

An
Coimisiún
Pleanála

Direction
CD-020973-25
ACP-322925-25

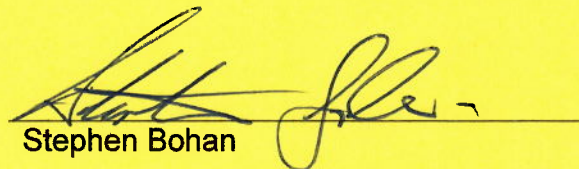
The submissions on this file and the Inspector's report were considered at a meeting held on 15/10/2025.

The Commission decided to make a split decision, to

- (1) grant permission (subject to conditions) for the 'yoga centre and all associated works', for the reasons and considerations marked (1) under and subject to the conditions set out below, and
- (2) refuse permission for for works comprising Two two-storey ancillary staff accommodation dwellings to Rosspoint and two two-storey residential dwellings and all associated site works for the reasons and considerations marked (2) under.

Planning

Commissioner:


Stephen Bohan

Date: 15/10/2025

DRAFT WORDING FOR ORDER

1) Reasons and Considerations

Having regard to the provisions of the Kerry County Development Plan 2022-2028, including KCDP 10-67 (which promotes opportunities for enterprise and employment creation in rural-based tourism where it can be demonstrated that the development will not have a negative impact on the rural environment) and RPO 50 of the

Regional Spatial & Economic Strategy for the Southern Region 2020-2032, the location of the site in Rossbeigh which is recognised as a 'Discovery Point' on the Wild Atlantic Way, the nature, scale and design of the proposed yoga centre and its position within a rural cluster, it is considered that, subject to compliance with the conditions set out below, the proposed development would not be visually obtrusive or out of character with the surrounding area and would not seriously damage the amenities of the adjoining residential properties or generate a traffic hazard. This element of the proposed development would be in accordance with the provisions of the current Development Plan and 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 25th March and 15th April 2025, 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. This permission relates to the proposed yoga centre and associated works only. Revised site layout and landscaping drawings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development, to show the following:
 - (a) a revised parking layout to serve the yoga centre, comprising of 10no. car parking spaces in total, including 1no. disabled space and 1no. EV charging space; and

- (b) the provision of 4no. bicycle parking spaces.

Reason: To ensure adequate off-street parking and bicycle parking provision is available to serve the proposed development.

3.

- (a) The mitigation measures contained in the submitted Natura Impact Statement (NIS), relevant to the permitted development (yoga centre and associated works), shall be implemented.
- (b) Any excavated soil/subsoil temporary storage area to be located on site shall be located on flat terrain a minimum of 10m from any watercourse.
- (c) No soiled water run-off shall be permitted to leave the site during the construction works.

Reason: In the interests of clarity and to protect the integrity of European Sites.

4. Prior to commencement of any works on site, the developer shall carry out an evaluation and quantification of all construction, demolition and excavation waste (including hazardous waste) likely to arise during all phases of development/construction and shall develop a waste management and disposal plan for all such waste arisings. A copy of this plan shall be submitted to, and agreed in writing by, the Planning Authority prior to the commencement of development.

Reason: In the interest of environmental protection and reducing waste.

5. Details of the materials, colours and textures of all the external finishes to the proposed building shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

6. Prior to the commencement of development, the developer shall enter into a Connection Agreement with Uisce Éireann (Irish Water) to provide for a service connection to the public water supply and wastewater collection network.
Reason: In the interest of public health and to ensure adequate water/wastewater facilities.
7. The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water, including hydrocarbon interceptors as appropriate, for the written agreement of the planning authority.
Reason: In the interest of achieving a sustainable disposal of surface water.
8. Site development and building works shall be carried out only between the hours of 0800 and 1900 Mondays to Fridays, inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall 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.
9. Any damage to the adjoining roadways arising from the proposed development shall be made good at the developer's expense, to the satisfaction of the Planning Authority.
Reason: In the interests of orderly development and public safety.
10. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground.
Reason: In the interests of visual and residential amenity.

11. The yoga centre building shall only be used between 07:00 hours and 22:00 hours on any day of the week, unless otherwise agreed in writing with the Planning Authority.

Reason: In the interest of residential amenity.

12. 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.

2) Reasons and Considerations

Having regard to the location of the site within a Rural Area Under Significant Urban Influence as identified in the Kerry County Development Plan 2022-2028, where housing is restricted to persons demonstrating local need in accordance with Objective KCDP 5-15, it is considered that an exceptional rural generated housing need has not been demonstrated for the proposed development of four houses at this location. The proposed development, in the absence of any identified locally based need, would contribute to the encroachment of random rural development in

the area and would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.