



An  
Bord  
Pleanála

## Inspector's Report ABP 304467-19

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<b>Development</b>	Demolish old school structures, refurbish and change use of main building to B & B facility. Construct three storey detached apartment building accommodating thirteen residential units
<b>Location</b>	Farrannakilla, Dingle, Co. Kerry
<b>Planning Authority</b>	Kerry County Council
<b>Planning Authority Reg. Ref.</b>	18/965
<b>Applicant</b>	Michael Slattery
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant subject to conditions
<b>Type of Appeal</b>	3 <sup>rd</sup> Party v. Grant
<b>Appellants</b>	Barra an tSean Bhaile Property Management Company
<b>Observers</b>	None
<b>Date of Site Inspection</b>	13/07/19
<b>Inspector</b>	Mary Kennelly

## 1.0 Site Location and Description

- 1.1.1. The site is located on Goat Street in the centre of Dingle town. Goat Street is a continuation of Main Street which curves around the northern side of the main built-up area fronting the harbour. It is a mixed-use street but is predominantly commercial at the southern end (restaurants and shops) and becomes increasingly more residential in nature to the north. The site is located c. 100m to the north of the junction with Green Street. There is a large traditional school building (Clochar Daingean) to the south of the site, located between the site and Green Street. There is a residential infill development to the north of the site (Barra an tSean Bhaile) and 'Discart' is located to the west of the site. This consists of extensive grounds associated with a former church that has been converted into an artist exhibition space and cultural centre and includes large areas of landscaped gardens which are open to the public.
- 1.1.2. The site, with a stated area of 0.2692ha, is L-shaped and comprises a former school site with derelict and disused buildings and a cleared space at the rear. The site is accessed by means of a vehicular entrance from Goat Street. The remainder of the Goat Street frontage is composed of a two-storey terraced building which is proposed to be refurbished and converted into a B & B, and the rest of the northern boundary abuts the rear boundary walls of four terraced properties fronting Goat Street. The north-western boundary of the site adjoins the rear gardens of Nos. 1, 7, 8, 9, 10 and part of 11 Barra and tSean Bhaile (the Management Company for which is the appellant). The southern/southwestern boundary is with Discart. Two further terraced properties fronting Goat Street lie to the south-east which, together with a large open space area to the rear, is under the control of the applicant (blue line). The frame of a large structure occupies much of the central northern space on the site and there are some derelict pre-fabs in the south-eastern corner.

## 2.0 Proposed Development

- 2.1.1. The application was lodged with the planning authority on the 8/10/18 with further plans and details received 26/03/19 following a request for further information dated 29/11/18. The proposal entails the restoration and change of use of an existing vacant building to a B&B with 5 no. guest bedrooms, the demolition of all other

derelict buildings on the site and the construction of 13 apartments in the form of a three-storey apartment block. The gross floor space of the proposed new building is given as 1516m<sup>2</sup> and the floor space of the buildings to be demolished is 1,014m<sup>2</sup>. The structures to be demolished include several rear extensions to the proposed B&B, the prefabs and the former PE hall. The proposed layout shows the L-shaped apartment block at the rear of the site with a setback of c.6.2-6.7m from the southern and eastern boundaries. The proposed setback from the western and northern boundaries is 11.2m and 19.0m at a minimum. The inside of the 'L' would face north with surface parking provided to the north and east of the building.

- 2.1.2. Access to the development is proposed from the existing vehicular access on Goat Street at the northern end. Pedestrian access from Goat Street is also proposed adjacent to the entrance. It is proposed to retain most of the existing boundary walls and screening along the northern and eastern boundaries and to plant further native trees and shrubs as part of the landscaping plans. The layout incorporates a number of areas of open space, one to the south-west, one to the south-east and linear strips along the southern and eastern boundaries.
- 2.1.3. A mix of residential units is proposed. It is proposed to provide four 1-bed, seven 2-bed and two 3-bed apartments. The proposed one and two bed roomed apartments have floor areas ranging from 85m<sup>2</sup> to 87m<sup>2</sup> and the floor areas of the three-beds is 160-162m<sup>2</sup>. It is proposed to provide 2 parking spaces for each unit as well as visitor parking. It is proposed to connect to the public water supply and to the public wastewater system.

