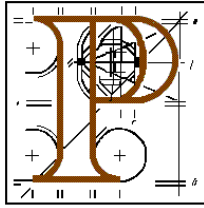

An Bord Pleanála



Inspector's Report

Development: Two houses and ancillary works at Meadow Drive, Steeple Meadows, Ballyoughtra North, Milltown, Co. Kerry

Planning Application

Planning Authority : Kerry County Council
Planning Authority Register Reference : 15/638
Type of Planning Application : Permission
Applicant : Lakecastle Developments Ltd.
Planning Authority Decision : Refuse

Planning Appeal

Appellants : Lakecastle Developments Ltd.
Type of Appeal : 1st Party v. Refusal
Observers : None

Inspector : Pauline Fitzpatrick

Date of Site Inspection : 12/01/16

Appendix

1. Photographs
2. Extracts from the Kerry County Development Plan, 2015

1. SITE LOCATION AND DESCRIPTION

The site, which has a stated area of 0.082 hectares, is located within the Steeple Meadows housing estate which is accessed from the R563 to the south-east of Milltown town centre. Milltown is on the N70 Tralee – Killorglin Road. Tralee is c. 19km to the north and Killarney is c. 19km to the south-east.

Steeple Meadows is a scheme of approx. 66 dwellings of varying designs located around 4 no. open space areas. The appeal site is in the south-western most corner accessed via a cul-de-sac of recently constructed dwellings with Nos. 11 and 12 currently under construction immediately to the south. The lands to the north-east are laid out as open space. The rear of the site is delineated by a low block wall with the lands to the north of same accessed from the R563 and used as the compound associated with the construction.

2. PROPOSED DEVELOPMENT

The proposal is for 2 no. semi-detached dwellings immediately to the north of Nos.11 and 12 currently under construction. The design of the dwellings is to match those recently constructed in the immediate vicinity.

3. TECHNICAL REPORTS

The report from **Housing Estates** section dated **30/07/14** queries what open space would remain should the dwelling be constructed. The proposed boundary treatment is ambiguous. It is also queried whether the existing management company as conditioned is adequate for the 2 dwellings.

Irish Water in a report dated **05/08/15** has no objection subject to conditions.

The **Planner's** report dated **07/09/15** notes that the current proposal was previously refused permission on the grounds that it would result in the loss of open space which would seriously injure the amenities of properties in the overall scheme and would set an undesirable precedent. A comparable decision is recommended.

4. PLANNING AUTHORITY'S DECISION

The Planning Authority (PA) decided to refuse permission for the above described development on the grounds that the construction of the dwelling on public open

space permitted as part of the overall residential scheme would result in a loss of amenity open space which would seriously injure the residential amenities of properties within the scheme and would set an undesirable precedent.

5. GROUNDS OF APPEAL

The submission by Lonergan Consultancy on behalf of the applicant can be summarised as follows:

- Milltown has adequate services to support the proposed development.
- There is a demand for housing in the town. The LAP for the town has a targeted population increase of 437 over the plan period.
- The housing estate which comprises 66 dwellings on a site area of 3.80 hectares equates to a density of 17 units per hectare. The proposal would increase the density to 17.9 units per hectare.
- The additional houses in Meadow Drive cul-de-sac would reduce its green area to 15%. The open space in the overall estate would be reduced to c. 16.5%. This meets the 15% requirement of the County Development Plan and Sustainable Residential Development Guidelines.
- Meadow Drive contains the least amount of dwellings of the 4 cul-de-sacs in the estate. The 2 no. dwellings would bring the total in Meadow Drive to 14. Meadow Close has 18, Meadow Crescent 16 and Meadow Way 20.
- The proposal would not set an undesirable precedent. All future development would be required to comply with the relevant development plan and associated guidelines requirements.
- There is no 3rd party objection.

7. PLANNING AUTHORITY'S RESPONSE TO GROUNDS OF APPEAL

No response received.

8. OBSERVATIONS

None

9. RELEVANT PLANNING HISTORY

05/1890 – permission granted for 66 dwellings. The permission was subsequently extended to 06/11/15.

