



An
Bord
Pleanála

Inspector's Report ABP-317201-23

Development

PROTECTED STRUCTURE:

Construction of 38 residential units,
and alterations to protected structure.

Location

Parknadoon House, Clounalour,
Oakpark, Tralee, Co. Kerry.

Planning Authority

Kerry County Council

Planning Authority Reg. Ref.

221225

Applicants

Tulfarris CG Limited.

Type of Application

Permission

Planning Authority Decision

Grant permission

Type of Appeal

Third Party

Appellants

(1) Oakview Residents Association
(2) Linda Houlihan

Observers

None

Date of Site Inspection

12/06/2024

Inspector

Siobhan Carroll

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1.0 Site Location and Description

- 1.1. The appeal site has a stated area of 1.124 hectares and is located to the northern side of the town of Tralee, Co. Kerry. The site is situated to the western side of Oakpark Road. Oakpark Road forms part of the R878 along with a section of the Listowel Road. The surrounding area is predominantly residential with the Oakview and Riverside housing estates located to the west and north of the site. The site is situated circa 700m from the town centre.
- 1.2. Parknadoon House is a Protected Structure. It is a large detached Victorian property which was built in 1882. It is a detached five-bay three-storey house with two-bay single-storey extensions to left hand side/south-east. The external finishes comprise red brick walls at ground floor with rendered walls and decorative bands to first floor. The pitched roof has a natural slate finish, and it contains nap rendered chimneystacks and cast-iron rainwater goods. The property has timber sash windows with limestone sills.
- 1.3. The entrance at Oakpark Road is defined by nap rendered walls with piers, wrought-iron gates and railings. The property includes a gate lodge situated to the south of the entrance.
- 1.4. The eastern boundary of the site adjoins Oakpark Road. This boundary extends for 90m and is formed by a capped stone wall with mature tree planting. The northern boundary adjoins the rear garden of four properties in Oakview. The boundary is formed by a block capped wall. The northern boundary also adjoins the property Orchard Lodge. The western boundary of the site extends for 130m. It adjoins rear gardens of properties within the Oakview Estate. This boundary is formed by a block capped wall. There are a variety of mature and semi-mature deciduous trees planted along the western boundary. To south of the site there is a detached residential property accessed from Brewery Road. The service station at the junction of Oakpark Road and Brewery Road is situated immediately to the south of the gate lodge on site.

2.0 Proposed Development

- 2.1. Permission is sought for the construction of 38 no. residential units and alterations to Parknadoon House, Protected Structure.
- 2.2. The scheme comprises the following;
 - (A) Additions and alterations and change of use of private residence and Protected Structure RPS-KY-0961 'Parknadoon House' to convert it into 6 no. heritage style apartments.
 - (B) Additions and alterations and change of use of protected structure RPS-KY-0961 'Parknadoon Gate Lodge' to create a full size two-bedroom cottage.
 - (C) Construction of 12 no. apartments in a three-storey building on site.
 - (D) Construction of 12 no. terrace houses and 14 no. semi-detached houses on site.
 - (E) Construction of new widened entrance in lieu of existing gate entrance.
 - (F) Demolition of existing shed and miscellaneous structures including all associated works, roads, pavements and services.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority granted permission subject to 18 no. conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.2. Further information was requested in relation to the following;

- 1. Provide a revised design statement to address Section 1.5.11 of the Development Plan.
- 2. Demonstrate how climate resilient features have been incorporated.
- 3. Submit a phasing plan.

4. Submit construction waste management plan.
5. Clarify proposed private open space for each dwelling.
6. Address the lack of storage in the Parknadoon House apartments.
7. Submit revised proposals providing for a greater variety in the design of the proposed dwellings.
8. Revise location of proposed satellite dishes.
9. Submit revised proposals to address the requirement for covered bicycle shelters.
10. The applicant was required to address the issues raised by Tralee MD, Roads, Transportation and Marine Department.
11. The applicant was required to address the issues raised by the Biodiversity Officer.
12. The applicant was required to address the issues raised by the Housing Estates Unit.
13. Submit contiguous elevations of Parknadoon House and the proposed apartment building.
14. The layout of the proposed housing units and parking spaces at the south-western corner of the site is not considered to be satisfactory. Revised plans required to address this.

3.2.3. Planning Report: Following the submission of a response to the further information the Planning Authority were satisfied with the details provided and permission was granted.

3.2.4. Other Technical Reports

3.2.5. County Archaeologist - The proposed development is partly located within the zone of notification around the recorded monument Ke 029 120, listed as a ringfort. This monument is completely destroyed, and previous testing showed no subsurface remains. Given that the site has been previously disturbed no mitigation is required.

3.2.6. Housing Estates Unit - Issues raised in relation to the design and layout of the scheme.

- 3.2.7. Tralee MD Roads – Further information requested.
- 3.2.8. Biodiversity Officer – Further information requested.

3.3. Third Party Observations

- 3.3.1. The Planning Authority received 5 no. submissions/observations in relation the planning application. The issues raised are similar to those set out in the appeal.

4.0 Planning History

- 4.1.1. Reg. Ref. 07307595 - Permission was granted for (A) construct a 2 ½ - 3 ½ storey Mixed Use Building consisting of 4 no. Commercial units on Ground Floor total 452 sq. m. + ATM, 9 no. Duplex Apartments and 1 no. Apartment over and (B) associated site works on the curtilage of Parknadoon House (Protected Structure) at Fairies Cross Filling Station, Oakpark Road and Brewery Road.
- 4.1.2. Reg. Ref. 7256/107/06 & PL81.221771 - Permission was granted to demolish existing petrol filling station/forecourt; to construct 40no. 2 1/2 storey Townhouses, 4no Ground Floor Apartments, 4no. Duplex Apartments, a 2 1/2 - 3 1/2 Storey Mixed Use Building consisting of : Ground Floor – 4 no. Commercial Unit total 455sqm + ATM, with 9no. Duplex Apartments and 1no Apartment over, new entrance to existing house and associated site within the curtilage of Parknadoon House (Protected Structure) at Fairies Cross Filling Station, Oakpark Road and Brewery Road. An extension of duration of planning permission was granted until 12/09/2017.

5.0 Policy Context

5.1. Project Ireland 2040 - National Planning Framework

- 5.1.1. The NPF includes a Chapter, No. 6 entitled 'People, Homes and Communities'. It sets out that place is intrinsic to achieving good quality of life. National Policy 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".

- 5.1.2. National Policy Objective 35 seeks “to increase residential density in settlements, through a range of measures including restrictions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights”.
- 5.1.3. National Planning Objective 13 also provides that “In urban areas, planning and related standards, including in particular height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected”.

