

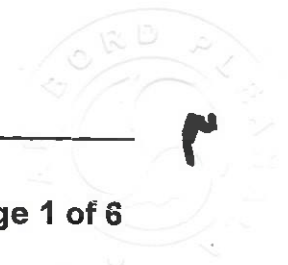
Planning and Development Acts 2000 to 2020

Planning Authority: Kerry County Council

Planning Register Reference Number: 20/120

Appeal by Denis and Joan Counihan of “Hawthorn”, Upper Lewis Road, Killarney, County Kerry and by Denis Murphy and Michael Moriarty care of Moriarty and Murphy Limited of Flemings Lane, Killarney, County Kerry against the decision made on the 1st day of October, 2020 by Kerry County Council to grant subject to conditions a permission to Eileen O’Brien care of Davide Mosca Design of 41 High Street, Killarney, County Kerry in accordance with plans and particulars lodged with the said Council:

Proposed Development: Construction of a building comprising (A) sheltered children accommodation on the ground and first floor consisting of eight number children’s bedrooms, laundry room at the first floor, one number carer accommodation and therapy room, and common living and kitchen dining area at the ground floor; and (B) 2 number one bedroom apartments on the second floor, all at Flemings Lane, Killarney, County Kerry as amended by the revised public notice received by the planning authority on the 4th day of September, 2020.



Decision

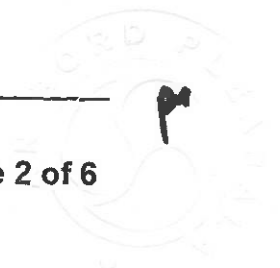
GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

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 location of the site within an established area in Killarney Town Centre, which is zoned 'Town Centre Facilities' in the Killarney Town Development Plan (2009-2015, as extended and varied), where it is the policy of the planning authority to promote town centre living and to the national and local policy objectives to encourage increased densities in such locations, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area 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 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 19th day of August 2020 and by the further plans and particulars received by An Bord Pleanála on the 20th day of November, 2020, 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 development shall be amended as follows:-
 - (a) the balcony screen for the apartments at first floor level shall be in the form of an opaque glass screen,
 - (b) the high-level window on the front elevation shall be replaced by a window of a similar size and shape to the proposed ground floor window but shall be fitted with opaque glazing,
 - (c) a two metre high boundary wall shall be constructed on the southern and south-western boundaries of the site,
 - (d) the floor plans, elevations and finished floor levels shall be accurately reflected in the submitted drawings in terms of the proposed amendments to the scheme.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of the residential and visual amenity of the area and of traffic safety and convenience.

3. No plant or equipment, including satellite dishes, shall be erected on external walls or roofs without a prior grant of planning permission.

Reason: In the interest of the residential and visual amenity of the area.

4. Prior to the commencement of development, the developer shall enter into water and wastewater connection agreements with Irish Water. No dwelling shall be occupied until water and sewerage services serving the development have been installed and functioning in accordance with the connection agreements made with Irish Water.

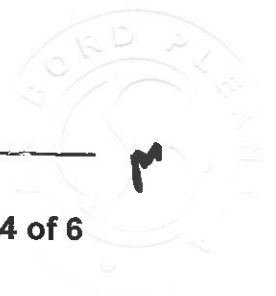
Reason: To ensure that satisfactory water and wastewater arrangements are in place to serve the development.

5. 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.

6. Details of the materials, colours and textures of all the external finishes to the proposed building shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.



7. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

8. Notwithstanding the provisions of Article 10(4) of the Planning and Development Regulations 2001, or any statutory provision modifying or replacing them, no part of the proposed apartments shall be used for the purpose of providing overnight paying guest accommodation without a prior grant of planning permission

Reason: In the interest of residential amenity.

9. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will 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.

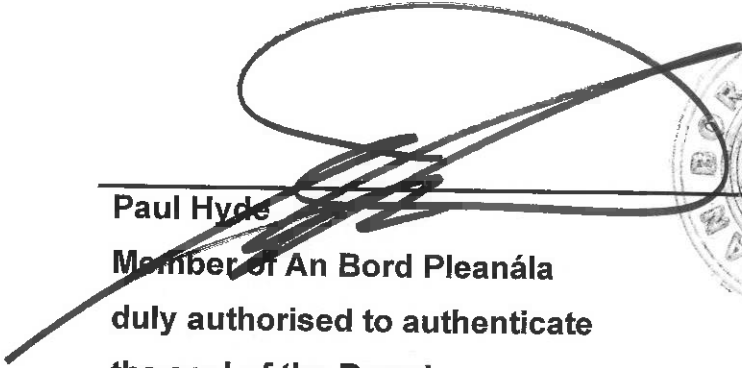
10. The construction of the development shall be managed in accordance with a Construction and Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste.

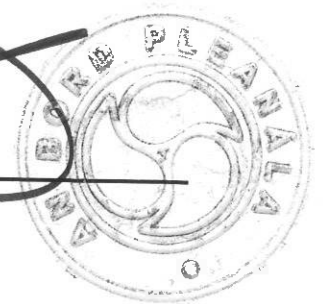


Reason: In the interests of public safety and residential amenity.

11. 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 2nd day of June 2021.