



Planning and Development Acts 2000 to 2017

Planning Authority: Kerry County Council

Planning Register Reference Number: 17/346

Appeal by Jonathan and Michael T. Moriarty care of Cunnane Stratton Reynolds of 3 Molesworth Place, Dublin and by Ricky and Dawn Keane of Emlagh House, Dingle, County Kerry against the decision made on the 9th day of October, 2017 by Kerry County Council to grant subject to conditions a permission to Euprepia Enterprises Limited care of PLM Architects of 15 Father Matthew Quay, Cork in accordance with plans and particulars lodged with the said Council.

Proposed Development: Development consisting of (1) the construction of a party three-storey and part four-storey extension to the existing Dingle Skellig Hotel to consist of 32 number bedrooms (circa 1,510.99 square metres), (2) the construction of a new single-storey flat roof extension to the existing hotel entrance (circa 53.58 square metres), (3) the construction of a new single-storey flat roof extension to the existing hotel restaurant (circa 131.77 square metres), (4) the redevelopment of the existing bedroom block elevations to provide for external insulation and revised fenestration, (5) the remodelling of the existing surface car parking, (6) the construction of a new car park, (7) all

ancillary site works and landscaping necessary to complete the development at Emlagh West and Farran, Dingle, 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.

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 and the Dingle Functional Area Local Area Plan 2012-2018, it is considered that, subject to compliance with the conditions set out below, the proposed extension and refurbishment of the Hotel would not seriously injure the visual or residential amenities of the area, would be acceptable in terms of traffic safety and convenience and would not establish a negative precedent in terms of height in the area. It is considered that the proposed development would represent a significant visual improvement to the existing hotel and would enhance the surrounding environment. 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 concurred with the planning authority and inspector that the proposed extension would be visually acceptable and considered that the substantial concern of the inspector was addressed by way of the omission of the additional car parking area.

Appropriate Assessment Screening

The Board noted the Appropriate Assessment Screening Report submitted by the applicant and the Appropriate Assessment Screening determination carried out by the Inspector. The Board concurred with the Inspector's determination, and adopted his conclusions and recommendations in this regard. The Board is, therefore, satisfied, having regard to the nature, location and scale of the subject development, that the construction of the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any nearby European sites, in view of the sites' conservation objectives and that a Stage 2 Appropriate Assessment (and submission of a Natura impact statement) is not, therefore, required.

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 submitted to the planning authority on the 12th day of July 2017 and the 12th day of September 2017, 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 proposed additional car park to the east of the access road is hereby omitted. Revised plans and particulars showing compliance with this requirement shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of orderly development.

3. Details of the layout, materials and all external finishes shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development and shall include the following:-
 - (a) the proposed development shall be in accordance with the design drawings received on the 18th day of April, 2017,
 - (b) marked up elevation drawings illustrating colours for all external finishes shall be submitted for the written agreement of the planning authority within four weeks of receipt of this order. All external finishes shall be neutral in colour, tone and texture. The use of white painted render/bright colours is not permitted, grey/earth tones are advised, and
 - (c) stone work to the external walls shall be constructed of natural stone which shall be sourced locally. The use of cladding is not permitted.

Reason: To integrate the structure into the surrounding area and in the interest of visual amenity.

4. 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.

5. (1) Information for motorists with regard to preferred traffic movements within the development's car parking facilities shall only be provided by means of appropriate signage located within the bounds of the development.
- (2) A 3 Stage Road Safety audit to national standards shall be undertaken by the developer in relation to the proposed development. The scope of these audits shall be agreed with the planning authority. The recommendations of these safety audits shall be implemented in full by the developer.
- (3) The developer shall construct the footpaths proposed on the public road in a manner that will ensure maximum footpath linkage along the frontage of the site. All footpaths shall measure a minimum of 1.8 metres in width and shall be dished with kerbs dropped at footpath crossing points. Appropriate tactile paving shall be used to highlight these crossing points. Appropriate drainage shall be provided as necessary and to the satisfaction of the planning authority. The detailed design layout and specification of these footpaths shall be agreed with the planning authority one month prior to the commencement of the works. These works will require a Road Opening Licence from the planning authority.

Reason: In the interest of traffic safety.

6. 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 intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

7. (1) The site shall be landscaped with suitable indigenous planting to the satisfaction of the planning authority in accordance with the landscaping layout map received on the 12th day of July, 2017.
- (2) The existing boundary screening shall be retained in full.
- (3) All landscaping and screening shall be carried out within the first growing season following completion of the car park.
- (4) The construction of masonry block boundary walls is not permitted.
- (5) Any trees or shrubs, which die or become diseased, shall be replaced with similar native species.
- native evergreens (holly, yew, scots pine),
 - native deciduous (oak, elm, ash, birch, hazel, alder, willow, whitethorn, blackthorn, Irish whitebeam, rowan).

Exotic species such as cypress, escallonia, griselinia, leylandii, rhododendron and laurel, shall not be used.

- (6) Within one year of completion of the car park, the applicant shall submit a certificate of compliance prepared by a suitably qualified person with professional indemnity insurance stating that all landscaping conditions pertaining to the grant of planning permission have been complied with. Photographic evidence shall also be submitted.

Reason: In order to integrate the development into its setting and in the interest of biodiversity and the proper planning and sustainable development of the area.

8.
 - (1) The two spreads of burnt materials (F1 and F2) uncovered in Trench 2 during pre-development archaeological testing shall be fully excavated under licence from the National Monuments Service and a report on the results shall be submitted to the planning authority.
 - (2) All ground works associated with the development of the car park extension shall be archaeologically monitored under licence from the National Monuments Service and a report shall be submitted on conclusion.

Reason: In the interest of protecting the archaeology and heritage of the area.

9. 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.

Paul Hyde

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

Dated this day of 2018.