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1. The P.A. decided to grant planning permission subject to 22 conditions including:

**Condition 2:** Development contribution of €14,029.79

**Condition 3:** Cash bond of €80,00 to secure completion of development.

**Condition 4:** Part V agreement.

**Conditions 5 and 6:** Occupancy of apartments restricted to places of permanent residence and not to be used as holiday homes. **Condition 14** – no apartments to be used as B&B accommodation.

**Condition 8:** Requirement to comply with road safety audit recommendations.

**Condition 9:** Archaeology – all ground works to be monitored.

**Condition 15:** Requirements to enter connection agreement with IW.

## 3.2. Planning Authority Reports

### 3.2.1. Planning Reports

The first Planner's report dated 29/11/18 noted the contents of the technical reports and in particular, the requests for FI by the County Archaeologist and Conservation Officer. The technical reports are summarised below, as well as the issues raised in the third-party objections. It was also noted that the applicant had submitted unsolicited further information on 23<sup>rd</sup> November 2018. The renovation and conversion of the vacant building on Goat Street, together with the redevelopment of the derelict site for residential purposes, was considered to be acceptable in principle.

3.2.2. FI was requested under several headings, which related to a wide variety of issues. These included minor alterations to the layout, including POS in southwest corner not to be used for parking, an Archaeological Impact Assessment, an Architectural Impact Assessment, a Shadow Impact Assessment and a Linguistic Impact Assessment. Further information regarding the integration of the development into the surrounding area with particular reference to the Protected Structures in the vicinity and the ACA of which the site forms a part, as well as with adjoining properties. A TIA was also requested.

3.2.3. The **Response to the FI submitted on 26/03/19** included inter alia revisions to the layout of the development and additional reports, including a Traffic Impact Assessment and a Road Safety Audit, an Archaeological Impact Report, an Architectural Impact Statement, together with additional/revised drawings and documentation regarding public open space, parking, boundary treatment and occupancy.

3.2.4. The **second planning report**, dated **19/06/18** following FI, noted the revisions to the layout, parking and boundary treatment, which were considered acceptable and the additional details regarding the archaeological, architectural and visual impact of the proposal on the adjoining properties, the Protected Structures and the ACA. It was considered that the residential use and contemporary design on this backland infill site in the centre of the town would integrate well with the existing development in the area, including the Protected Structures. The justification for the separation distance between the proposed apartment block and the existing residential development to the west was considered acceptable.

A **grant of permission** subject to conditions was recommended.

### 3.3. Other Technical Reports

3.3.1. **County Archaeologist's report (23/10/18)** stated that an Archaeological Impact Assessment was required because the site is located within the zone of notification /archaeological potential for the medieval town of Dingle (Ke043 224). It was recommended that the AIA should include a general survey of the buildings to be demolished and specifically, the potential for reused medieval masonry. It should be based on documentary and cartographic research and pre-development archaeological testing. The report should be submitted to the P.A. prior to determination of the application. The County Archaeologist (2/4/19) was satisfied with the FI response.

3.3.2. **Biodiversity Officer report (30/10/18)** – It was considered that as the site is located in the built-up area of Dingle town and is a considerable distance from the Mount Brandon cSAC, which is predominantly designated for terrestrial upland annexed habitat, and the absence of any connectivity between the site and the SAC, it was considered that no significant effects on the European site would be likely.

3.3.3. **Building Control Officer (24/10/18)** – no objection to application. However, it was recommended that the applicant be advised of the need for a Fire Safety Certificate and a Disability Access Certificate.

3.3.4. **Conservation Officer Report (21/11/18)** – noted the location of the site partly within an ACA (as designated in the Dingle Functional Area LAP 2012-2018). It was further noted that the site is proximate to several Protected Structures, namely, Presentation convent (NIAH 21400616), Rice House (RPS KY043-004) and St. Mary's Church

(NIAH 21400615). As such it was stated that the religious/educational setting is of particular significance and character in this part of dingle town. Reference was made to national guidance and to policies in the County Development Plan (H-38, H-43 and H-44) and to guidance within the LAP in respect of the Dingle ACA in terms of the need for new buildings to be designed with reference to the surroundings and their impact on ACA and Protected Structures. It was stated that she had reservations in terms of the impact on the setting and character of Protected Structures nearby in terms of scale, mass, bulk and regarding how the development would integrate into the Goat Street ACA and enhance its character. This formed the basis of a request for FI which also sought the submission of photomontages, with particular reference to the integration of the development with the southern elevation of the convent structures and grounds and from Goat Street. Details of proposed finishes for existing building and photographic survey of the interior of this building were also requested.

