



An  
Bord  
Pleanála

**Board Direction**  
**BD-007186-20**  
**ABP-307942-20**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 15/12/2020.

The Board decided to refuse permission, generally in accordance with the Inspector's recommendation, for the following reasons and considerations.

### **Reasons and Considerations**

Having regard to the overall conditions of the proposed site access including, substandard visibility at the junction with R875, proximity to Boherbee (Austin Stacks) Roundabout and to existing pedestrian crossing facilities it is considered that the proposed development would give rise to traffic conflict and congestion and would endanger public safety by reason of traffic hazard. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

The Board considered that the proposed development by reason of its design and layout, and the nature of provision of private amenity space would be contrary to the urban design policy objectives of the Tralee Town Plan 2009-2015 (as extended and varied) and the Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, Department of Environment Heritage and Local Government and the companion Urban Design Manual, A Best Practice Guide, published in May 2009. It is considered that the proposed development would result in a substandard form of development for future residents by reason of the poor quality public realm, and substandard quality of open space and in the context of overall development of the wider undeveloped lands, of which the site forms part, would not achieve an

appropriate standard in terms of the creation of place and a long term sustainable neighbourhood. The proposed development would set an undesirable precedent for similar such development and would therefore be contrary to the proper planning and sustainable development of the area.

Having regard to the location and configuration of the appeal site in the context of the adjoining undeveloped lands to the east, and within the Mitchels Boherbee Regeneration Area and to the layout and design of the proposed development the Board is not satisfied that the proposed development responds appropriately to the unique characteristics of the site context, and considers that the proposal would lead to a disjointed and piecemeal form of development. The proposal would therefore be seriously injurious to amenities of the area and would not be in accordance with the proper planning and sustainable development of the area.

The Board considers that the density of the proposed development is contrary to the provisions of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009), issued to planning authorities under Section 28 of the Planning and Development Act. The site of the proposed development is on serviced land zoned for residential development within the development boundary of Tralee. Having regard to the proximity of the site to the transport infrastructure and established social and community services in the immediate vicinity it is considered that the proposed development is not at a sufficiently high density. It is considered that the density proposed would be contrary to these aforementioned Ministerial Guidelines, which indicate that net densities less than 50 dwellings per hectare should generally be discouraged in the interests of land efficiency. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

**Board Member**

**Date:** 16/12/2020

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Paul Hyde