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**Planning and Development Acts 2000 to 2020**

**Planning Authority: Kerry County Council**

**Planning Register Reference Number: 21/332**

**Appeal** by Crimmins Hotels and Leisure Limited of Hotel Killarney, Cork Road, Killarney, County Kerry and by Sheila O'Sullivan of Ros Villa Guesthouse, Park Road, Killarney, County Kerry against the decision made on the 24<sup>th</sup> day of May, 2021 by Kerry County Council to grant subject to conditions a permission to Octavius Property Company Limited care of Genesis Planning Consultants of 27 Patrick Street, Newry, County Down in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** (i) Change of use of 18 number apartments in block A from existing use as holiday apartments to use as residential apartments, (ii) provision of a bin and bicycle storage shed with ancillary storage area for residents, and (iii) provision of ground level private amenity spaces for ground level apartments with associated hard and soft landscaping works to include for provision of a communal open space area and associated site works, all at Block A, Wild Atlantic Way Apartments, located adjacent to Hotel Killarney, Park Road, Killarney, Co. 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 relevant provisions of the Sustainable Urban Housing: Development Standards for New Apartments Guidelines for Planning Authorities (December 2020), the relevant provisions of the Killarney Town Development Plan 2009 – 2015 (as extended), the planning history of the wider campus within which the site is located, and the nature and extent of the proposed development it is considered that, subject to compliance with the conditions set out below, the proposed change of use of existing Block A from holiday apartments to residential apartments would not seriously injure the amenities of property in the area, would be acceptable in terms of pedestrian and traffic safety, and would constitute an acceptable use at this location. 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, 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 proposed bike shed shall be enlarged to accommodate 36 resident cycle parking spaces and a freestanding facility shall be provided for nine visitor cycle parking spaces.
  - (b) A scheme shall be prepared to renew road marking and install signage and lighting to the car parking areas within the site.
  - (c) All of the communal parking areas serving the residential units shall be provided with functional electric vehicle charging points.

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

**Reason:** In the interest of sustainable transportation and orderly development.

3. The area of communal open space shown on the application drawings (subject to such alteration as may arise consequent to condition number 2(a) above) shall be reserved for such use. This area shall be soiled, seeded, and landscaped in accordance with a landscaping scheme, which shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall also address the management of the trees along the western boundary of the site, and it shall state a timeline for its implementation.

**Reason:** In order to ensure the satisfactory development of the communal open space area, and its continued use for this purpose.

4. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

**Reason:** To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

5. Proposals for a property name, numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and numbers, shall be provided in accordance with the agreed scheme.

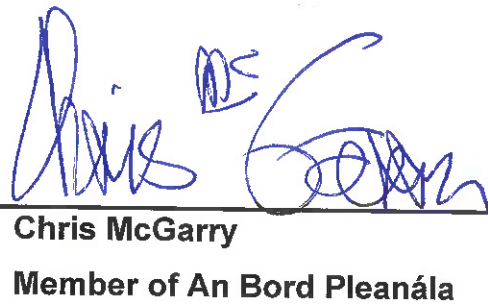
**Reason:** In the interest of urban legibility.

6. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of communal open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

7. 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. The application of any indexation required by this condition 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.

**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.



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

Dated this 1<sup>st</sup> day of December 2021.