### **3.4. Prescribed Bodies**

- 3.4.1. **Irish Water** (10/11/18) stated that there was no objection to the proposed development. It was pointed out that the developer would need to enter into a connection agreement with IW.

### **3.5. Third Party Observations**

Objections received by the planning authority are on file for the Board's information. Objections were received from the appellant (Barra an tSean Bhaile Property Management Company), and from the owners/occupiers of Nos. 1, 2, 9 and 11 Barra an tSean Bhaile. The issues raised are comparable to those set out in the 3<sup>rd</sup> Party appeal summarised in section 6 below. The issues raised included overdevelopment of the site, excessive height, scale, bulk, overlooking, overshadowing and light pollution, lack of assessment of noise impact and air pollution, inadequate provision of POS and traffic and parking impact.

## **4.0 Planning History**

- 4.1.1. No relevant planning history on site. All history relates to previous use as a school.

## 5.0 Policy Context

### 5.1. National Planning Framework (2018)

The NPF seeks to focus growth in cities, towns and villages with an overall aim of achieving higher densities than have been achieved to date.

**NP Objective 33** seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

**NP Objective 35** seeks to increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased heights.

### 5.2. Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009)

In order for small towns and villages to thrive and succeed, it is stated that their development must strike a balance in meeting the needs and demands of modern life but in a way that is sensitive and responsive to the past. New development should contribute to compact towns and villages and offer alternatives to urban generated housing in unserviced rural areas. The scale should be in proportion to the pattern and grain of existing development. In terms of densities, centrally located development in small towns and villages could achieve densities of up to 30-40 dw/ha., whereas edge of centre sites should achieve 20-35 dw/ha. However, in order to offer an effective alternative to single houses in the surrounding countryside, it may be appropriate in a controlled situation to allow a density of 15-20 dwellings at the edge of a town or village, provided that it does not represent more than 20% of the housing stock of the village.

### 5.3. Kerry County Development Plan 2014

**Chapter 3 – Housing** – Dingle is designated in the Settlement Hierarchy as a Regional Town the function of which is to provide for strong economic growth and are economically vibrant. It sets out the housing policies and objectives including the following:

**HS-2** - Facilitate the housing needs of people in their local communities through actively providing/assisting the provision of housing in settlements.

**HS-4** - Have regard to and promote increased residential densities in the towns and other appropriate locations in accordance with the 'sustainable Residential Development in Urban Areas' Guidelines 2009 (DoEHLG).

**US-1** – Ensure that future housing in urban areas in the County is located on lands zoned for residential use. In towns and villages residential development shall be located in town/village centres or immediately adjacent to town/village centres, on serviced lands, and in accordance with the Development Guidance of this document.

**US-3** – Ensure that all new development within the County supports the achievement of sustainable residential communities. The Council will have regard to the provisions of the Guidelines on sustainable Residential Development in Urban Areas and the accompanying Urban Design Manual.

**US-4** – Promote development which prioritises walking, cycling and public transport use in a sustainable manner, both within individual developments and in the wider context of linking developments together and providing connections to the wider area, existing facilities and public transport nodes.

**US-5** – Encourage and stimulate the sustainable re-development and renewal of the town and village cores.

**US-6** – Support the sustainable development of derelict sites and infill sites in towns and villages and encourage the use of upper floors or retail premises as residential accommodation as a means of providing additional housing and revitalising settlements.

**US-7** – Ensure that all new urban development is of a high design quality and supports the achievement of successful urban spaces and sustainable communities.



