

An
Bord
Pleanála

**Board Order
ABP-317059-23**

Planning and Development Acts 2000 to 2022

Planning Authority: Kerry County Council

Planning Register Reference Number: 23/155

Appeal by Vincent Dowling care of SJK Engineering & Surveying Limited of Dun Mara, Schoolfield, The Spa, Tralee, County Kerry against the decision made on the 12th day of April, 2023 by Kerry County Council to grant subject to conditions a permission to Alan Farmer care of Michael Burke of Curraheen, Tralee, County Kerry in accordance with plans and particulars lodged with the said Council.

Proposed Development: Demolish existing derelict buildings and erect in lieu of same a new storey and a half style dwellinghouse with pitched roof construction to front and two-storey flat roof section to back with a single storey ground floor bedroom to rear of that complete with all ancillary site works associated with the development, including refurbishment of existing boundary walls and new rear boundary wall, all at 7 Quill Street, Tralee, County Kerry.

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 R2 zoning objective pertaining to the site, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of the area or of property in the vicinity, would be acceptable in terms of visual amenity, and would generally be acceptable in terms of compliance with the criteria stipulated under section 1.3.2, Volume 6 of the Kerry County Development Plan 2022-2028. 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, 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 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 all intended construction practice for the proposed development, including measures for protection of existing development and boundary walls, construction traffic routing and management, construction parking, materials storage, site compound, noise management measures and off-site disposal of construction/demolition waste.

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

3. The party boundary walls to the rear of the site shall be 1.8 metres in height block walls, capped and dashed on both sides.

Reason: In the interest of residential amenity.

4. Site development and building works shall be carried only out between the hours of 0700 to 1800 Mondays to Fridays, inclusive, between 0800 hours 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.

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

Reason: In the interest of visual amenity.

6. 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.

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



Reason: In the interest of public health.

8. Prior to commencement of any works on site, the developer shall retain the services of a competent person(s) to carry out a review of the site to determine the presence of ACM (asbestos containing material) or any other hazardous materials within the structure to be demolished. A report on the presence of any such materials and the proposed management of same shall be forwarded to the planning authority.

Reason: In the interest of public health and to prevent pollution.

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.



Martina Hennessy

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this 6th day of September 2023.