



An
Bord
Pleanála

Board Order
ABP-316034-23

Planning and Development Acts 2000 to 2022

Planning Authority: Kerry County Council

Planning Register Reference Number: 22/1071

Appeal by Gregory Murphy care of Tom O'Grady of Architectural Services of Ballybeggan, Tralee, County Kerry against the decision made on the 15th day of February, 2023 by Kerry County Council to refuse outline permission to Gregory Murphy for the proposed development.

Proposed Development: Outline permission for a dwelling house and associated site works at West Main Street, Cloosguire, Castlegregory, County Kerry. The proposed development was revised by further public notices received by the planning authority on the 20th day of January 2023.

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 policies and objectives, as set out in the Kerry County Development Plan 2022 – 2028, to the zoning objectives for the site as set out in the Corca Dhuibhne Electoral Area Local Area Plan 2021 - 2027 in respect of residential development, and to the pattern of existing and permitted development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would respect the existing visual character of the area and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. This outline permission relates solely to the principle of the development on this site. Plans and particulars to be lodged for permission consequent on this grant of outline permission shall include:
 - (a) A detailed landscaping plan for the entire site;
 - (b) Proposals to protect the privacy and amenity of existing adjacent properties; and
 - (c) A design proposal which has regard to the design and character of the built environment in the vicinity.

Reason: In the interest of clarity and to define the subject matter for consideration at permission consequent stage.

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. Prior to the commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Uisce Éireann.

Reason: In the interests of clarity and public health.

4. Details of the materials, colours and textures of all the external finishes to the proposed dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

5. 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.

6. The developer shall not interfere with the public road/footpath or road drainage without consulting and reaching agreement with the planning authority. No material associated with the proposed development shall be stored or deposited on the public road and/or footpath during the construction period without prior consent of the planning authority.

Reason: In the interest of public safety and to ensure the integrity of the public roads/footpaths.

7. The construction of the development shall be managed in accordance with a Site Traffic and Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Alternative arrangements shall be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works.

Reason: In the interests of amenities, public health and safety.

8. Site development and building works shall be carried out only between the hours of 0800 and 1900 from Mondays to Fridays inclusive, between 0800 and 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.

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 the 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 *22nd* day of *January*, 2024.