**Chapter 11 – Built Heritage** – Policies and objectives include the following:-

**H-38** – Ensure that development, modification, alteration or extension affecting a protected structure and/or its setting is appropriate in terms of the proposed materials, scale, density and layout, addresses reversibility, does not detract from the special character/interest of the PS etc.

**H-43** – development within an ACA to positively enhance the character of the ACA and should be appropriate in terms of materials, scale, density, layout, proportions, plot ratio and building lines.

**H-44** – Ensure a balanced approach to maintenance and development of architectural heritage.

**Chapter 13 – Development Management Standards** includes the following:-

**Infill Sites** – Infill development must have regard to the main adjoining existing uses, design features, building lines and heights, as well as the existence of any features such as trees, built and natural heritage and open spaces on the site or on adjoining sites. Proposals for infill development must demonstrate how they will integrate satisfactorily with the adjoining developments, without any loss of amenity.

**Apartments** – must comply with minimum size as set out in Sustainable Urban housing Design of apartments 2007. Private open space to be provided at 5sq.m per apartment. Public/shared open space to be provided as 10sq.m per bedroom. Adequate space to be provided for communal and bin storage.

**Building lines and private open space** – A minimum of 22 metres shall generally be provided between directly opposing first floor habitable rooms. This may be reduced subject to good design and the individual design requirements of the site where it can be demonstrated that residential amenity and adequate light is not compromised.

**Parking requirement - apartments** – one space per bedroom;

**Guest house** – 1 space per double bedroom (or 2no. single bedrooms).

#### 5.4. **Dingle Functional Area Local Area Plan 2017**

The site is zoned 'Town Centre' in the LAP.

## 5.5. Natural Heritage Designations

Courtmacsherry Bay SAC (site code 001230) and Courtmacsherry Bay SPA (Site code 004219) approx. 12km to the southwest.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

A Third-Party Appeal has been received from Balla an tSean Bhaile Property Management Company, which is a cul-de-sac of 13 terraced and semi-detached houses on the adjoining site to the west of the site. The submissions can be summarised as follows:

- **Public open space is inadequate** – The applicant’s response to the P.A.’s request to change the ‘potential’ parking area to additional POS was ignored and this area was changed to additional car parking instead. This results in an excessive level of parking provision on the site and an inadequate amount of public open space. It also results in an inadequate buffer zone or green interface between the apartment complex and the adjacent development.
- **Excessive parking provision** – 29 spaces is excessive for this development of 13 apartments. The B&B fronts onto Goat Street and does not require off-street parking. The site is likely to be used as a parking resource for the town, which is inappropriate. The predominance of parking on the site, especially in close proximity to residential boundaries of properties to west, will result in noise, air and light pollution from the constant traffic movements.
- **Non-compliance with Minimum separation distance** – The minimum separation distance is 22m and the developer failed to comply with the FI request to provide this separation distance. The distance between the properties is 21.18m, which is substandard. The justification of an absence of overlooking is disputed. The apartment development, with the large glazed areas at second floor level and open balconies will overlook Nos. 9, 10, 11, 12 and 13, and is unacceptable.

- **Design and scale of development inappropriate to area** – It is considered that the design of the apartment block with its flat roof, high density and large glazed areas is uncharacteristic and incompatible with the traditional development in Dingle. It fails to comply with Objective TC-3 of Dingle LAP which states “Ensure that the future development in town is sympathetic to the existing built heritage”.
- **Lack of appropriate boundary treatment and tree planting** – The proposal does not include any tree planting on the common boundary. The lack of trees and an appropriate green interface on this boundary will give rise to increased nuisance in the form of noise emissions, light and air pollution.
- **Irregular planning procedures** - The submission of an unsolicited response to the third-party objections prior to determination by the P.A. (20/11/18) was irregular and there is no provision in the PDR for such submissions. It results in no opportunity for third party input prior to the decision being made.

## 6.2. Applicant Response

The submission from the applicant (14/06/19) is mainly in the form of a rebuttal of the grounds of appeal. The submission can be summarised as follows:

### (1) Public open space

- The P.A. had agreed that the area in question be re-designated as parking, which was considered to be more appropriate in this instance.
- The current allocation of POS exceeds the CDP requirements.

