

Planning and Development Acts 2000 to 2022

Planning Authority: Kerry County Council

Planning Register Reference Number: 21/273

Appeal by Timothy and Abina Spillane of Roslein, Countess Road, Killarney, County Kerry and by Ann Courtney, Michael Hickey and Grace O'Neill care of Reid Associates of 2 Connaught Place, Crofton Road, Dun Laoghaire, County Dublin against the decision made on the 6th day of December, 2021 by Kerry County Council to grant subject to conditions a permission to Montessori House of Children care of Corex Consultancy Limited of Unit 5, Killarney Technology Innovation Centre, Deerpark, Killarney, County Kerry in accordance with plans and particulars lodged with the said Council.

Proposed Development: (a) Change of use of portion of ground floor of existing house (Bradgate) to Montessori school childcare use. Bradgate adjoins existing Montessori school childcare facility granted permission under planning register reference number 93/202467, (b) to extend hours of operation from that permitted under planning register reference number 93/202467 from 8.00am – 2.00pm to 8.00am – 6.30pm, (c) for elevational changes to rear of Montessori school childcare facility comprising of removal of bay window and replacement with french doors and (d) to create a one bedroom residential unit on the first floor of existing house, all at Bradgate, Countess Road, Avenue (Townland), Killarney, 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.

Reasons and Considerations

Having regard to the policies and objectives as set out in the Kerry County Development Plan 2022-2028 and the Killarney Town Development Plan 2009-2015 (as varied and extended), it is considered, that subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of the area and would be acceptable in terms of traffic and pedestrian 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 on the 10th day of November 2021, 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 number of children to be accommodated within the childcare service shall not exceed 15 at any one time.

Reason: To limit the development in the interest of residential amenity.

3. The childcare service shall not operate outside the period of 0800 to 1830 hours Monday to Friday inclusive, and shall not operate on Saturdays, Sundays or public holidays.

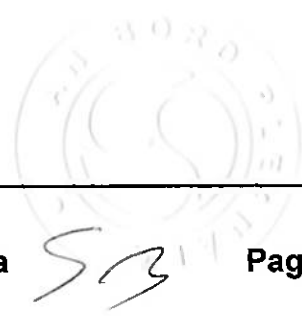
Reason: In the interest of residential amenity.

4. The one bedroom apartment at first floor level shall only be occupied by an employee of the Montessori House of Children childcare service as stated in their letter submitted to the planning authority on the 10th day of November, 2021. The occupant shall have access to and use of the private open space at the rear of the property, subject to the requirements of the childcare facility.

Reason: In the interest of residential amenity.

5. The front amenity space for the apartment shall be screened from the car parking area. Details of the screening shall be agreed with the planning authority prior to the commencement of development.

Reason: In the interest of residential amenity.



6. Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no further advertisement signs (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the building or within the curtilage of the site, unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area, and to allow the planning authority to assess any such further signage or advertisements through the statutory planning process.

7. A plan containing details for the management of waste/recyclable materials within the development, including the provision of facilities for the storage, separation and collection of the waste/recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste/recyclable materials in the interest of protecting the environment.

8. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefitting 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.



Stephen Brophy

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

Dated this 2nd day of October 2023.

