



Planning and Development Acts 2000 to 2018

Planning Authority: Kerry County Council

Planning Register Reference Number: 18/753

APPEAL by Grace O'Neill and others care of Reid Associates of 2 Connaught Place, Crofton Road, Dun Laoghaire, County Dublin against the decision made on the 19th day of February, 2019 by Kerry County Council to grant subject to conditions a permission to Montessori House of Children care of McCutcheon Halley of 6 Joyce House, Barrack Square, Ballincollig, County Cork.

Proposed Development: Retention permission for increase in the number of students and extension of the hours of operation of the Montessori House of Children, comprising (a) retention permission to retain change of use of all of "Bradgate" from residential dwelling to montessori school and associated offices, (b) increase the number of students from that permitted under planning register reference number 93/202467 by 20 number places (to provide a total of 35 number places), and (c) extend the hours of operation from that [permitted under planning register reference number 93/202467 (0800 to 1400 hours) to 1800 hours and (d) permission to setback the front wall of "Sallywood" and "Bradgate" to facilitate set down area, all at Bradgate, Countess Road, Avenue (townland), 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 subject development is located in an area subject to the zoning objective 'Existing Residential' in the current Killarney Town Development Plan, where the objective is to provide for and improve residential amenities. Furthermore, it is an objective of the planning authority, as set out in the Kerry County Development Plan 2015-2021, to permit childcare facilities in existing residential areas provided that they do not have a significant impact on the character or amenities of an area, particularly with regard to car parking, traffic generation and noise disturbance, and to require the retention of a significant residential element where proposed facilities relate to properties which have been designed and built as dwellings and are surrounded by other houses (Objective SC-23). Having regard to the significantly increased scale and intensification of the facility over that which was permitted under planning permission granted under planning register reference number PP93/2467 (An Bord Pleanála reference number PL 63.091650), and to the removal of all the residential use within "Bradgate", it is considered that the development for which retention is sought seriously injures the

amenities of residential property in the vicinity, particularly by reason of incompatible on-street parking and traffic generation, and directly conflicts with the Development Plan objective by the removal of the residential use in the building. The development for which retention is sought is, therefore, 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 on-site car parking, it is considered that, notwithstanding the provision of parking bays/set-down area across the frontage of “Bradgate” and “Sallywood”, the development for which retention is sought, together with the proposed parking bays/set-down area, would generate conflicting traffic movements and on-street parking and would, thereby, endanger public safety by reason of traffic hazard and obstruction of road users, including vulnerable pedestrian users of the adjacent footpaths. The development for which retention is sought would therefore, be contrary to the proper planning and sustainable development of the area.

Philip Jones

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this day of 2019.