

Board Order PL 08.249011

Planning and Development Acts 2000 to 2017

Planning Authority: Kerry County Council

Planning Register Reference Number: 16/647

Appeal by Ann Courtney, Michael Hickey and Grace O'Neill care of Reid Associates of 2 Connaught Place, Crofton Road, Dún Laoghaire, County Dublin against the decision made on the 18th day of July, 2017 by Kerry County Council to grant subject to conditions a permission to Montessori House of Children care of McCutcheon Halley Planning Consultants of 6 Joyce House, Barrack Square, Ballincollig, County Cork.

Proposed Development: Retention of: (a) an increase in the number of students attending the Montessori House of Children from the 15 number places previously granted under planning register reference number 93/202467, (b) revision in the hours of operation of the Montessori School to operate between 8.30 a.m. to 5.15 p.m. and permission for: (i) the change of use of the original "Bradgate" building to residential use, (ii) the extension (over two floors) and change of use of "Sallywood" from residential to childcare/Montessori school to accommodate 66 number childcare places, (iii) the reconfiguration of the site entrances to the properties known as "Sallywood" and "Bradgate" to facilitate a new combined parking and drop off area and (iv) modifications to site boundaries, all located at "Bradgate" and "Sallywood", Countess Road, Killarney, County Kerry.

Decision

REFUSE permission for the above proposed development in accordance with the reasons and considerations 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

1. The site of the proposed development is located in an area subject to the zoning objective 'Existing Residential' in the current Killarney Town Development Plan and where the objective is to provide for and improve residential amenities. While the zoning objective also allows for the provision of childcare facilities, it is considered that the proposed development of such a large scale facility, catering for up to 66 children each session, over two sessions per day, would seriously injure the amenities of residential property in the vicinity by reason of excessive noise disturbance, on-street parking and traffic generation. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

- 2. Having regard to the location of the subject site on the heavily trafficked (both vehicular and pedestrian) Countess Road, immediately adjacent the Countess Road/Rookery Road junction, and the significant deficiency in the provision of car parking, it is considered that the proposed development would generate conflicting traffic movements and on-street parking and, thereby, endanger public safety by reason of traffic hazard and obstruction of road users. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
- 3. The retention of the increased number of children within the existing facility at "Bradgate", and the retention of the revised hours of operation of this facility, would contravene materially conditions numbers 1 and 2 of planning permission register reference number PP93/2467 (An Bord Pleanála reference number PL63.091650), and the continued use of the original "Bradgate" house as a crèche/Montessori childcare facility is inconsistent with the use authorised by that permission. Based on the documentation submitted with the application and appeal, it is considered that the development for which retention is sought endangers public safety by reason of traffic hazard due to the traffic movements and car parking in the vicinity on street and on neighbouring footpaths, that is associated with the operation of this facility in excess of the limits and extent set out in planning permission register reference PP93/2467 (An Bord Pleanála reference number PL 63.091650). The development for which retention is sought would, therefore, be contrary to the proper planning and sustainable development of the area.

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

Dated this day of

2018

PL 08.249011 Board Order Page 3 of 3