, the planning authority. The design and location of artificial light sources shall be carefully designed to avoid light nuisance. In order to minimise the extent of light spill, lights that are pole mounted shall be directional and cowled to ensure that light is directed downwards and inwards. The duration and intensity of artificial light shall be controlled in order to avoid light spill at dwellings and on adjoining roads. The lighting shall be installed within six months from the date of this Order.

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

9. 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 within three months from the date of this Order 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.


Stephen Bohan

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



Dated this 14th day of February 2022.