# An Bord Pleanála



### PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

# **Kerry County**

Planning Register Reference Number: 16/191

An Bord Pleanála Reference Number: PL 08.246784

**APPEAL** by Barth O'Neill care of Joe Bonner of 127 Lower Baggot Street, Dublin against the decision made on the 26<sup>th</sup> day of May, 2016 by Kerry County Council to refuse permission to the said Barth O'Neill for the proposed development.

**PROPOSED DEVELOPMENT:** Convert an existing building constructed as a crèche under planning register reference number 04/1528 to two number semi-detached dwellings at Pairc Chuimin, Clashnagarrane, Kilcummin, Killarney, County Kerry.

#### **DECISION**

GRANT permission for the above proposed development in accordance with the plans and particulars lodged with the said Council, based on the reasons and considerations under and subject to the conditions set out below.

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## **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 provisions of the Kerry County Development Plan 2015-2021, to the Tralee Killarney Hub Functional Areas Local Area Plan 2013-2019 and to the nature and scale of the proposed development, 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 and would be in accordance with the proper planning and sustainable development of the area.

#### **CONDITIONS**

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. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health.

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3. Site development and building works shall be carried out only between the hours of 0800 and 1900 from Mondays to Fridays inclusive, between 0800 and 1400 hours on Saturdays and not at all on Sundays, Bank 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:** In order to safeguard the residential amenities of property in the vicinity.

4. 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.

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

Dated this day of 2016.

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