

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

**Kerry County**

**Planning Register Reference Number: 16/469**

An Bord Pleanála Reference Number: PL 08.246952

**APPEAL** by Alec O'Conchuir of An Ghraig, Baile an Fheirtearaigh, Contae Chiarraí against the decision made on the 1<sup>st</sup> day of July, 2016 by Kerry County Council to grant subject to conditions a permission to Kathleen Brosnan care of Declan Noonan and Associates of Upper Main Street, Dingle, County Kerry in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** Demolition of an existing derelict dwelling house and construction of a new dwelling house maintaining all existing public service connections and also to include all associated site works at The Wood, Dingle, 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 location of the site within the town of Cahersiveen, the land use zoning objective for the site, the established residential use of the site, the pattern of development in the area, the nature and scale of the proposed development and the policies set out in the current Development Plan for the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity and would respect the existing character of the area and the adjoining Architectural Conservation Area. 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 submitted on the 16<sup>th</sup> day of May 2016, 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. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall take place within the curtilage of the proposed house, without a prior grant of planning permission.

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

3. All service cables associated with the proposed development (such as electrical, telecommunications and television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

**Reason:** In the interests of visual and residential amenity.

4.
  - (a) The submission of an annotated photographic survey of the existing derelict dwelling house on site, both internal and external shall be submitted for the written agreement of the planning authority prior to the commencement of development.
  - (b) The brick wall to the southern boundary shall be retained to form a feature of the development and shall be protected during the course of construction works.
  - (c) The use of uPVC is not permitted. All finishes on the exterior shall complement the adjoining Architectural Conservation Area and shall be submitted for the written agreement of the planning authority prior to commencement of development.

**Reason:** To keep a record of the building and to enhance and protect the character of the adjoining designated Architectural Conservation Area.

5. 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-
  - (a) hours of working,
  - (b) details of site security fencing and hoardings,
  - (c) details of on-site car parking facilities for site workers during the course of construction,
  - (d) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network,

- (e) off-site disposal of construction/demolition waste,
- (f) means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains, and
- (g) details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels.

**Reason:** In the interest of amenities, public health and safety.

6. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July, 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

**Reason:** In the interest of sustainable waste management

7. Drainage arrangements, including the attenuation and disposal of rain water, shall comply with the requirements of the planning authority for such works and services.

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

8. The developer shall pay to the planning authority a financial contribution in respect of the Dingle Relief Road and Associated Coach Car Park in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 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 Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission

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

**Dated this            day of            2016.**