### (2) Separation distances

- The separation distance between the FF apartment and the boundary wall is 11.5m.
- There is no overlooking from the apartment to the existing houses as the floor level of the apartment is much lower than that of the adjacent house.
- The applicant had offered to make this particular window opaque, but the P.A. did not request such a revision.
- A cross section sketch is included.

### **(3) Boundary treatment**

- There is an existing wall on the boundary between the two sites which will be retained. It is in relatively good condition and needs little further treatment.

### **(4) Irregular planning procedure**

- Unsolicited further information is permitted within the eight-week timescale and was accepted and validated by the P.A.

### **(5) Other comments**

- Density of development – the density is similar to that of Barra an tSean Bhaile and is also an infill development with a similar level of parking provision.
- Residential development standards – the proposal is fully compliant with all residential development standards including amenity space standards, car parking standards etc.
- The 11m separation distance is based on the length of private garden on either side of a common boundary wall. The existing sports hall is currently less than one metre from the boundary.
- Landscaping buffer – both schemes are infill developments and it is unreasonable to place the burden of landscaping on the interface on one development alone. The absence of any significant landscaping on the adjoining site must be recognised.

## **6.3. Planning Authority Response**

The P.A. responded to the grounds of appeal on 24<sup>th</sup> May 2019. The response was mainly in the form of reiteration of the points made in the planning reports. The main points made were that the proposed development is fully compliant with the policies and objectives and development management standards contained in the Development Plan and LAP and is consistent with national guidance.

## **7.0 Assessment**

I consider that the issues arising can be assessed under the following headings:

- Principle of development
- Appropriateness of design, scale and density of development
- Adequacy of public open space
- Impact on residential amenity
- Adequacy of parking and traffic impact
- Environmental Impact Assessment
- Appropriate Assessment

### 7.1. Principle of Development

7.1.1. The policy context has been summarised in Section 5.0 above. The proposal would result in the development of brownfield land in the centre of the town, close to the existing services and facilities and help to create a more compact settlement, and encourage the provision of further facilities and services within the town. It would also result in the redevelopment of a derelict site in the centre of a town which is currently in a dilapidated state and would facilitate the housing needs of people in their local communities, and would promote development which prioritises walking and cycling. It is considered, therefore, that the proposed development is in accordance with the objectives of the National Planning Framework and the Sustainable Residential Development in Urban Areas Guidelines, would facilitate the achievement of the objectives of the CDP and the LAP for the area, and is acceptable in principle.

### 7.2. Appropriateness of Density, Scale, Design and Layout of development

- 7.2.1. The guidance in the national and local policy framework (as summarised at Section 5.0 above), seeks to achieve higher densities in general. This would result in a density of 35-50 dwellings per hectare in centrally located sites and 20-35 units/ha in edge of town locations. It is considered that the location of the site in the centre of Dingle, given its proximity (within walking distance) of a wide variety of services and facilities, and to the brownfield and derelict nature of the site, the proposed density of 48dw/ha on this infill site is appropriate.
- 7.2.2. The scale of apartment block at 3 storeys in height differs from the residential development of mainly 2-storey houses to the west and fronting Goat Street.

However, the scale of the existing buildings both on the site (e.g. former sports hall) and to the east and south is much larger, such as the church and the school. The height of the proposed building with a ridge level of c.35m is also similar to the ridge levels of the buildings that currently surround the site. It is considered that the backland and infill nature of the site, combined with the nature and scale of existing/former development on the site and of existing buildings on adjoining sites allows for some flexibility in this instance. It is considered that the L-shaped layout and the provision of relatively generous setbacks from the boundaries facilitates the accommodation of a building of this scale on the site, provided that the design and layout would have regard to the form and character of established development on the adjoining sites.