5.2. Section 28 Ministerial Guidelines

- 5.2.1. The following is a list of section 28 Ministerial Guidelines considered of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.
- Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities (2024)
 - Sustainable Urban Housing: Design Standards for New Apartments (2023)
 - ‘Design Manual for Urban Roads and Streets’ (DMURS) (2019)
 - ‘The Planning System and Flood Risk Management’ (including the associated ‘Technical Appendices’) (2009)

5.3. Kerry County Development Plan 2022-2028

- 5.3.1. The Tralee Town Development Plan 2009-2015 (as extended and varied) is incorporated into the Kerry County Development Plan 2022-2028.
- 5.3.2. The site is zoned Objective ‘R2’ – Existing Residential.
- 5.3.3. Chapter 3 of the Kerry Development Plan refers to Core & Settlement Strategy 5.3.4. Section 3.10.1 – Principles of the Settlement Strategy
- 5.3.4. The main principles of the Settlement Strategy are to:

- Ensure the sustainable development of the Key towns of Tralee & Killarney to fulfil the roles identified in the Regional Spatial and Economic Strategy.
- Ensure the sustainable development of a network of towns and villages in the county to act as service and employment centres for the surrounding hinterland.
- Facilitate the provision of housing and services having regard to settlement type.
- Facilitate the sustainable future development of infrastructure to serve identified settlements.

5.3.5. Settlement Strategy – It is an objective of the Council to: KCDP 3-4 Deliver at least 30% of all new homes in the Key Towns of Tralee and Killarney within the existing built-up footprint of the settlements.

5.3.6. Volume Six of the Plan includes (1) Development Management Standards & Guidelines.

5.3.7. Section 1.5 refers to Residential Development.

5.4. Natural Heritage Designations

5.4.1. Tralee Bay Complex SPA (Site Code 004188) is situated 1.9km to the south-west of the appeal site.

5.4.2. Tralee Bay and Magharees Peninsula West to Cloghane SAC (Site Code 002070) is located 2.1km to the west of the appeal site.

5.4.3. Ballyseedy Wood SAC (Site Code 002112) is situated 2.6km to the south-east of the appeal site.

5.5. EIA Screening

5.5.1. The proposed development comprises 45 residential units on a 1.124 hectare site. The development subject of this application falls within the class of development described in 10(b) Part 2, Schedule 5 of the Planning and Development Regulations, 2001, as amended. EIA is mandatory for developments comprising over 500 dwelling

units or over 10 hectares in size or 2 hectares if the site is regarded as being within a business district.

5.5.2. The number of dwelling units proposed at 45 is well below the threshold of 500 dwelling units noted above. Whilst within the town of Tralee it is not in a business district. The site is, therefore, materially below the applicable threshold of 10 hectares.

5.5.3. The proposal for 45 residential units is located within the development boundary of Tralee on lands zoned Objective 'R2' – Existing Residential in the current Tralee Town Development Plan (as extended) which is incorporated into the Kerry County Development Plan 2022-2028. The site comprises an infill site. It is noted that the site is not designated for the protection of the landscape or of natural or heritage. The proposed development will not have an adverse impact in environmental terms on surrounding land uses. The proposed development would not give rise to waste, pollution or nuisances that differ from that arising from other housing in the neighbourhood. It would not give rise to a risk of major accidents or risks to human health. The existing wastewater treatment plant serving the town of Tralee has a plant capacity PE of 50333 and has sufficient capacity to accommodate the development. The site is not within a European site. The issues arising from the proximity/connectivity to a European Site can be adequately dealt with under the Habitats Directive. The application is accompanied by an Urban Design Statement, Housing Quality Assessment, Conservation Report, Area and Design Standards report, DMURS Analysis and Stage 1 Road Safety Audit. These address the issues arising in terms of the sensitivities in the area.

5.5.4. Having regard to;

- the nature and scale of the proposed development, which is below the threshold in respect of Class 10(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- the location of the site on lands within the development boundary of Tralee on lands zoned under the provisions of the Tralee Town Development Plan, 2009-2015 as extended which is incorporated into the Kerry County Development Plan 2022-2028 and the results of the strategic environmental

assessment of the Tralee Town Development Plan, undertaken in accordance with the SEA Directive (2001/42/EC).

- the location of the site within the existing built-up urban area, which is served by public infrastructure, and the existing pattern of residential development in the area.
- the location of the site outside of any sensitive location specified in article 109 of the Planning and Development Regulations 2001 (as amended),
- The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003),

The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), I have concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment and the need for environment impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required. See Appendix 2 attached to this Report for the preliminary examination.

6.0 The Appeal

6.1. Grounds of Appeal

Third party appeals have been submitted by (1) Oakview Residents Association and (2) Linda Houlihan.

(1) Oakview Residents Association

- They confirm that they are not against the development of the site. However, they consider the proposed development will seriously injure the amenity of future residents.
- It is stated that the matters raised in their submission on the planning application were not addressed by the developer.

- They state that the site has never been developed and that it is not a brownfield site or an infill site.
- The design of the proposed houses is raised. They are less than 5m in width which is considered too narrow. The length of the rear gardens is considered too short as they are less than 11m. The existing semi-mature trees along the perimeter of the site may not be retained.
- The site is zoned objective 'R2' "Existing Residential". The purpose of this zoning is "to protect and improve residential area and to provide for facilities and amenities incidental to those residential areas." It is considered that the proposed development would represent over development of the site.
- The parking layout was revised. The revised layout is not considered an improvement. There is insufficient car parking to cater for the amount of car that the development would generate. The inadequate parking provision would generate on-street parking in the surrounding area.
- The appeal raised concern in relation to the siting and design of the proposed apartment building within the curtilage of the protected structure.
- It is proposed to service the development with a new sewer connection which is indicated exiting south onto Brewery Road through adjoining properties. The appellants query the feasibility of this connection.
- In relation to surface water drainage proposals concern is expressed that surface water would discharge to the Big River and potential ecological issues are raised.
- The proposal to use the existing vehicular entrance is raised. The location of the vehicular entrance is not considered appropriate in the context of the existing road layout which features three lanes and a contiguous white line at this location and a cycle lane is also planned.
- The permission granted by the Planning Authority has 18 no. conditions. It is stated that there are no conditions specific to the development.

