



An
Bord
Pleanála

Inspector's Report ABP 307767-20

Development	House and associated works.
Location	Fenit Without, Fenit, Tralee, Co. Kerry
Planning Authority	Kerry County Council
Planning Authority Reg. Ref.	20/348
Applicant	Robert Browne
Type of Application	Outline permission
Planning Authority Decision	Grant subject to conditions
Type of Appeal	3 rd Party v. grant
Appellants	Joan Godley & Others
Observer(s)	None
Date of Site Inspection	23/09/20
Inspector	Pauline Fitzpatrick

1.0 Site Location and Description

The site which has a stated area of 0.140 hectares, comprises part of a larger field located to the north of both Fenit village centre and the old Tralee-Fenit railway line which is currently being developed as a greenway. The site slopes gently from north to south with views of Barrow Harbour.

Currently there is no direct access to the field save via other lands which are accessed from a track to the north. A cul-de-sac, also known as Island View Road, terminates at a hammerhead along the boundary to the old rail line/future greenway to the south of the site. The cul-de-sac serves approx. 13 dwellings. Save for short stretch along the frontage of four dwellings to the west of the carriageway there are not footpaths. The carriageway varies in width with its narrowest point at its junction with the main road. The Castle View housing estate is to the west of the cul de sac with a pedestrian link between the two.

2.0 Proposed Development

Outline permission is sought for a dwelling with access from the end of the cul-de-sac to the south and across the Tralee-Fenit Greenway.

3.0 Planning Authority Decision

3.1. Decision

Grant outline permission subject to 11 conditions including:

Condition 3: dwelling to be used as a permanent residence, only, and shall not be used for holiday home accommodation.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner's report considers the proposal to be in accordance with the zoning provisions. It would create only a minor and very local visual impact with the access

road sufficient to accommodate the additional traffic. A grant of outline permission subject to conditions recommended.

3.2.2. Other Technical Reports

None

3.3. Prescribed Bodies

Irish Water has no objection.

3.4. Third Party Observations

An objection received by the planning authority is on file for the Board's information. The issues raised relate to adequacy of proposed access, traffic hazard, impact on residential amenities, development plan provisions and adequacy of public sewerage system.

4.0 Planning History

I am not aware of any previous planning applications on the site.

Reference is made in the Planner's report on file to an invalid application lodged in 2018.

5.0 Policy Context

5.1. Development Plan

Tralee Municipal District Local Area Plan 2018-2024

The site is within an area zoned R4 – Strategic Residential Reserve.

Notwithstanding the absence of adequate infrastructure at this time, suitably located lands have also been identified and zoned as strategic residential reserve (R4) in order to ensure that the longer term residential needs of the village can be met. The development of this land is dependent on the availability of adequate water infrastructure.

TR-RES-07 Prohibit development on lands zoned as strategic residential reserve until 80% of all other residential zoned lands have been developed to the satisfaction of the Planning Authority.

FT-GO-02 Ensure that dwellings shall be for permanent residential use only and shall not be used for holiday home accommodation.

Objective TR-R-AI-01 Develop the Tralee – Fenit and the Tralee to Listowel greenways along the disused railway lines.

FT-O-01 Facilitate the sustainable development of the Tralee-Fenit Greenway along the old railway line while protecting features of biodiversity and cultural importance.

5.2. Natural Heritage Designations

Tralee Bay SPA is c.150 metres to the north

6.0 The Appeal

6.1. Grounds of Appeal

The submission by SJK Engineering & Surveying Ltd. on behalf of the 3rd party appellants can be summarised as follows:

- The site is currently not accessible from the cul-de-sac. It will be located to the north of and will have to traverse the Tralee-Fenit Greenway which is currently under construction. No details have been provided how the access will cross the greenway.
- The cul-de-sac is c 4.8-5.3 metres wide with no footpath and is served by a small hammerhead. The sightlines at its junction with the Main Road are restricted.
- The cul-de-sac serves 13 dwellings, some of which do not have off road parking and thereby avail of on street parking which narrows the width available for access.
- The cul-de-sac is also used as a walkway.