- 7.2.3. The contemporary nature of the design is considered to be appropriate in this instance, as there is considerable variety in the form and character of the surrounding development. It is considered that the gentle sloping mono-pitched form of the proposed roof, together with the use of a variety of high-quality light-weight/ lightly coloured materials, allows the building to harmonise with the imposing historic buildings without competing with them, yet maintains its own identity as an apartment block. It is considered that the proposed layout, which maximises the building setback from the boundaries with the adjoining sites, responds well to the character of the existing development in the vicinity. The design and layout of the development are therefore considered to be appropriate in this context.
- 7.2.4. The location of the main public open space areas alongside the southern boundary with Disart and the residential development to the southwest, as shown in the original submission, is considered to be appropriate. This layout facilitates the creation of a buffer zone with the sensitive sites to the south and southwest. It also provides for effective screening and separation between the existing development and these sites. However, the revised proposal submitted to the P.A. on 26<sup>th</sup> March 2019, to utilise the area to the southwest as additional car parking is considered to be a missed opportunity to provide for a quiet amenity area with good sunny aspect. It would also provide visual relief and a pleasant outlook from the adjoining houses and would create a buffer between the dwelling units and the apartment block. The issue of the adequacy of the parking provision and the parking layout will be discussed in further detail below.

7.2.5. Overall, it is considered that the layout, landscape and open space strategy would facilitate the integration of the development into the character of the area. On balance, it is considered that the proposed development would not detract from the character of the area and is responsive to the conditions on site and in the vicinity with an appropriate density, whilst providing for adequate amenity for prospective occupants.

### 7.3. **Adequacy of public open space**

7.3.1. The quantity of the private and public amenity space meets or exceeds the minimum standards and the upper floor windows generally meet the 22m separation distances, apart from one property, No. 10. The development plan requires provision of private open space at 5sq.m per apartment and public open space at 10sq.m per bedroom for apartment developments. This would require a POS provision of 240sq.m.

7.3.2. The proposed development exceeds these requirements, even with the revised proposal to provide 6 additional parking spaces on the POS area to the southwest. The open space areas are also south, south-east or south-west facing and are directly adjoining and are overlooked by the residential units that they serve. However, the southern area is quite narrow with a linear shape but is enhanced by the rectangular area to the south-east. The original proposal for the south-western rectangular area would also have enhanced the open space provision and compensated for the linear nature of the southern element. It is considered, therefore, that the proposed development is well provided for in terms of open space, but that the south-western pocket of POS should be reinstated.

### 7.4. **Impact on residential amenity**

7.4.1. Overlooking – the appellants have expressed concern regarding the potential for overlooking from the second-floor balcony (Unit 11) and the west-facing windows of the first-floor apartment (Unit. 06). The south-west corner of the building is located 11.2m from the boundary with No. 10 Barra an tSean Bhaile, and the rear elevation of that house is stated to be c.9.5m from the common boundary. Thus, the distance between the two buildings is just under 22m. The developer had offered to provide obscure glazing at this location, but the P.A. did not consider this necessary. The developer has pointed out that the difference in ground levels between the sites,

combined with the existing masonry walls on the common boundary, would provide adequate mitigation.

- 7.4.2. Notwithstanding this, it is considered that these elements of the proposed design would give rise to at least the perception of being overlooked and that this would be a new feature in the urban landscape. The windows in question at Apartment 06 comprise a bathroom window and a second dining room window. The kitchen/living/dining area is open plan with a large south-facing patio door opening onto the balcony. It is considered that obscure glazing in these windows would be more appropriate and would eliminate any risk of overlooking without compromising the design of the habitable space. Similarly, at Apartment 11 (overhead) the bathroom window could also be provided with obscure glazing. The proposed balcony on this floor is not screened by the building but the revised proposals (26/03/19) indicate that the western elevation of this balcony would be provided with a screen to prevent overlooking of the properties to the west.
- 7.4.3. Overshadowing – a shadow impact assessment was submitted with the FI to the P.A. This indicates that the degree of overshadowing of the properties to the west would be minimal, and that the proposal would represent a significant improvement compared with the existing sports hall structure which is much closer to the common boundary. The proposed development is in an urban built-up location and the degree of overshadowing would not be likely to give rise to a significant loss of amenity.
- 7.4.4. Nuisance from noise emissions, air emissions and light pollution – The appellants have expressed concern regarding the noise and air emissions from the traffic that would be generated by the development and, in particular, from the siting of a significant number of parking bays directly adjacent to their properties. I would agree that it is not ideal to locate a long row of parking spaces directly adjoining the boundary wall with the shallow rear gardens of the adjoining properties. It is also noted that Chapter 13 of the CDP (Development Management Standards) specifies that developments will be required to reduce noise and air emissions at site boundaries, especially residential areas, by measures such as layout, design or attenuation mechanisms.
- 7.4.5. As discussed in preceding sections above, it is considered that the south-western pocket of POS should ideally be reinstated as originally proposed (8/10/18). This



