



Planning and Development Acts 2000 to 2022

Planning Authority: Kerry County Council

Planning Register Reference Number: 22/686

Appeal by Michael Hegarty care of Pdraig Murphy of Weir Side, Riverview, Bandon, County Cork against the decision made on the 16th day of March, 2023 by Kerry County Council to grant permission subject to conditions to David Hegarty care of Reeks Consulting Engineers of Unit 4, Level 1, The Reeks Gateway, Rock Road, Killarney, County Kerry in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of a new boundary wall at Countess Shopping Centre, Park Road, 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.

Reasons and Considerations

Having regard to the nature of the proposed development and the location of the site it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of the area or of property in the vicinity, would be acceptable from a visual amenity perspective and from a traffic safety perspective. 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 received by the planning authority on the 20th day of February 2023, 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 for construction of a wall relates to the lands within the red line boundary of the application site, only.

Reason: In the interest of orderly development.

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3. 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 all intended construction practice for the development, including measures for protection of existing development and boundary walls, construction traffic routing and management, construction parking, materials storage, site compound, noise management measures and off-site disposal of construction/demolition waste.

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

4. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 hours to 1400 hours on Saturdays 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: In order to safeguard the residential amenities of property in the vicinity.

5. The developer shall prevent any mud, dirt, debris or building material being carried onto or placed on the public road or adjoining properties as a result of the site works and repair any damage to the public road arising from carrying out the works.

Reason: In the interests of orderly development.

6. The requirements of the Traffic Area Engineer shall be adhered to, in particular, the developer shall ensure the following measures:
- (i) The area between the proposed wall and the existing kerb shall be finished in 75 millimetres macadam.
 - (ii) The height of the proposed wall shall be no more than 900 millimetres high from the existing footpath level.
 - (iii) The wall shall be finished in natural stone. The stone shall be generally in keeping with the stone facing on the roadside boundaries on the opposite side of Park Road.

Reason: In the interests of traffic safety and orderly development.




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

Dated this 25th day of March 2024.