15/235 – permission refused for two dwellings on the site for a reason comparable to that cited in the current case.

10. DEVELOPMENT PLAN PROVISIONS

10.1 *Tralee/Killarney Functional Area LAP 2013-2019*

Milltown is a town which is large enough to support a reasonable degree of self sufficiency and provide a range of goods and services appropriate to its size, to cater for the general needs of its population and those in the surrounding rural areas. Its functions will be complementary to Tralee and Killarney. The Strategy acknowledges the substantial growth provided and its strengthened role outside Killarney envisaging a critical mass of population in Milltown so that it plays a major role in the region with its own identity, employment opportunities and tourist facilities.

The site is not specifically zoned in the plan.

10.12 *Kerry County Development Plan 2015*

Section 13.2 of the Plan sets out the Standards for Residential Development in Urban Areas. It notes that public open space is one of the key elements in defining the quality of the residential environment and stipulates that:

- Usable public open space shall be provided at a suitable location and an agreed amount.
- Well designed open space is even more important in higher density residential developments. In the assessment of the qualitative and quantitative open space provisions proposed in any development the Planning Authority shall adhere to the *Sustainable Residential Development in Urban Areas (2009)*.

11.0 ISSUES AND ASSESSMENT

Taking into consideration the site location within an existing residential estate within the village of Milltown I consider that the principle of the development is acceptable. As the proposed dwellings are to be positioned directly adjacent to nos. 11 and 12 and are to be of the same design they will be indistinguishable from the earlier permitted scheme.

The density of the scheme as approved under planning reference 05/1890 equates to in the region of 17.4 units per hectare. The additional two units would increase this to 17.9 units. I note that the density as originally permitted exceeds the indicative parameters of between 10-12 units per hectare set out in the current Development Plan but, in the context of the overall scheme, the increase is considered to be small and is acceptable in principle.

The substantive issue arising in the case pertains to the impact of the proposal on the public open space provision for the estate. As permitted the overall scheme is served by 4 no. open space areas, 1 no. along the western boundary, 2 no. in the centre and the 4th in the area where the 2 dwellings are proposed. In total the open space provision equates to in the region of 7000 sq.m. which is 18.4% of the site area. This calculation does not include the incidental green areas alongside the access roads etc. The proposed reduction by 820 sq.m. should the two dwellings be permitted would reduce the percentage provision to approx. 16.2%. I note that the current County Development Plan does not stipulate percentage open space requirements but states that in the assessment of the qualitative and quantitative open space provisions proposed in any development the Planning Authority shall adhere to the *Sustainable Residential Development in Urban Areas (2009)*. In such a village/small town location the guidelines recommend a minimum rate of 15% of the total site area. The proposal will not result in a reduction in the overall open space provision as to fall below this threshold.

In the context of the position, layout and design of the proposed units and the maintenance of the 15% open space provision within the overall estate I consider that the proposal would not have an adverse impact on the amenities of the scheme or properties therein and would assist in increasing the housing stock in the area. As noted by the agent for the applicant the proposal would not, in itself, set an undesirable precedent in that each proposal would be required to meet the requirements in terms of residential development inclusive of open space provision.

AA – Screening

Having regard to the nature and scale of the development within a fully serviced residential scheme within the development boundary of Milltown no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

12. RECOMMENDATION

I recommend that permission for the above described development be granted for the following reasons and considerations subject to conditions.

REASONS AND CONSIDERATIONS

Having regard to the nature and scale of the development proposed within an existing residential estate and to the resultant public open space to be maintained to serve the said estate it is considered, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or the amenities of property in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The 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 development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The external finishes of the dwellings shall match the finishes of the dwellings constructed immediately to the south.

Reason: In the interest of visual amenity

3. Water supply and drainage arrangements, including the 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. 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.

Reason: In the interests of visual and residential amenity.

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5. The screen wall along the northern boundary onto the open space area shall be 2 metres in height above ground level along its entire length and shall be constructed in concrete block, and shall be capped, and rendered on both sides in a finish that matches the external finish of the dwellings.

Reason: In the interests of residential and visual amenity.

6. 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

Pauline Fitzpatrick
Inspectorate

January, 2016