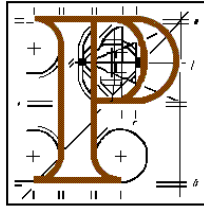


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Kerry County

Planning Register Reference Number: 14/871

An Bord Pleanála Reference Number: PL 08.245553

APPEAL by Michael O'Sullivan Hand and Xenia O'Sullivan Hand Bodler care of Liam F. Coghlan and Company Solicitors of "Woodhaven", Ballycasheen Upper (off Hazelwood Drive), Killarney, County Kerry against the decision made on the 2nd day of September, 2015 by Kerry County Council in relation to an application by John and Gwen Brennan care of PLM Architects of 15 Father Mathew Quay, Cork for planning permission and retention permission at the site known as Dromquinna Manor, Drumcunna, Kenmare, County Kerry. Dromquinna Manor is listed as a protected structure (Reference 21309204/92-4). Planning permission is sought for (1) the relocation of the site entrance and associated site works required to improve sightlines, (2) the provision for advertising signage at the relocated entrance, (3) the provision of new wastewater treatment system comprising of a wastewater treatment plant and soil polishing filter facility and all associated site works. Retention permission is sought for (1) the renovation and remodelling of the existing Coach House and ancillary buildings (572 square metres), with a change of use from bedroom accommodation for the provision of ancillary facilities associated with the camping site. These include shower and changing rooms, laundry and communal kitchen/dining facilities, game rooms, reception, offices, stores, boiler room and associated site works, (2) 15 number camping pitches associated with Hotel accommodation, (3) 13 number recreational vehicle pitches, (4) the part-demolition of the building previously used as an ancillary/supporting "tea rooms" facility (89 square metres) to the Boathouse Bistro and the part-reconstructed and part-newly constructed building, having an overall area of 154 square metres, (5) external play ground with area of 129 square metres, (6) external timber clad WC enclosure serving camping

pitches, (7) timber gas tank enclosure and (8) covered barbeque area and all associated services and site works. (A further public notice was received by the planning authority on the 6th day of August, 2015) in accordance with the plans and particulars lodged with the said Council (which decision was to grant subject to conditions a permission for (1) relocation of site entrance and associated site works required to improve sightlines, (2) the provision for advertising signage at the relocated entrance, (3) the provision of new wastewater treatment system comprising of a wastewater treatment plant and soil polishing filter facility and all associated site works and retention permission to (1) retain the renovation and remodelling of existing Coach House and ancillary buildings (572 square metres) with a change of use from bedroom accommodation for the provision of ancillary facilities associated with the camping site. These include shower and changing rooms, laundry and communal, kitchen/dining facilities, game rooms, reception, offices, stores, boiler room and associated site works, (2) 15 number camping pitches associated with hotel accommodation, (3) the part demolition of the building previously used as an ancillary/support 'tea rooms' facility (89 square metres) to the Boathouse Bistro and the part reconstructed and part newly constructed building, having an overall area of 154 square metres. This building known as 'Shutters' will be primarily used as a function room for civil ceremonies/parties ancillary to the main hotel use, (4) external play ground with area of 129 square metres, (5) external timber clad WC enclosure serving camping pitches, (6) timber gas tank enclosure and (7) covered barbeque area and all associated services and site works and to refuse retention permission to retain 13 number recreational vehicle pitches.

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 established use of the site for tourism purposes, the planning history on the site, in particular the permission granted under planning register reference number 11/757 and to the nature and extent of the development proposed and proposed to be retained, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health and would be acceptable in terms of traffic safety and convenience. 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, completed and retained in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 6th day of August 2015, 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 development to which this permission refers is as detailed on the plans and details accompanying the application, only, and does not refer to any other structure or works on the overall site.

Reason: In the interest of clarity.

3. The recreational vehicle pitches developed to the south of the Coach House shall be removed within three months from the date of this Order. A revised layout plan with the necessary alterations shown thereon including proposed reinstatement works to the area, shall be submitted to the planning authority for written agreement.

Reason: In the interest of public health.

4. The relocation of the proposed access and associated works shall be carried out within six months from the date of this Order. Revised plans incorporating the proposed Improvement Scheme for the N70 in the vicinity of the proposed access including setback, height, design and finishes of the boundary wall shall be submitted for the written agreement of the planning authority prior to commencement of development.

Reason: In the interest of traffic safety.

5. An updated Stage 1/2 Road Safety Audit for the proposed access shall be submitted for the written agreement of the planning authority prior to commencement of development. A Stage 3 Road Safety Audit shall be undertaken on completion of the works and submitted to the planning authority for written agreement.

Reason: In the interest of traffic safety.

6.
 - (a) Within six months from the date of this Order, the treatment plant and polishing filter shall be located, constructed and maintained in accordance with the details lodged with the application, as amended by the further plans and particulars submitted on the 6th day of August, 2015. No system other than the type proposed shall be installed unless agreed in writing with the planning authority.
 - (b) Certification by the system manufacturer that the system has been properly installed shall be submitted to the planning authority within four weeks of the installation of the system.
 - (c) A maintenance contract for the treatment system shall be entered into for a minimum period of five years from its installation and thereafter shall be kept in place at all times. Signed and dated copies of the contract shall be submitted to, and agreed in writing with, the planning authority within four weeks of the installation.
 - (d) Drainage from paved areas of the site shall be diverted away from the location of the polishing filter.

- (e) Within three months of the installation of the treatment system, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner.

Reason: In the interest of public health.

- 7. Water supply shall be from the public mains. The bored well on the site shall not be used for a potable water supply.

Reason: In the interest of public health.

- 8. A comprehensive scheme of landscaping to supplement the existing planting along the site boundaries in the northern part of the site shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

- (a) A plan to scale of not less than 1:500 showing –
 - (i) the species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder,
 - (ii) details of screen planting which shall not include cupressocyparis x leylandii, and
 - (iii) details of roadside planting which shall not include prunus species.
- (b) A timescale for implementation.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interests of residential and visual amenity.

9. Within three months from the date of this Order, bat roosts shall be incorporated into the site and the recommendations of the Bat Survey report submitted to the planning authority on the 6th day of August 2015, including alterations to site lighting, shall be carried out on the site to the written satisfaction of the planning authority.

Reason: To ensure the protection of the natural heritage on the site.

10. 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

11. The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2) (c) of the Planning and Development Act 2000, as amended, in respect of N70 Road Improvement Works. The amount of the contribution 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 for determination. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

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

Dated this day of 2016.