

An  
Bord  
Pleanála

**Board Direction**  
**BD-008308-21**  
**ABP-309267-21**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 25/05/2021.

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

### **Reasons and Considerations**

Having regard to the zoning of the subject site, and to the nature and form of the proposed development, it is considered that the proposed development, subject to conditions set out below, would not adversely affect the residential or visual amenities of the area, would be acceptable in terms of urban design, height and quantum of development, would not be prejudicial to public health and would generally 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 received on the 23rd day of November 2020 except as may otherwise be required in order to comply with the following conditions. Where such conditions require points of detail to be agreed with the planning authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

**Reason:** In the interest of clarity.

2. The proposed dwelling shall be for permanent occupation only and shall not be used as a holiday home or second home.

**Reason:** In the interest of clarity and to ensure that the proposed house is used to meet a permanent housing need in accordance with the objectives of the Kerry County development plan and with the proper planning and sustainable development of the area.

3. The road works associated with the proposed development including the setting out of the entrance, paving and surface finishes shall be carried out and completed in accordance with the requirements of the planning authority.

**Reason:** In the interest of traffic safety and orderly development.

4. Prior to commencement of development, the developer shall enter into water and wastewater connection agreements with Irish Water.

**Reason:** In the interest of public health.

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, and shall be agreed in writing with the Planning Authority prior to commencement of development.

**Reason:** In the interests of public health and to ensure a proper standard of development.

6. Details of the materials. Colours and textures or all external finishes 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, television, telephone and public lighting cables) shall be run underground within the site.

**Reason:** In the interest of the visual amenities of the area.

8. The construction of the development shall be managed in accordance with a Construction 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 hours of working, noise management measures and off-site disposal of construction / demolition waste.

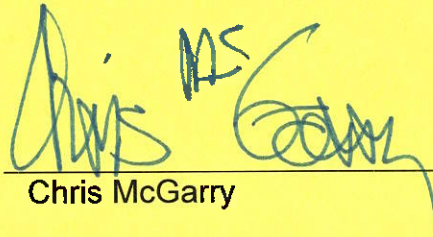
**Reason:** In the interests of public safety and residential amenity.

9. 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. The contribution shall be paid prior to the 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 the Board to determine the proper application of the terms of the scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000 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.

**Board Member**

  
Chris McGarry

**Date:** 25/05/2021