- There is a Ringfort at Clonalour which is a Recorded Monument. There is no requirement for an archaeologist to monitor groundworks or for any pre-development testing to be undertaken.
- It is stated that the junction of Brewery Road and Oakpark has been listed for upgrading since 2003. A previous development had a condition which required the payment of a financial contribution towards this upgrade. It is noted that the Planning Authority have not included a condition to this effect.
- Concern is expressed in relation to the proposed vehicular access in terms of the level of traffic that the scheme would generate and traffic safety considerations.
- The further information issued by the Planning Authority referred to the poor parking layout, undersized parking spaces and housing layout in the south-western corner of the scheme. These aspects of the development were highlighted as being required to be revised. Permission was granted by the Planning Authority despite no change to the housing layout or improvements in the parking provision.
- The main Strategic Development Objective of the current Municipal District Plan objective OS-01 is to “provide an improved quality of life for all citizens of the plan area by promoting the area’s economic potential, protect its natural and built environment and safeguard its cultural heritage.”
- The appellant’s request that the Bord refuse permission for the reasons and considerations set out in the appeal.

(2) Linda Houlihan

- It is considered that the proposed development would cause overlooking of existing properties in Oakview. The matter of the depth of the proposed rear gardens from the boundary was raised in respect of the issue of overlooking.
- It was highlighted that there are semi-mature trees planted along the perimeter of the site which were planted in 2016. The appellant has expressed concern that following development that these trees may not be retained within the individual gardens.

- In relation to the proposed boundary treatment concern is expressed that along the northern section of the boundary it is low. Therefore, the appellant suggests that the boundary would not prevent access which could result in anti-social behaviour occurring. The lack of adequate screening of the development at the boundary is also raised.
- The appellant notes that as part of the further information requested that the Planning Authority raised the matter of the shortfall of car parking. They note that while the layout was revised, they consider it to be substandard with cars indicated parked outside houses and obstructed by other parked cars. The inadequate provision of car parking will result in the generation of car parking along the public road in the vicinity.
- The proposed development is served by one vehicular entrance onto the busy regional road R878 and the entrance is close to the existing petrol station and Fairies Cross junction. Traffic exiting the scheme would do so onto three lanes of traffic at a location where vehicles on Oakpark road are attempting to enter the right-hand lane. This is considered an unsuitable traffic arrangement. Concern is expressed that area cannot accommodate the additional traffic that the proposed development would generate.
- The appellant requests that the Board refuse permission for the reasons set out in the appeal.

6.2. Applicant Response

A response to the third party appeals was submitted by John Phelan Architects on behalf of the applicant Tulfarris CG Ltd. The issues raised are as follows;

- In relation to the issue raised by Oakview residents' association that the applicant did not address the points raised in their original submission on the application, the first party refute this. They state that they addressed all the issues and provided a detailed response to the further information.
- The site which contains a house, stables and gate lodge is a brownfield site. The western section of the site is largely greenfield in nature.

- Regarding the proposed house sizes, the houses have been designed in response to the demands for smaller households and that large suburban plots and gardens are not required.
- Regarding the proposed back gardens of the twenty houses backing onto Oakview only the two southern houses have a first-floor separation of less than 11m while others exceed 14m. All rear gardens directly abutting Oakview exceed the minimum garden size.
- Regarding the boundary trees the grounds of appeal state that the existing semi-mature trees will not survive. The first party would disagree with this. The trees were planted by the previous owner to provide screening and amenity. Significant efforts have been made to retain most of the trees. One tree was removed to locate the exact location of the main sewer.
- The site is zoned existing residential, and the proposed development fully complies with this zoning.
- Regarding the design and layout, they submit that the quality “Parkland Estate” urban design and open landscaping will be a major gain for the area.
- The car parking layout was amended after detailed discussions with Kerry Couty Council MD Roads and Estate Departments. The level of parking is close to that of a suburban development. Following discussions with Kerry Couty Council MD Roads they agreed that this would be acceptable.
- Individual houses have onsite parking. Additional visitor parking is provided on the street. Parking provision exceeds any requirements for a medium density central urban development.
- Regarding the proposed apartment building, it was considered appropriate that it be included in the scheme to achieve a sustainable medium density and to ensure the central open space and parkland setting is maintained.
- In relation to the design of the apartment building after detailed consideration it was decided that this building should be a complete contrast to Parknadoon House and that it would be located to the side of it to minimise impact.

- The reference in the appeal from Oakpark residents' association to the sewer is incorrect. There is an existing 300mm diameter combined sewer on the site. The applicant verified the exact route of this sewer by excavating along the line of the sewer. Irish Water and Kerry County Council have approved the realignment of and connection to this existing public main sewer. The applicant confirms that they have agreed with Irish Water to provide a 6m right of way over the whole length of the site to ensure that it is fully accessible and serviceable.
- The appeal from Oakpark residents' association refers to the discharge of surface water to the local watercourse. The applicant states that they are incorrect in their assumption regarding proposed surface water treatment. All stormwater on site will be fully attenuated and allowed to settle after passing through a petrol interceptor.
- The restricted residual discharge of essentially clean rainwater will be undertaken expressly as directed by Kerry County Council to protect water quality and avoid flooding.
- The proposed new entrance has been designed with enhanced safety and pedestrian, cyclist and motorist safety in mind. The independent Traffic Impact Assessment and Kerry County Council MD Roads Department both agree that this entrance which is located 80m from Brewery Road has no significant safety issues. It is noted that congestion in the area is primarily caused by morning peak school traffic.
- A number of revisions were made in response to the further information to enhance the overall coherence of a "quality Parkland" Design Concept for the Parknadoon Estate.
- In conclusion, the applicant requests that the Board uphold the decision of the Planning Authority to grant permission.

6.3. Planning Authority Response

- None received

7.0 Assessment

Having examined the application details and all other documentation on file, including all the submissions received in relation to the appeal, the report/s of the local authority, and having inspected the site and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal can be considered are as follows:

- Density and policy context
- Design and layout
- Impact on residential amenity
- Impact of the proposed scheme on Parknadoon House Protected Structure
- Access and traffic
- Drainage Infrastructure
- Other issues

7.1. Density, development and policy context

- 7.1.1. The lands in question are zoned Objective – ‘R2’ Existing Residential under the provisions of the Tralee Town Development Plan 2009-2015 (as extended and varied) which is incorporated into the Kerry County Development Plan 2022-2028. The proposal is to construct 38 no. residential units comprising 12 no. terrace houses, 14 no. semi-detached houses, the conversion of Parknadoon House into 6 no. apartments and extensions and alterations to Parknadoon, Gate Lodge. Accordingly, the total number of residential units proposed in the scheme is 45. The site has an area of 1.124 hectares the proposed density would be equivalent to 40 units per hectare.
- 7.1.2. The grounds of appeal contend that the proposed density is out of character with the surrounding area and excessive for the site.
- 7.1.3. Chapter 4 of the Kerry County Development Plan 2022-2028 refers to Towns and Villages and Section 4.3.1 refers to Sustainable Infill and Brownfield Development and it advises that it is an objective of the plan to encourage the redevelopment and

renewal of town and village cores rather than continual expansion and sprawl of settlements out into the countryside. A target of at least 30% of new housing should be delivered within the existing built-up areas of settlements on infill and/or brownfield sites.

