

An
Bord
Pleanála

Board Order ABP-315408-22

Planning and Development Acts 2000 to 2022

Planning Authority: Kerry County Council

Planning Register Reference Number: 22/371

Appeal by Phil Buckley care of Noel Lynch Planning and Design of Main Street, Ballylongford, County Kerry and by Mark Sullivan and Patricia O'Connor of 3 Fairway Heights, Tralee, County Kerry against the decision made on the 8th day of December, 2022 by Kerry County Council to grant outline permission subject to conditions to Ashker Limited care of O'Sullivan Architecture of Béal Trá, Barrow East, Ardfert, County Kerry in accordance with plans and particulars lodged with the said Council.

Proposed Development: As revised by further public notices received by the planning authority on the 11th day of November, 2022, the proposed development now comprises construction of three dwellings on three separate sites with individual vehicular entrances from Cliff Road and two number proposed duplex apartments at rear accessed from Spraymount Road Laneway to existing rear vehicular entrance all at Cliff Road, Ballybunion, County Kerry

Decision

GRANT outline 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.

Reasons and Considerations

Having regard to the Kerry County Development Plan 2022-2028, the residential zoning of the site, its proximity to local services and the pattern of development in the area, it is considered that the proposed development subject to compliance with the conditions set out below, would not seriously injure the amenities of the area or of property in the vicinity, or endanger public safety by reason of a traffic hazard. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

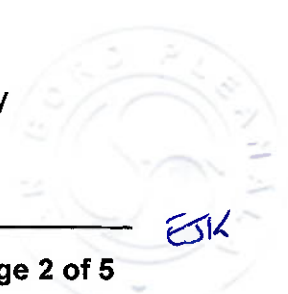
Conditions

1. This grant of outline permission is in respect of development as indicated in the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 27th day of October 2022, except as may be otherwise required in order to comply with the following conditions. No development is authorised on foot of this grant of outline permission and no development shall be undertaken until a grant of approval consequent on this outline permission is received.

Reason: In the interest of clarity.

2. Plans and particulars to be lodged for permission consequent on this grant of outline permission shall include:
 - (a) Full design details of the proposed development, including all proposed dwellings, which shall have regard to the design and character of the built environment in the vicinity.
 - (b) A detailed landscaping plan for the entire site including details of planting and boundary treatments.
 - (c) Details of external finishes.

Reason: To enable the application for permission consequent to be fully assessed.



3. This outline permission relates solely to the principle of development on this site and shall not be construed as giving consent to the overall site layout of the development.

Reason: In the interest of clarity.

4. The proposed dwellings shall be used as places of permanent residence only and shall not be used for short-term tourist accommodation.

Reason: In the interest of clarity.

5. At permission consequent stage, the proposed development shall be designed to comply with the following requirements:

The proposed two-storey duplex apartment block to the rear (east) of the site shall be omitted and a single-storey dwellinghouse provided in its place.

Reason: In the interest of traffic safety and residential amenity.

6. At the permission consequent stage, water supply and wastewater 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.

7. At the permission consequent stage, physical infrastructure and servicing arrangements to enable the proposed development, including the new vehicular entrances and accessways, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health, traffic safety and orderly development.

8. At the permission consequent stage, 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. All existing overground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

9. At the permission consequent stage, public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.

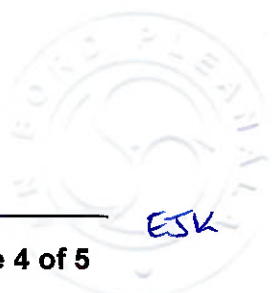
Reason: In the interests of amenity and public safety.

10. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will 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.

11. 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 noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and 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, 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.

Eamonn James Kelly

Eamonn James Kelly
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this *24th* day of *January*, 2024

