

An
Bord
Pleanála

Board Order
ABP-313044-22

Planning and Development Acts 2000 to 2021

Planning Authority: Kerry County Council

Planning Register Reference Number: 21/1481

Appeal by Abbeyville Communications and Media Limited are of MOL Consulting Engineers Limited of Kilmurry Business and Technology Park, Kilmurry, Kenmare, County Kildare against the decision made on the 21st day of February, 2022 by Kerry County Council to refuse permission for the proposed development.

Proposed Development: (a) Permission to change the use of the building from storage use to indoor sports and recreation use, (b) permission to make elevational changes to the front of the building and (c) permission for new signage at the front and sides of the building, all at Rock Street, Kenmare, 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.

Reasons and Considerations

Having regard to the zoning objectives for the site under the Kenmare Functional Area Local Area Plan 2010 - 2016 (as extended), to the provisions of the Kerry County Development Plan 2022 - 2028, to the pattern of development in the area and to the town centre location of the site, it is considered that, subject to compliance with the conditions set out below, the proposed development would not adversely impact upon the character or mix of uses in the town centre, 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 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. No change from this permitted use or increase in the area to be used shall take place, unless authorised by a further grant of planning permission.

Reason: In the interests of clarity and residential amenity.

3. The proposed indoor sports, dance/fitness and gaming facility shall not operate outside the period of 1000 to 2200 hours from Mondays to Sundays inclusive.

Reason: In the interest of general amenity.

4. The signage proposed on the eastern and western elevations shall be omitted in their entirety from the proposed development. Details of the materials, colours and textures of the signage on the front elevation, hardwood window and door, and roller door for the proposed development, 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 the protection of the integrity of the Architectural Conservation Area.

5. Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no advertisement signs (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 buildings or within the curtilage of the site, unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

6. The sound levels from any loudspeaker announcements, music or other material projected in, or from, the premises shall be controlled so as to ensure the sound is not audible in adjoining premises or at two metres from the frontage.

Reason: In the interest of the amenities of the area.

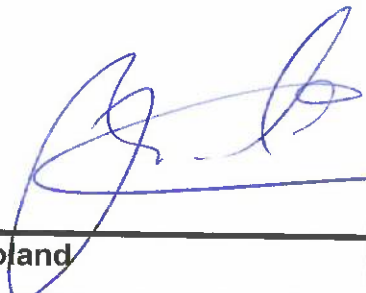
7. Revised details demonstrating the provision of two car parking spaces on-site, one of which shall be a universal access space, in lieu of the three spaces, as indicated on the site layout plan submitted to the planning authority on the 21st day of December, 2021 shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.



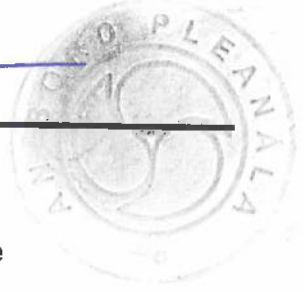
Reason: In the interest of traffic safety and universal access.

8. 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 the 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.



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



Dated this 24TH day of May 2023.