

An
Bord
Pleanála

Board Order ABP-315882-23

Planning and Development Acts 2000 to 2022

Planning Authority: Kerry County Council

Planning Register Reference Number: 22/438

Appeal by Donal Buckley and others care of Coakley O'Neill Town Planning of NSC Campus, Mahon, Cork against the decision made on the 27th day of January, 2023 by Kerry County Council to grant subject to conditions a permission to Colm and Michelle O'Leary care of Carey Architects of St. Ita's, Church Street, Tarbert, County Kerry in accordance with plans and particulars lodged with the said Council.

Proposed Development: Demolition of existing single storey detached dwelling, detached sheds/outbuildings to rear and external pedestrian steps and ramp to side (east). Construction of replacement two-storey detached dwelling and replacement external pedestrian stairs to front and side (east). New vehicular entrance to front and all ancillary site works, all at Cliff Road, Ballyheige, County Kerry, as revised by the further public notices received by the planning authority on the 23rd 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 land use zoning of the site of the proposed development, the size of the site, the pattern of development in the area, and the design and layout 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 be acceptable in terms of traffic safety, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Board decided that, due to the orientation, the separation distance from the adjoining property, and the pattern of development in the area, the covered balcony as permitted by the planning authority did not detract from the amenity of the adjoining property and, therefore, did not concur with the recommendation of the Inspector that design changes are required to the covered balcony.

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. Prior to commencement of development, a revised site layout plan drawing shall be submitted for the written approval of the planning authority showing the following:
 - (a) One (Number 1) parallel parking space only shall be provided to the front (north) of the dwelling in the western corner of the site.
 - (b) The parking area shall be in accordance with the detailed standards of the planning authority for such works.
 - (c) The remaining space to the east (where the second parking space is to be omitted) shall be finished/treated so as to preclude any parking thereon and be in compliance with the detailed standards of the planning authority for such works.

Reason: In the interest of traffic safety.

3. (a) The construction of the proposed 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 proposed development, including noise management measures and off-site disposal of construction/demolition waste.
- (b) The construction management plan shall include a detailed method statement regarding the protection of adjacent properties during the construction process.

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

4. Prior to commencement of development, the developer shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021), including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on file and retained as part of the public record. The RWMP shall be submitted to the planning authority for written agreement prior to commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of sustainable waste management.

5. 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 and surface water management.

6. Prior to commencement of development, the developer shall enter into a water and wastewater connection agreement with Uisce Éireann.

Reason: In the interest of public health.

7. Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays, inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.


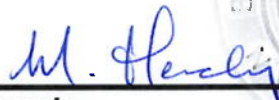
Reason: In order to safeguard the residential amenities of property in the vicinity.

8. All service cables associated with the proposed development (such as electrical, communal television, telephone, and public lighting cables) shall be run underground within the site. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interest of orderly development and the visual amenities of the area.

9. 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 Henchy

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this 17th day of April 2024.