- 7.1.4. I note that the Kerry Development Plan 2022 – 2028 do not provide specific densities requirements. Appendix 6 of the Development Plan contains a number of documents including Section 1 which refers to Development Management Standards and Guidelines. Section 1.5.2 refers to density and it states that the Council recognises the benefits of increasing the density of residential development at appropriate locations in accordance with various strategies and reports such as the ‘National Planning Framework’ (NPF), the ‘Sustainable Residential Development in Urban Areas Planning Guidelines (2009)’ and the ‘Southern Region Spatial and Economic Strategy’ (SRSES).
- 7.1.5. It is set out under Section 1.5.2 that in general, the number of units to be provided on a site should be determined with reference to the Guidelines for Planning Authorities on ‘Sustainable Residential Development in Urban Areas’ (2009) or any update thereof. This Plan seeks to promote the development of ‘live work’ communities by promoting sustainable development by creating compact, high-quality developments. Higher residential densities will be encouraged within walking distance of town and village centres and public transport infrastructure.
- 7.1.6. I note that the 2009 Guidelines on Sustainable Residential Development in Urban Areas have now been replaced by the recently adopted new guidelines, Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities (2024).
- 7.1.7. Tralee is designated as a Key Town within the Kerry Hub in respect of the provisions of the Regional Spatial and Economic Strategy for the Southern Region 2020 (RSES). Section 3.3.3 of the Sustainable Residential Development and Compact Settlement – Guidelines for Planning Authorities, 2024. refers to Key Towns and Large Towns. Table 3.5 refers to Areas and Density Ranges Key Towns and Large Towns and in relation to Suburban/Urban Extension locations it sets out that it is a policy and objective of these Guidelines that residential densities in the range 30 dph to 50 dph (net) shall generally be applied at suburban and urban extension locations

of Key Towns and Large Towns, and that densities of up to 80 dph (net) shall be open for consideration at 'accessible' suburban/urban extension locations. The subject site at Oakpark Road, Tralee would constitute a suburban/urban extension location within the context of its location circa 700m from the town centre of Tralee and the existing surrounding housing development including Oakview housing estate to the west and the Riverside housing estate to the north.

- 7.1.8. Accordingly, having regard to the relative proximity of the site to the town centre and with pedestrian access to the town centre. I consider that the proposed density of 40 units per hectare is appropriate and in accordance with the provisions of the Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities (2024) Tralee Town Development Plan 2009- 2015 (as amended and varied) and the Kerry County Development Plan 2022-2028.

7.2. Design and layout

- 7.2.1. The grounds of appeal refer to the design and layout of dwellings within the scheme. Specifically, concern is expressed at the design of the houses and garden depths. The proposed landscaping and treatment of existing trees is also raised.

House design and gardens

- 7.2.2. The appeal from Oakview Residents states that the design of dwellings within the scheme is not appropriate as they are less than 5m in width which is considered too narrow. The length of the rear gardens proposed is also considered inadequate.
- 7.2.3. In relation to the provisions of the Kerry County Development Plan 2022-2028 Volume Six of the Plan includes (1) Development Management Standards & Guidelines. Section 1.5 refers to Residential Development. Section 1.5.4 refers to General Residential Development Design Standards. Regarding the design of dwellings it advises that they should be designed to provide adequate room sizes that create good quality and adaptable living spaces. Open space should be located behind the front building line of the house and be designed to provide for adequate private amenity. Designers should also have regard to the targets and standards set out in the "Quality Housing for Sustainable Communities Guidelines", DCHLG (2007) with regard to minimum room sizes, dimensions and overall floor areas when designing residential accommodation.

- 7.2.4. As part of the further information the applicant was requested to clarify the extent of the proposed private open space for each dwelling and to indicate the space on the site layout. In response to the matter the applicant submitted the Site Enclosures Plan 05 and Appendix D2: House Analysis Table showing the individual site areas for each proposed unit along with the house type, floor area and rear private amenity space. As detailed in Appendix D2: House Analysis Table and on the Site Layout Plan, 12 no. terrace houses are proposed with a mix of two bedroom and three bedroom units and 14 no. semi-detached houses are proposed comprising a mix of three bedroom and four bedroom units. Having regard to the details of house areas provided, I note that all areas are in excess of the Space provision and room sizes for typical dwellings as set out in Table 5.1 of the “Quality Housing for Sustainable Communities Guidelines”, DCHLG (2007).
- 7.2.5. In relation to the provision of private amenity space, I note that the 26 no. dwellings have all been provided with private rear gardens and as a paved and landscaped front garden. Section 1.5.4.6 of the Development Management Standards & Guidelines contained in the Development Plan require that all houses should have an area of private open space of a suitable gradient, exclusive of car parking, to the rear of the building line. The minimum area of private open space to be provided shall be in accordance with Table 1 for all new residential units. Table 1 sets out that for dwellings with 1 -2 bedrooms a minimum private open space of 50sq m shall be provided, for 3 bedroom dwellings a minimum of 60sq m is required and for 4 bedroom dwellings or large a minimum of 75sq m is required. Having regard to the details of private rear open space areas contained in Appendix D2: House Analysis Table, I note that all areas are in excess of the minimum requirements set out in Table 1.
- 7.2.6. Therefore, I am satisfied that house sizes proposed and rear gardens proposed are in accordance with the relevant standards as detailed above.

