



An
Bord
Pleanála

Board Order
ABP-315714-23

Planning and Development Acts 2000 to 2021

Planning Authority: Kerry County Council

Planning Register Reference Number: 22/929

Appeal by Christy and Kathleen Lynch of The Beach, Fenit, Tralee, County Kerry against the decision made on the 18th day of January, 2023 by Kerry County Council to grant subject to conditions a permission to Patrick Moriarty care of John Phelan Architects of 26 Castle Countess, Tralee, County Kerry in accordance with plans and particulars lodged with the said Council.

Proposed Development: Demolition of the existing cottage and build a new café and apartment complete with pavements and all associated works and services, all at Fenit, Tralee, County Kerry, as revised by the further public notices received by the planning authority on the 13th day of December, 2022

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.

Reasons and Considerations

Having regard to the mixed-use zoning of the site, the design, nature and scale of the proposed development, the pattern of development in the area and the provisions of the Kerry County Development Plan 2022-2028 and the Tralee Municipal District Local Area Plan 2018-2024 (incorporating the Fenit Village Design Masterplan 2022), it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities or the environment of Fenit Village, or the beach, or the surrounding area and would not impact negatively on public services in the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The proposed 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 received by the planning authority on the 13th day of December, 2022, 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The ground floor layout of the proposed café shall be amended to incorporate toilet facilities for use by the patrons of the proposed development. Prior to commencement of development, the developer shall submit to, and agree in writing with, the planning authority an amended ground floor plan and elevations indicating compliance with this condition.

Reason: In the interest of amenity, public health and the proper planning and sustainable development of the area.

3. 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.

4. The existing stone wall on the eastern boundary of the site shall be retained apart from the proposed pedestrian access shown on drawing number 2207-FI-02 "a" received by the planning authority on the 13th day of December, 2022. Details of the access shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure that the proposed development is integrated with the adjoining public area in the interest of visual amenity and public safety.

5. The existing entrance from the beach shall be closed off as proposed. Details of the proposed boundary treatment shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of clarity and to protect the amenities of the walkway and beach.

6. Construction shall be carried out in accordance with a finalised Construction Environmental Management Plan (CEMP) which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of the protection of the environment and public safety.

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.



Mary Cregg

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this 12th day of June 2023.