

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

Kerry County

Planning Register Reference Number: 16/744

An Bord Pleanála Reference Number: PL 08.247637

APPEAL by Barth O'Neill of care of Joe Bonner of 127 Lower Baggot Street, Dublin against the decision made on the 26th day of October, 2016 by Kerry County Council to refuse permission for the proposed development.

PROPOSED DEVELOPMENT: Construct six number semi-detached dwellinghouses together with all associated site development works and services on site numbers 10 to 13 and 18a to 18b, Páirc Chuimín, Clashnagarrane, Kilcummin, Killarney, County Kerry. This development is an amendment to six number semi-detached houses previously granted under planning authority register reference numbers 04/1528 and 09/842.

DECISION

GRANT permission for the above proposed development in accordance with the plans and particulars lodged with the said council, 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, would not be prejudicial to public health and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Screening

The Board had regard to the Appropriate Assessment screening submitted to the planning authority, the planning authority's analysis in respect of Appropriate Assessment screening, the documentation submitted at appeal stage, the submissions on file, the Inspector's report which included a screening assessment and completed a screening for Appropriate Assessment.

The Board accepted and adopted the Inspector's screening assessment in respect of the identification of the European sites which could potentially be affected with particular reference to Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment Special Area of Conservation (Site Code 000365) and the identification and assessment of the potential likely significant effects of the proposed development, either individually or in combination with other plans or projects, on European sites in view of the site's Conservation Objectives.

The Board was satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on any European sites in view of the site's Conservation Objectives.

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 30th day of September, 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. 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 2017.