



Planning and Development Acts 2000 to 2018

Planning Authority: Kerry County Council

Planning Register Reference Number: 17/476

Appeal by Peter Flaherty care of William Moyles and Associates of 3 Canal Place, The Basin, Tralee, County Kerry against the decision made on the 25th day of October, 2017 by Kerry County Council to grant subject to conditions a permission to Gerard Hanafin care of SJK Engineering and Surveying Limited of Dun Mara, Schoolfield, The Spa, Tralee, County Kerry in accordance with plans and particulars lodged with the said Council:

Proposed Development:

Construction of an agricultural building on farm lands with re-location of agricultural entrance at Ballymakegoge, The Spa, Tralee, County Kerry as amended by the revised newspaper notice received by the planning authority on the 29th day of September, 2017.

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 'Rural General' landscape zoning designation of the site, the separation distances to existing adjoining dwellings, the pattern of development in the vicinity, the existing and proposed screening and planting on the site, 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. 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 5th day of September, 2017, 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. (i) All concrete walls shall have externally rendered finishes.
- (ii) All proposed cladding/exterior finish shall be dark brown, dark grey or olive green colour.

Reason: In the interest of visual amenity.

3. (i) The finished floor level shall not be more than 250 millimetres above existing ground level measured at the lowest point along the external walls of the shed.
- (ii) Within one month of the date of this Order, the applicant shall submit, for the written agreement of the planning authority, cross – sections through the site indicating the existing and proposed ground levels, public road level and the proposed finished floor level.

- (iii) The levels shall be referenced to a clearly identifiable and easily located benchmark on the public roadway. The location and value of the benchmark shall be indicated on the drawing.

Reason: In the interest of visual amenity.

- 4. The shed shall be used solely for the storage of agricultural items and equipment as set out in the further information received by the planning authority on the 5th day of September, 2017, and shall not be used for the housing of animals or any other use other than that specified.

Reason: In the interest of residential amenity.

- 5. Water supply and drainage arrangements for the site, including the disposal of surface and soiled water, shall comply with the requirements of the planning authority for such works and services. In this regard: -

- (i) All uncontaminated roof water from buildings and clean yard water shall be separately collected and discharged in a sealed system to existing drains, streams or adequate soakpits and shall not discharge or be allowed to discharge to the foul effluent drains, foul effluent and slurry storage tanks or to the public road.

- (ii) All soiled waters shall be directed to a storage tank.

Drainage details shall be submitted to and agreed in writing with the planning authority, prior to commencement of development.

Reason: In the interest of environmental protection and public health.

6. The existing roadside boundary shall be retained except where its removal is necessary for the construction of an entrance with adequate sightlines as shown on site layout plan received by the planning authority on the 5th day of September, 2017.

Reason: In the interests of visual amenity and traffic safety.

7. A landscape plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. It shall include:

- (i) Proposals for screen planting along the south-western and south-eastern revised site boundaries as indicated on the site layout plan received by the planning authority on the 5th day of September, 2017, as well as where it is proposed to close up the existing entrance on the roadside boundary.
- (ii) The site shall be landscaped, using only indigenous deciduous trees and hedging species, such as: -
- Native Evergreens (Holly, Scots Pine, Yew)
 - Native Deciduous (Oak, Elm, Ash, Birch, Hazel, Alder, Willow, Whitethorn, Blackthorn, Irish Whitebeam, Rowan)
 - Exotic species such as Cypress Leylandii, Rhododendron or Laurel, shall not be used.
- (iii) Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In order to screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity.

8. Any external lighting shall be properly cowled and directed away from the public roadway and from the property to the north. It shall also not be visible from any point more than 100 metres away from the light.

Reason: In the interest of traffic safety and to control light pollution in the rural environment.

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

Dated this day of 2018.