

An
Bord
Pleanála

Board Order

ABP-319507-24

Planning and Development Acts 2000 to 2022

Planning Authority: Kerry County Council

Planning Register Reference Number: 24/60046

Appeal by Ruskin Concepts Limited care of Frank Coffey of Daly's Lane, Killorglin, County Kerry against the decision made on the 21st day of March, 2024 by Kerry County Council to refuse permission.

Proposed Development: Redevelopment of existing premises to contain bar and external toilets at ground level, one number (double volume) apartment to occupy the first and second floors and access stairwell to apartment at rear, all at Main Street, Dingle, County Kerry.

Decision

GRANT permission for the above proposed development based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

Having regard to the nature and scale of the proposed development, the existing building on the site, the location along the streetscape in a town centre location, and the presented design and layout, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the provisions of the Kerry County Development Plan 2022-2028, including, of particular relevance to the proposal for the development of an apartment on the first and second floor, Objectives KCDP 4-36 (Promote and encourage the refurbishment and reuse of the upper floors of retail/commercial premises) and KCDP K4-37 (Facilitate a flexibility approach in relation to development in upper floors of retail commercial premises), and, having regard to the provisions of the Corca Dhuibhne Electoral Area Local Area Plan 2021-2027, including Objective D-TC-4 (Encourage and incentivise the use of upper floors in the town centre), and would not seriously injure 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.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board did not share the view of the Inspector that the proposed development would be substandard by reason of access, and the Board took into account the strong policy support for addressing vacancy and utilising upper floors as set out in both the Kerry County Development Plan 2022-2028 and the Corca Dhuibhne Electoral Area Local Area Plan 2021-2027.

Conditions

1. The proposed 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed apartment shall not be sold or otherwise transferred or conveyed, save as part of the overall premises.

Reason: In the interest of orderly development.

3. Surface water drainage arrangements shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

4. Prior to commencement of development, the developer shall enter into a water and wastewater connection agreement with Uisce Éireann.

Reason: In the interest of public health.

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

Reason: To safeguard the residential amenities of adjoining property in the vicinity.


6. Prior to commencement of development, the developer shall submit to, and agree in writing with, the planning authority a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the proposed development, including noise and dust management measures and off-site disposal of construction/demolition waste.

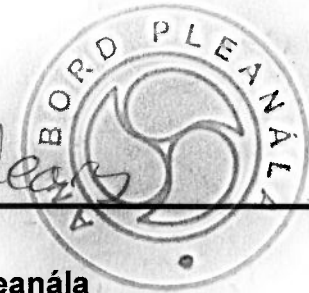
Reason: In the interest of public safety and amenity.

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7. 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.


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



Dated this 06 day of March 2025.