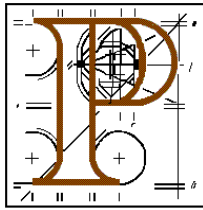


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Kerry County

Planning Register Reference Number: 16/234

An Bord Pleanála Reference Number: PL 08.246790

APPEAL by Denis Duggan of Clashnagarrane, Kilcummin, Killarney, County Kerry and by Thomas Brosnan of Lisroe, Kilcummin, Killarney, County Kerry against the decision made on the 2nd day of June, 2016 by Kerry County Council to grant subject to conditions a permission to Barth O'Neill of Woodlodge, Park Road, Killarney, County Kerry in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Retention of foundations and completion/construction of six number semi-detached dwellings (previously granted permission under planning register reference number 06/2062), and permission for the construction of one number detached dwelling (previously granted permission under planning register reference number 09/842), together with all associated site development works and services at Pairc Chuimin, Clashnagarrane, Kilcummin, 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.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

Having regard to the provisions of the Kerry County Development Plan 2015-2021, to the Tralee Killarney Hub Functional Areas Local Area Plan 2013-2019, to the planning history of the site and to the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would be in accordance with the proper planning and sustainable development of the area.

In not accepting the Planning Inspector's recommendation to refuse planning permission the Board had regard to the planning history of the site, the current condition of the site and in light of the unfinished nature of development on the site and considered that in light of the limited scale of the proposed development, a pragmatic approach should be taken to allow this portion of the overall housing development in the interest of the amenities of existing occupied dwellings in the immediate vicinity of the site.

CONDITIONS

1. The development (including foundations to be retained) shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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. 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.

Reason: In the interest of public health.

3. 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 interest of public safety and residential amenity.

4. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interest of visual and residential amenity.

5. The external walls shall be finished in neutral colours such as grey or off-white.

Reason: In the interest of visual amenity.

6. A concrete block wall of two metres in height, capped and plastered on both sides, shall be constructed along all side boundaries of the rear gardens.

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

7. 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 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.

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

Dated this day of 2016.