Landscaping and existing trees

- 7.2.7. The appeals both referred to the existing semi-mature trees located along the perimeter of the site. They expressed concerns that the location of the proposed dwellings could result in these trees not being retained.
- 7.2.8. In response to the matter the first party stated that the previous owner planted the trees to provide screening and amenity. They confirmed that significant efforts have been made to retain most of the trees within the scheme. One tree was removed to facilitate the establishment of the exact location of the main sewer on site.
- 7.2.9. On inspection of the site, I observed a variety of mature and semi-mature deciduous trees planted along the western boundary. This planting provides screening along the boundary with the properties at Oakview. As part of the response to the further information that the Planning Authority requested, a Landscape Proposal document was submitted. It is detailed in the document that it is proposed to retain a substantial amount of the existing landscaping and trees. It is set out that the intention is to retain over 80 no. existing trees on site. Specifically in relation to the mature trees on site, it is proposed to conserve and protect 2 no. main Oak and Copper Beech trees, the maple and ash boundary tree planting and the popular trees located along the Oakpark Road boundary.
- 7.2.10. It is detailed in the Landscape Proposal document that the screen planting to the southern side of Parknadoon House will be retained. I note that this forms the inner section of the rear garden and that its retention will therefore serve to protect and enhance the character and setting of Parknadoon House within the overall scheme. The Landscaping Plan, Drawing no: 2201 FI 07 submitted with the Landscape Proposal document illustrates the extent of existing planting which will be retained along with supplementary planting proposed within the scheme. Having regard to the details submitted in respect of landscaping, I am satisfied that the majority of trees and shrubs on site will be retained. I consider that the landscaping proposals will serve to integrate the proposed development into the site and surrounding area.

7.3. Impact on residential amenity

- 7.3.1. The appeal submitted by Linda Houlihan sets out that the proposed development would result in overlooking of the existing properties in Oakview. The Oakview Estate is situated immediately to the north and west of the appeal site. The scheme

includes housing located along the western side of the site addressing the main access road.

- 7.3.2. In relation to the provisions of the Kerry County Development Plan 2022-2028 Volume Six of the Plan includes (1) Development Management Standards & Guidelines. Section 1.5 refers to Residential Development. Section 1.5.4.10 refers to Minimum Separation Distances it advises that between directly opposing above ground floor windows (first floor), a separation distance of 22 metres should generally be observed for new, reciprocal overlooking housing, although this will also be informed by considerations such as typography, design, and housing type and mix. The provisions of the Sustainable Residential Development and Compact Settlement – Guidelines for Planning Authorities, (2024) and specifically SPPR1 refers to separation distances and sets out that it is a specific planning policy requirement of the Guidelines that statutory development plans shall not include an objective in respect of minimum separation distances that exceed 16 metres between opposing windows serving habitable rooms at the rear or side of houses, duplex units or apartment units above ground floor level. When considering a planning application for residential development, a separation distance of at least 16 metres between opposing windows serving habitable rooms at the rear or side of houses, duplex units and apartment units, above ground floor level shall be maintained.
- 7.3.3. Separation distances below 16 metres may be considered acceptable in circumstances where there are no opposing windows serving habitable rooms and where suitable privacy measures have been designed into the scheme to prevent undue overlooking of habitable rooms and private amenity spaces. It is further set out that there shall be no specified separation distance at ground level or to the front of houses, duplex units and apartment units in statutory development plans and planning applications shall be determined on a case-by-case basis to prevent undue loss of privacy. In all cases, the obligation will be on the project proposer to demonstrate to the satisfaction of the planning authority or An Bord Pleanála that residents will enjoy a high standard of amenity and that the proposed development will not have a significant negative impact on the amenity of occupiers of existing residential properties. Accordingly, I note this specific provision of the guidelines in relation to separation distances which provides scope for a reduction in the

separation distances provided between opposing first floor windows subject to site specific conditions and designs proposed.

- 7.3.4. Regarding the siting and design of these dwellings within the scheme relative to the existing neighbouring properties to west of the site having reviewed the Proposed Site Layout – Drawing No: 2201 FI 05, I note that there is a separation distance of 25m or in excess of 25m between the rear of the proposed dwellings and the rear of the neighbouring dwellings in Oakview. Therefore, the separation distances are in excess of the 22m as set out in the Development Plan and well in excess of the 16m which may be considered under the provisions of SPPR1. Accordingly, I am satisfied that there would be no undue overlooking of the opposing dwellings.
- 7.3.5. In relation to the location of the proposed apartment building, I note that it is located a significant distance from neighbouring houses to the north and east. The houses proposed to the south-eastern side of the site are orientated towards the south-east and as such the rear of the properties face towards the service station rather than the neighbouring dwelling on Brewery Road.
- 7.3.6. In conclusion, having reviewed the proposed site layout of the relative to the existing surrounding properties including the properties to the west in Oakview, I consider having regard to the proposed siting and design of the proposed dwellings within the scheme and the relative separation distances to the existing dwellings to the north, south, east and west of the site that the proposed scheme would not result in any undue overlooking of neighbouring residential properties.

7.4. Impact of the proposed scheme on Parknadoon House Protected Structure

- 7.4.1. The proposed scheme includes;
- (i) additions and alterations and change of use of private residence and Protected Structure RPS-KY-0961 'Parknadoon House' to convert it into 6 no. heritage style apartments;
 - (ii) Additions and alterations and change of use of protected structure RPS-KY-0961 'Parknadoon Gate Lodge' to create a full size two-bedroom cottage.
- 7.4.2. Parknadoon House is a Protected Structure as listed in Section 5 of Appendix 3 of the Kerry County Development Plan 2022-2028. It is a large detached Victorian

property which was built in 1882. It is a detached five-bay three-storey house with two-bay single-storey extensions to left hand side/south-east. The external finishes comprise red brick walls at ground floor with rendered walls and decorative plate bands to first floor. The pitched roof has a natural slate finish, and it contains rendered chimneystacks and cast-iron rainwater goods. The property has timber sash windows with limestone sills. It is only the façade of Parknadoon House which is listed for protection, and it is rated of regional importance under the architectural categorisation. Accordingly, given that the interior of the property does not have any features which are listed for protection then the principle of converting the dwelling into six no. apartments would be acceptable subject to no significant alterations to the facade of the property. Having reviewed the plans and elevations referring to the alterations and conversion of Parknadoon House, I am satisfied that the proposals would not impact the character of the property.

- 7.4.3. Parknadoon Lodge RPS-KY-0960 is a former gate lodge. It is a Protected Structure and rated of regional importance under the architectural categorisation. It is proposed to extend the gate lodge to the south-west. I consider that the design reflects the character of the gate lodge in terms of its form and roof design. The extension is setback from the front elevation of the lodge and as such would read as a modern addition and therefore would not detract from the character of the gate lodge.

The design of the proposed apartment building relative to Parknadoon House, Protected Structure.