would necessitate a reduction in the proposed parking provision, which will be addressed below. Such a measure would firstly provide an opportunity to reduce the interface between parking bays and adjoining rear gardens, and secondly, would facilitate the planting of trees which would provide for an attractive and effective buffer zone. The DM standards also address the issue of light pollution, which should be limited by specific measures. It is considered that these matters can be addressed as conditions of any planning permission.

## **7.5. Adequacy of parking and traffic impact**

- 7.5.1. The site is located within the 50kph zone in the built-up part of Dingle Town Centre and is approx. 100m from the junction with Main Street/Green Street. Following a request for FI, the applicant submitted a Road Safety Audit. A number of problems with the layout were identified and solutions for each proposed. These included matters such as footway tie-in details, potential for vehicles waiting at the access gates, lack of clarity re disabled access from parking bays, access to the service yard and for service vehicles, and need for additional details regarding drainage and lighting for the development. Solutions proposed include measures to ensure pedestrian priority is maintained, appropriate facilities provided for disabled users, adequate servicing arrangements are provided for as well as appropriate drainage and lighting standards.
- 7.5.2. Problem no. 2.5 identified an issue relating to Parking Bay No. 24, which was located at the end of the car park aisle, adjacent to the pedestrian walkway next to the POS that had been proposed at the southwestern corner of the site. The problem identified was that vehicles reversing out of the space could conflict with the adjacent pedestrian walkway, putting pedestrians at risk of collision and injuries and also in conflict with other vehicles. The drawings submitted on 08/10/18 had identified the area to the south of Bay 24 as 'POS – potential six parking spaces', and this was subsequently proposed in the FI (26/03/19) as additional parking (Bays 25-30). This solution would, however, result in the interface with the entire western and northern boundaries being one of car parking spaces, tightly packed in. It would also mean that the western/southwestern part of the site would primarily function as a car park, which is sub-optimal in terms of amenity space and quality of layout.

- 7.5.3. The site of the proposed development is located in the centre of a Regionally Important town with access, (within a short walking distance), to a wide range of services and facilities. These include shops, pubs, cafes, restaurants, tourist facilities, churches, community amenities etc. The provision of two parking spaces for each apartment, four of which are one-bedroomed, and a parking space for each of the double bedrooms in the B&B, although compliant with the Development Plan Standards, is considered to be excessive at this location. It is considered that the parking provision could be reduced to facilitate an improved site layout which would provide for more open space, soft landscaping and tree planting in the south-western corner of the site. This would improve the residential amenities of the existing adjoining and the future residents alike.
- 7.5.4. A revised layout should be required as a condition of any planning permission, should the Board be minded to grant permission. It is considered that parking spaces numbered 18-30 inclusive should be omitted and that the amended plan should include 4-5 additional spaces to the west of Bay No. 1 instead. It may be necessary, or desirable, to find an alternative location for the refuse bins, which could form part of the revised layout. This would provide for up to 22 parking spaces, which would be sufficient to serve the proposed development and would encourage walking, cycling and the use of public transport in accordance with the need to provide for more sustainable development in such well serviced locations.

## 7.6. **Environmental Impact Assessment**

Having regard to the nature and scale of the proposed development within the town centre and built-up area of Dingle on serviced lands, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## 7.7. **Appropriate Assessment**

- 7.7.1. The site is located approx. 600 metres to the south-east of Mount Brandon SAC (000375) and c.4km to the north of Dingle Peninsula SCP (004153). There are no known hydrological links to the protected sites. Given the scale and nature of the development, the distances involved, that the site is located in an established urban

area, on serviced lands, it is considered that no appropriate assessment issues are likely to arise.

