An Coimisiún Pleanála

Commission Order
PL-501695-KY-26

Planning and Development Act 2000, as amended

Planning Authority: Kerry County Council

Planning Register Reference Number: 2660345

Appeal by Mary Guerin against the decision made on the 16th day of June 2026 by Kerry County Council to grant, subject to conditions, a permission to Vincent Casey in accordance with plans and particulars lodged with the said Council.

Proposed Development: Permission to (a) demolish existing dwelling house and garage, (b) construct three number one-bedroom apartments, two number two-bedroom apartments and one number three-bedroom apartment, and (c) construct new site entrance, parking, ancillary services and areas at Poulnamuck, Muckross Road, 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 provisions of the Kerry County Development Plan 2022-2028, including the R2 Existing Residential land use zoning of the site with the objective to "Provide for residential development and protect and improve residential amenity", to the previously developed infill nature of the site, to the pattern of development in the area and to the design, scale and form of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development including the demolition of the existing properties would be in keeping with the established pattern of development at this location, would not seriously injure the residential or visual amenities of the residential and commercial property adjacent to the site and in the surrounding area and would be acceptable in terms of design and access. 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 received by the planning authority on the 27th day of April 2026, 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 and revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development as follows:

(a) The existing boundary planting on the northern boundary of the site shall be retained and augmented with additional screen planting, in accordance with condition number 14 below.

(b) The front boundary treatment shall consist of a stone finish wall of a maximum height of 0.9 metres. Any pillars forming the entrance shall have a maximum height of one metre.

(c) The proposed boundary fence on the southern boundary shall be a maximum of 1.2 metres in height between the front (roadside) boundary of the site and the front building line of the proposed apartment building.

(d) The number of car parking spaces on site shall be reduced to ten number spaces, including one number disabled space and two EV spaces.

Ducting shall be installed to allow for future electric vehicle charging points to be provided to all other parking spaces on site. The remaining space at the front of the building shall consist of soft landscaping, in accordance with details submitted under condition number 14 below.

Reason: In the interests of visual and residential amenity.

3. External finishes to the proposed apartment building and ancillary structures shall be neutral in colour, tone and texture and the use of white uPVC shall not be permitted on windows, doors, fascias, soffits and guttering. Details of the materials, colours and textures of all the external finishes shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The proposed materials shall complement those used in the surrounding neighbourhood context.

Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.

4. Drainage arrangements, including the attenuation and disposal of surface water which shall also provide for appropriate Sustainable Urban Drainage Systems (SuDS), shall comply with the requirements of the planning authority for such works.

Reason: In the interest of public health.

5. Prior to the commencement of development, the developer shall enter into water and/or wastewater connection agreements with Uisce Éireann to provide for service connections to the public water supply and/ or wastewater collection network.

Reason: In the interest of public health.

6. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity.

7. Notwithstanding the provisions of the Planning and Development Regulations 2001 (as amended), no part of the proposed apartments shall be used for the provision of overnight commercial guest accommodation without a prior grant of planning permission.

Reason: In the interests of orderly development and residential amenity.

8. Proposals for an apartment numbering scheme and associated signage for the development shall be submitted to and agreed in writing with the planning authority prior to the occupation of any of the units.

Reason: In the interest of urban legibility.

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

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment and the amenities of properties in the vicinity.

10. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive and 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.

11. Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including noise and dust management measures, waste management and recycling of materials, environmental protection measures including measures to manage and monitor surface water-runoff, welfare facilities, site deliveries, complaints procedure, pest control and traffic management arrangements.

Reason: In the interest of public safety, environmental protection and amenity.

12. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the Environmental Protection Agency's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of proper planning and sustainable development.

13. (a) All findings of the Stage 1/2 Road Safety Audit shall be closed out, signed off and incorporated into the development.

(b) A Road Safety Audit (Stages 3/4) shall be submitted to, and agreed in writing with, the planning authority prior to the completion of development, in order to demonstrate that appropriate consideration has been given to all relevant aspects of the development in accordance with the Design Manual for Urban Roads and Streets (DMURS).

(c) The measures recommended by the audit shall be undertaken, unless the planning authority approves any departure in writing. Detailed drawing(s) showing all accepted proposals and a feedback report shall also be submitted.

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

14. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

(a) A plan to scale of not less than 1:500 showing

(i) The existing trees and hedgerows on the northern boundary of the site to be retained.

(ii) Existing trees and hedgerows on other boundaries, specifying which are proposed for retention as features of the site landscaping.

(iii) The measures to be put in place for the protection of these landscape features during the construction period.

(iv) The species, variety, number, size and locations of all proposed trees and shrubs.

(v) Details of additional screen planting, particularly along the northern boundary of the site.

(vi) Hard landscaping works, specifying surfacing materials, furniture and finished levels.

(b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment.

(c) A timescale for implementation. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

15. The developer is requested to incorporate specific designed measures to be agreed with the planning authority for provision of nesting for swifts, through the use of 'swift bricks' into the normal courses of facades, 'swift boxes' under eaves, or 'swift towers' in courtyards. These are to be located and installed in consultation with a qualified ecologist and with reference to the specific design requirements for the targeted species and the 'Saving Swifts' national guidance booklet (2019).

Evidence of proper installation will be provided by a suitably qualified ecologist to the planning authority.

Reason: To provide for maintenance of local breeding populations of swift.

16. Twelve number safe and secure bicycle parking spaces shall be provided within a dedicated, fully enclosed facility of permanent construction on site. Details of the cycle storage facility shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.

17. The design of the parking areas, footpaths, and kerbs internal to the development shall comply with the detailed construction standards of the planning authority for such works and design standards outlined in Design Manual for Urban Roads and Streets (DMURS).

Reason: In the interest of amenity and of traffic and pedestrian safety.

18. (a) Balcony lighting shall not result in any upward illumination, or outward illumination beyond the site boundaries.

(b) All external lighting, including balcony lighting shall be LED in type with a 'warm' white light source (2700 kelvin or lower).

Reason: In the interest of biodiversity.

19. No ancillary plant or equipment including satellite dishes shall be placed on the external walls or roofs without a prior grant of planning permission.

Reason: In the interest of architectural harmony and in order to integrate the structure into the surrounding area.

20. 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 on lands in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall be referred by the planning authority or any other prospective party to the agreement, to An Coimisiún 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 for the area.

21. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure the satisfactory completion and maintenance of this development.

22. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Coimisiún Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.

23. 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 Coimisiún 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.

Mick Long
Planning Commissioner of An Coimisiún Pleanála duly authorised to authenticate the seal of the Commission.

Dated this 3rd **day of** November **2026**