- 7.4.4. As part of the request for further information the applicant was required to address the proximity of Parknadoon House to the proposed apartment building.
- 7.4.5. The applicant provides a rationale for the design of the overall scheme in the context of Parknadoon House, Protected Structure. They submitted that the selected design option serves to preserve the Parkland setting of Parknadoon House and retains a 300-degree arc around Parknadoon House. It is highlighted that the new apartments are screened from the entrance by the gates and tree screening and that this serves to maintain the primacy of Parknadoon House within the scheme.
- 7.4.6. Regarding the design approach to locate an apartment building of contemporary design side by side with Parknadoon House, the further information response stated

that a pastiche option was not considered appropriate as it would detract from the character of Parknadoon House. They chose a modern designed apartment building which they submit is sensitively scaled relative to Parknadoon House.

- 7.4.7. It is proposed to site the new three-storey apartment building 4.35m to the east of Parknadoon House at ground floor level and 9.35m to the first floor. In relation to the design of the proposed apartment building, I note that its height and extent of front and rear elevations is directly comparable to that of Parknadoon House. Regarding the proposed southern elevation which will address the parkland area and be visible from the access road, I would note that the elevational treatment provides a horizontal emphasis which is complementary to the clear delineation of floor levels evident in the design of Parknadoon House. The ground floor of which is defined by a red brick finish, the first floor by rendered walls and decorative plate bands and the second floor by roof eaves. Accordingly, in terms of the southern elevation of the proposed apartment building which is directly visible from the access road, parkland area and proposed dwellings within the scheme, I consider that while the design is contemporary the form and mass of the building have taken reference from the design and form of Parknadoon House. The northern elevation of the apartment building addresses the area of open space to the north-eastern corner of the site. I would consider the design of the northern elevation is not of as high a quality as that of the southern elevation. It features less extensive glazing, however there is nonetheless sufficient variety in the elevation treatment in terms of the colour of finishes. This elevation is more functional in nature and given that it addresses the north-eastern corner of the site and is not directly visible from main areas of the scheme, I would consider it acceptable in that context.
- 7.4.8. Having visited the site and view the proposed plans and elevations I am of the opinion that the proposed new development has been designed having specific regard to protecting the character and context of Parknadoon House. This has been achieved through the siting and design of the new dwellings primarily along the western site boundary, the retention of parkland to the south and south-west of Parknadoon House and the siting of the apartment building to the east of Parknadoon House ensuring that it remains the central standalone building within the site.

- 7.4.9. Accordingly, having regard to the overall design and layout of the scheme I am satisfied that it can be appropriately integrated into the site and that it would fully respect the character and context of Parknadoon House, Protected Structure.

7.5. Access and traffic

- 7.5.1. The proposal entails the provision of a total of 45 no. dwelling units. Vehicular access is proposed onto the Oakpark Road the R878. The grounds of appeal refer to the proposed vehicular access and additional vehicular traffic the scheme would generate, the impact it would have on the existing roads and the adjacent junction of Oakpark Road and Brewery Road and specifically the right turning lane. The issue of a shortfall of car parking was also raised.
- 7.5.2. Parknadoon House and its gate lodge is served by the existing vehicular access on Oakpark Road. It is proposed to construct a new widened entrance in lieu of existing gate entrance. The grounds of appeal raised concern in relation to the location of the entrance relative to the junction of Oakpark Road and Brewery Road and also the right turning lane for that junction. It is proposed to remove a section of the stone wall to provide a widened entrance to achieve 70m sightlines in both directions. This is indicated on Drawing No: 23224-MWP-ZZ- ZZ-DR-C-5004 Rev P03.
- 7.5.3. In relation to the right turning lane, it is detailed in the further information response that the position of the Oakpark Road to Brewery Road right turning lane was assessed on the basis of its location circa 80m from Brewery Road. The proximity of the entrance to the junction was not considered to be a safety issue. It was highlighted in the response the further information that new active traffic flow measures may lead to new cycle lanes and therefore remove the requirement for the right turning lane at this location. I note that following the submission of the further information response the Tralee MD Roads & Transportation Department had no objections to the proposed vehicular access arrangements.
- 7.5.4. Regarding traffic generation the proposed scheme comprises the 45 no. dwelling units. The application was accompanied by a DMURS Analysis and a Stage 1 Road Safety Audit. While I note that a Traffic and Transport Impact Assessment was not submitted, I also note that the Planning Authority did not require one to be submitted as part of the further information. The further information response included a

document prepared by Malachy Walsh and Partners Engineers. As detailed in the document it confirmed that in respect of the Road Safety Audit there were no risks highlighted associated with the right turning lane.

- 7.5.5. In relation to the trips generated by the proposed development it was stated in the document that a majority of residents would be walking or using public transport and that an additional 4-5 vehicle trips can be expected from the development in the morning and evening which will have a minimal impact on trip generation. Having regard to more limited public transport available in Tralee I would consider that the additional trips generated would be somewhat higher possibly double the amount which has been detailed in the response from Malachy Walsh and Partners Engineers. However, I note that the Planning Authority and the Tralee MD Roads & Transportation Department had no objections in terms of the proposed development impact the carrying capacity of the surrounding roads.

Car parking

- 7.5.6. Under the provisions of the current Tralee Town Development Plan (as extended & varied) which is which is incorporated into the Kerry County Development Plan 2022-2028 the car parking standards are set out in Appendix 6, Section 1.20.7. It states that car parking requirements in the town and villages in the County should be reflective of the anticipated parking demand. Table 4 illustrates the car parking standards for different types of development. (It should be noted that a flexible approach to these standards may be applied where such a case is substantiated, there is no traffic safety issue, and it is clearly demonstrated to the Planning Authority in the interest of proper planning and development, that the standard should be adjusted to facilitate the site-specific context). The site at Oakpark Road is designated as area 3 with regard to parking provisions. The parking requirement as per Table 4 – Parking Requirements is 2 space per dwelling, 1 space per apartment and 0.5 spaces per dwelling for visitors.
- 7.5.7. The proposed scheme entails the construction of 12 no. terrace dwellings, 14 no. semi-detached dwellings and 12 no. apartments. It is proposed to convert Parknadoon House to provide 6 no. apartments and it is proposed to extend Parknadoon. A total of 78 car parking spaces would be required to serve the residential units with a further 11.5 spaces required for visitor parking. Based on the

requirements set out in Table 4 a total of 97.5 spaces would be required. The matter of car parking was raised at the further information stage as the report from Housing Estates Unit in terms of a shortfall of parking proposed. In response to the matter the applicant put forward that it was not considered appropriate to apply parking standards associated with suburban developments to a mixed apartment and medium density housing development. A total of 78 car parking spaces are proposed which includes 19 visitor spaces. This is an average of 1.73 car parking spaces per unit.