## 8.0 Recommendation

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

## 9.0 Reasons and Considerations

Having regard to the brownfield nature and scale of existing development on the site, and to the location of the site within the town centre of Dingle and to the policy objectives as set out in the Kerry County Development Plan 2015-2021 to encourage sustainable development on serviced sites within the centres of town and villages in proximity to local services, 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 of the area, would not adversely impact the 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.

## 10.0 Conditions

1. The 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 submitted to the planning authority on the 26<sup>th</sup> day of March 2019, 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 proposed development shall be amended as follows:-
  - (a) The proposed parking bays numbered 18-29 inclusive, shown on Drawing No. 1804\_214 (submitted to the planning authority on 26/03/19), shall be omitted and a revised parking layout shall be submitted which would provide for a continuation of the parking bays in Row 1-7 as far as the western boundary wall. A minimum of 22 no. car parking spaces shall be provided within the revised parking layout.
  - (b) The lands to the south of this parking area, adjoining the southern section of the western boundary wall, shall be laid out as public open space.
  - (c) The windows on the first and second floors on the western elevation shall be glazed with obscure glass.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of the residential and visual amenity of the area.

3. Prior to the commencement of development, the developer shall enter into water and wastewater connection agreements with Irish Water.

**Reason:** In the interests of public health.

4. 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.

5. Details of the materials, colours and textures of all the external finishes to the proposed dwellings 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. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted

management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

7. (a) The use of the 13 apartments shall be as primary permanent all year-round private residences.
- (b) Notwithstanding the provisions of Article 10(4) of the Planning and Development Regulations 2001, or any statutory provision modifying or replacing them, no room in the proposed apartments shall be used for the purpose of providing overnight paying guest accommodation without a prior grant of planning permission.

**Reason:** In the interest of residential amenity.

8. Prior to commencement of development detailed site layout plans showing how the development will comply with the recommendations contained in the Road Safety Audit submitted on 26/03/19, shall be submitted to, and agreed in writing with the planning authority.

**Reason:** In the interests of road safety.

9. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs shall comply with the detailed standards of the planning authority for such road works.

**Reason:** In the interest of amenity and of traffic and pedestrian safety.

10. 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 interest of visual and residential amenity.

11. The Developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this

regard, the developer shall –

- (a) Notify the planning authority in writing at least four weeks prior to commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
- (b) Employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
- (c) Provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

**Reason:** In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

**Reason:** In the interest of visual amenity and public safety.

12. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

- (a) A plan to scale of not less than 1:500 showing –
  - (i) Existing trees, hedgerows, stone walls, specifying which are proposed for retention as features of the site landscaping
  - (ii) The measures to be put in place for the protection of these landscape features during the construction period
  - (iii) The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder
  - (iv) Details of screen planting which shall not include *cupressocyparis x leylandii*
  - (v) Details of tree planting along the western boundary
  - (vi) Hard landscaping works, specifying surfacing materials, furniture play equipment and finished levels.

(b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment.

(c) A timescale for implementation

All planting shall be adequately protected from damage until established.

Any plants which die, are removed or become seriously damaged or diseased, within a period of 5 years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

**Reason:** In the interests of residential and visual amenity.

13. Public lighting shall be provided in accordance with a scheme which shall include lighting along pedestrian routes through open spaces, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any apartment unit.

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

14. The areas of public open space shown on the lodged plans shall be reserved for such use. These areas shall be soiled, seeded, and landscaped in accordance with the detailed requirements of the planning authority. This work shall be completed before any of the apartment units are made available for occupation.

**Reason:** In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

15. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of social and affordable housing in accordance with the requirements of section 96 of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not

reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 97(7) applies) may be referred by the planning authority or any other prospective party to the agreement to the Board for determination.

**Reason:** To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.

16. (a) A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities for each apartment unit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.
- (b) This plan shall provide for screened communal bin stores, the locations and designs of which shall be included in the details to be submitted.

**Reason:** To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

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

18. The construction of the development shall be managed in accordance with a Construction and Environmental 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 development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interests of public safety and residential amenity.

19. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

**Reason:** In the interest of sustainable waste management.

20. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** To ensure the satisfactory completion and maintenance of the

development until taken in charge.

21. 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.

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**Mary Kennelly**  
**Senior Planning Inspector**

**13<sup>th</sup> September, 2019**