- The cul-de-sac cannot accommodate the additional vehicular movements and would give rise to a traffic hazard.
- The location to the north of the greenway will impact on views.
- Feasibility of connection to, and adequacy of public services, is queried.

6.2. Applicant Response

None

6.3. Planning Authority Response

None

6.4. Observations

None

7.0 Assessment

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

- Zoning Provisions
- Access and Traffic
- Other Issues

I advise the Board that the site was fully visible from the cul-de-sac to the south and its environs on day of inspection and allowed for a full and proper assessment.

7.1. Zoning Provisions

The site in question is located within the development boundary and on lands zoned R4- Strategic Residential Reserve in the current LAP for Fenit as set out in the Tralee Municipal District LAP 2018. Such zoned lands are identified to ensure that the longer term residential needs of the village can be met and will be dependent on the availability of adequate water infrastructure, namely the waste water treatment plant which is at capacity.

Whilst a single dwelling could be considered to be acceptable I have serious reservations as to the potential impact a positive decision in this instance would have both in its own right and in terms of setting a precedent for such piecemeal development which could effectively undermine the co-ordinated and appropriate development of the lands into the future. The development potential of these lands is to be realised only when 80% of all other residential zoned lands have been developed to the satisfaction of the Planning Authority (objective TR-RES-07) and will be subject to the necessary upgrading of the effluent treatment plant serving the village which is stated to be at capacity.

Whilst no details are given as to the access to the said land bank an indicative arrow on the zoning map for the village would suggest that access may be from the local road to the west.

7.2. Access and Traffic

Access is proposed via a cul-de-sac known as Island View Road which serves approx. 13 dwellings. There is also a pedestrian link to the Castle View housing estate adjoining. Whilst relatively narrow with no footpaths along the majority of its length I consider that the additional vehicular movements arising from one dwelling could be accommodated.

I submit that the substantive issue in this regard is the fact that the site is to the north of and will require access across the Tralee-Fenit Greenway to connect to the said cul-de-sac. The greenway is currently under construction involving substantial public investment and, on completion, will be a significant positive addition to the amenity and recreational infrastructure of the area which shall benefit both the village of Fenit and the wider area. The planning authority in its assessment of the proposal did not appear to address this matter.

Over and above the absence of any details as to how it is envisaged the access arrangements across the greenway would be realised and the measures to prevent the potential for conflicting pedestrian/cyclist and vehicular movements, I submit that to allow for such a proposal without any mitigating or exceptional reasons to justify such an arrangement would constitute ad-hoc development which would detract from the amenities of the greenway and undermine the significant public investment

required for its realisation. Therefore the proposal could be seen to be contrary to LAP objectives for the greenway provision.

7.3. Other Issues

As per the details available in the LAP the wastewater treatment system for the village of Fenit is currently at capacity. I note that Irish Water in its report to the planning authority has no objection to a connection for the dwelling.

Appropriate Assessment

Having regard to the nature and scale of the proposed development, its location within the development boundary of Fenit no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect, either individually or in combination with other plans or projects, on a European site.

8.0 Recommendation

Having regard to the foregoing I recommend that outline permission for the above described development be refused for the following reasons and considerations.

9.0 Reasons and Considerations

1. Having regard to the location of the proposed development which shall require access across the Tralee-Fenit Greenway it is considered that the proposed development would endanger public safety by reason of conflicting vehicular, cyclist and pedestrian movements, would detract from the amenity value of the greenway and would therefore contravene materially the objectives of the Tralee Municipal District Local Area Plan which seek the sustainable development of the Tralee-Fenit Greenway.
2. Having regard to the location of the site within lands zoned for R4 – Strategic Residential Reserve in the current Tralee Municipal District Local Area Plan it is considered that the proposed development would constitute inappropriate piecemeal development which would prejudice the co-ordinated development

of the zoned lands. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Pauline Fitzpatrick
Senior Planning Inspector

October 2020