- 7.5.8. The report of the Planning Officer following the submission of the further information response stated that the proposed parking provision is considered acceptable in this instance on the basis of the information submitted.
- 7.5.9. Section 5.3.4 of the Sustainable Residential Development and Compact Settlement – Guidelines for Planning Authorities, 2024. Refers Car Parking – Quantum, Form and Location. It advises that in order to meet the targets set out in the National Sustainable Mobility Policy 2022 and in the Climate Action Plan 2023 for reduced private car travel it will be necessary to apply a graduated approach to the management of car parking within new residential development. The approach should take account of proximity to urban centres and sustainable transport options, in order to promote more sustainable travel choices. Car parking ratios should be reduced at all urban locations, and should be minimised, substantially reduced or wholly eliminated at locations that have good access to urban services.
- 7.5.10. Table 3.8 in the Guidelines defines ‘accessible’, ‘intermediate’ and ‘peripheral’ locations with specific reference to proximity to public transport. The appeal site at Oakpark Road is situated circa 700m (approximately 10 minutes walk) from the town centre of Tralee and although it would not fall under the definition of ‘accessible’, ‘intermediate’ locations in terms of table 3.8 of the guidelines the location is nonetheless in close proximity to the town centre of Tralee. I would note that the Sustainable Urban Housing: Design Standards for New Apartments (2023) provides guidance in respect of quantum of car parking relative to location type. The location types as set out in the guidelines are (1) Central and/or Accessible Urban Locations (2) Intermediate Urban Locations and (3) Peripheral and/or Less Accessible Urban locations. In terms of these definitions the site at Oakpark Tralee would not fall under the definition of Central and/or Accessible Urban Locations but rather Intermediate

Urban Locations, i.e. a suburban location close to the town centre. Accordingly, having regard to general guidance provided in both Sustainable Residential Development and Compact Settlement – Guidelines for Planning Authorities, 2024 and Sustainable Urban Housing: Design Standards for New Apartments (2023), I would consider that the site which is within 10 minutes walking distance of the town centre of Tralee would represent an ‘intermediate’ location. In relation to car parking SPPR 3 of the guidelines sets out that for intermediate and peripheral locations the maximum rate of car parking provision for residential development, where such provision is justified to the satisfaction of the planning authority shall be 2 no. space per dwelling. Accordingly, as the guidelines would advise a maximum of 2 no. space per dwelling in such locations then the maximum car parking spaces for the scheme would be 90. However, the guidelines seek to minimise car dependency and promote sustainable transport modes and in the context of this objective along with the location of the appeal site within 700m of the town centre and having regard to the mix nature of units within the scheme including 18 no. apartments, I would concur with the assessment of the Planning Authority that proposed parking provision would be acceptable.

7.6. Drainage Infrastructure

Surface water

- 7.6.1. The grounds of appeal refer to surface water drainage. Concern was expressed that the scheme includes proposals to discharge untreated surface water to the Big River. In response to the matter the applicant confirmed that all stormwater on site will be fully attenuated and allowed to settle after passing through a petrol interceptor. Regarding the discharge of surface water, they confirm that the discharge of essentially clean rainwater is undertaken expressly as directed by Kerry County Council to protect water quality and avoid flooding.
- 7.6.2. The surface water drainage within the scheme has been designed with climate resilient features as required by the Planning Authority as part of the further information request. It comprises stormwater, raingardens, natural Suds treatment and green walls which have been integrated with the landscaping. The natural stormwater retention system includes green parkland retention basins to the front of

Parknadoon House and apartments, a swale edge at estate roads, stormwater soak pits to individual houses, rain gardens and permeable paving. The Proposed Drainage Layout is illustrated on Drawing No: 23224-MWP-ZZ-ZZ-DR-C-5009 Rev P03. It indicates that a 225mm stormwater outfall is proposed to Big River which is subject the direction of the Council for its installation. I note that the report of the Tralee MD Roads & Transportation had concerns in relation to the long-term maintenance and costs associated with the nature of the drainage system. The assessment of the Planning Officer in response of the further information noted the concerns from Tralee MD Roads & Transportation. However, they highlighted that the use of nature-based solutions is promoted at national level and that SuDs is required in new developments as per section 13.2.4 of the Development Plan. The proposal to provide individual soakaways was not considered appropriate and the Planning Officer considered that it should be addressed by condition. Condition no. 18 as attached by the Planning Authority specified that surface water treatment shall be as detailed in proposals received on 21/03/2023 apart from the installation of individual soakaways which it was stated shall not be provided in the rear gardens of dwellings as proposed. Accordingly, should the Board decide to grant permission I would recommend the attachment of a similarly worded condition.

Foul drainage

- 7.6.3. It is proposed to service the development with a new sewer connection which is indicated exiting south onto Brewery Road through adjoining properties. The appellants query the feasibility of this connection. In response to the matter the first party confirm that there is an existing 300mm diameter combined sewer on the site.
- 7.6.4. The exact route of the sewer was established following excavation which was carried out along the line of the sewer. The applicant highlighted that Irish Water and Kerry County Council have approved the realignment of and connection to this existing public main sewer. They also confirm that they have agreed with Irish Water to provide a 6m right of way over the whole length of the site to ensure that it is fully accessible and serviceable. The Proposed Drainage Layout is illustrated on Drawing No: 23224-MWP-ZZ-ZZ-DR-C-5009 Rev P03. The existing sewer line is indicating running along the western section of the site with a manhole located to the south-western corner of the site. The proposed new 300mm foul sewer is indicated running under the access road within the scheme and connecting to the existing manhole in

the south-western corner of the site. This is connected to the foul sewer along Brewery Road. I note that the Planning Authority, Tralee MD Roads & Transportation Department and Housing Estates Unit were satisfied with the foul drainage proposals. Accordingly, I conclude that the proposed scheme can be satisfactorily serviced in terms of foul drainage.

7.7. Other issues

Archaeology

- 7.7.1. The site is located within the zone of influence around the recorded monument Ke 029 120, which is listed as a ringfort. The location of the recorded monument is raised in the grounds of appeal, and it was requested that mitigation measures be conditioned should permission be granted. The report of the County Archaeologist confirms that this monument has been completely destroyed and that previous testing indicated that there are no subsurface remains. Accordingly, the County Archaeologist has recommended that no mitigation is required on the basis that the site has been previously disturbed.

8.0 AA Screening

- 8.1.1. I have considered the housing scheme in light of the requirements S177U of the Planning and Development Act 2000 as amended.
- 8.1.2. The nearest Natura 2000 sites are Tralee Bay Complex SPA (Site Code 004188) and Tralee Bay and Magharees Peninsula West to Cloghane SAC (Site Code 002070). These European sites are respectively located 1.9km and 2.1km to the south-west of the appeal site. There is no direct pathway between the appeal site and the European sites.
- 8.1.3. The proposed development comprises 45 no. residential units. No nature conservation concerns were raised in the planning appeal.
- 8.1.4. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows:
- The residential nature of the development

- The distance from the nearest designated site and lack of meaningful connections
- Standard pollution controls that would be employed regardless of proximity to a European site and effectiveness of same

8.1.5. I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

8.1.6. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

8.1.7. No measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion.

9.0 Recommendation

9.1.1. I recommend that planning permission is granted for the proposed development in accordance with the following reasons and considerations:

10.0 Reasons and Considerations

10.1. Having regard to the provisions of the Kerry County Development Plan 2022 – 2028 and Tralee Development Plan 2009-2015 (As extended and varied), and in particular the 'R2' – Existing Residential zoning objective of the site, and the provisions of the Sustainable Residential Development & Compact Settlement Guidelines and having regard to the pattern of existing development in the area and the design, scale and layout of the proposed development, 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, would not unduly impact upon the character and setting of Parknadoon House, Protected Structure and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 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 received by the planning authority on the 21st day of March 2023, 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. (a) Prior to the commencement of the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all residential units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.

(b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each of the residential units for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.

(c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified housing units, in which case the planning authority shall confirm in writing to the applicant or any person with an interest in the land that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.

Reason: To restrict new housing development to use by persons of a

particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

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

Reason: In the interest of public health.

4.
 - (i) 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.
 - (ii) The proposed individual soakaways in the rear gardens of dwellings shall be omitted. Prior to commencement of development revised alternative proposals to address this shall be submitted to the Planning Authority for their agreement.

Reason: In the interest of public health.

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. The internal road and vehicular circulation network serving the proposed development, including turning bays, junctions, parking areas, footpaths, and kerbs shall be in accordance with the detailed construction standards of the planning authority for such works and design standards outlined in the Design Manual for Urban Roads and Streets. Drawings and particulars 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 interests of amenity and of traffic and pedestrian safety.

7. Each proposed house shall be used and occupied as a single dwelling unit for residential purposes and shall not be sub-divided or used for any commercial purposes (including short-term letting) without a separate planning permission.

Reason: In the interest of clarity and to ensure the maintenance of a residential community.

8. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. All existing ground cables shall be relocated underground as part of the site development works.

Reason: In the interest of visual and residential amenity.

9. 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.

10. The construction of the 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 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.

11. Public lighting shall be provided in accordance with a scheme, 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 unit.

Reason: In the interests of amenity and public safety.

12. 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] [within each house plot] 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.

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

13. Proposals for an estate/street name, house/apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house/apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility.

14.

(a) The communal open spaces, including hard and soft landscaping, car parking areas and access ways, [communal refuse/bin storage] and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company

(b) Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.

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

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 transfer of the land in accordance with the requirements of section 94(4) and section 96(2) and 96(3)(a), (Part V) of the Planning and Development Act 2000, as amended, and/or the provision of housing on the land in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall be referred by the planning authority or any other prospective party to the agreement, to An Bord Pleanála 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. Prior to the 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 of streets, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the planning authority to apply such security or part therefore to the satisfactory completion of any part of the development. The form and amount of security shall be as agreed between the planning authority and the developer, or in default of an agreement shall be determined by An Bord Pleanála.

Reason: To ensure the satisfactory completion of the development.

17. 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.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Siobhan Carroll
Planning Inspector

30th August 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP 317201-23		
Proposed Development Summary	Construction of 38 residential units and alterations to Protected Structure involving conversion to apartments. A total of 45 no. residential units.		
Development Address	Parknadoon House, Clounalour Oakpark, Tralee, Co. Kerry.		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	✓
		No	No further action required
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes		N/A	EIA Mandatory EIAR required
No	✓	Class 10(b)(i), Schedule 5 Part 2	Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
No		N/A	No EIAR or Preliminary Examination required
Yes	✓	Class 10(b)(i), Schedule 5 Part 2	Proceed to Q.4

4. Has Schedule 7A information been submitted?		
No	✓	Preliminary Examination required
Yes		Screening Determination required

Inspector: _____ Date: _____

Appendix 2 - Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP 317201-23	
Proposed Development Summary	Construction of 38 residential units and alterations to Protected Structure involving conversion to apartments. A total of 45 no. residential units	
Development Address	Parknadoon House, Clounalour Oakpark, Tralee, Co. Kerry.	
The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations.		
	Examination	Yes/No/ Uncertain
Nature of the Development Is the nature of the proposed development	The proposed development is a residential scheme of 45 no. residential units. The site at Oakpark Road, Tralee is an infill site which is situated to the south and east of residential properties within the	No

<p>exceptional in the context of the existing environment</p> <p>Will the development result in the production of any significant waste, emissions or pollutants?</p>	<p>Oakview estate. Therefore, proposal is not exceptional in this context.</p> <p>No significant emissions resultant.</p>	
<p>Size of the Development</p> <p>Is the size of the proposed development exceptional in the context of the existing environment?</p> <p>Are there significant cumulative considerations having regard to other existing and/or permitted projects?</p>	<p>No, the proposed development entails the provision of 45 no. residential units. The proposal is at a greater density than the surrounding development but would not be described as exceptional.</p> <p>No significant emissions resultant of this project combined with any existing or permitted</p>	No
<p>Location of the Development</p> <p>Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location or protected species?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area, including any protected structure?</p>	<p>It is located over 1.9km to any ecologically sensitive sites. Having regard to the topography of the area it does not provide a direct pathway to the closest ecologically sensitive site.</p> <p>Having regard to the nature and scale of the proposal which comprises a residential scheme of 45 no. residential units to connect to public foul sewer with attenuation of surface on site, it does not have the potential to significantly affect other significant environmental sensitivities in the area. The proposal entails the conversion Parknadoon House to provide 6 no. apartments. It would not unduly impact the character and setting of the Protected Structure</p>	No
<p style="text-align: center;">Conclusion</p>		

<p>There is no real likelihood of significant effects on the environment.</p> <p>EIA not required</p>	<p>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</p> <p>Schedule 7A information required to enable Screening Determination to be carried out</p>	<p>There is a real likelihood of significant effects on the environment.</p> <p>EIA not required</p>
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Inspector: _____

Date: _____

DP/ADP: _____ **Date:** _____

(only where Schedule 7A information or EIAR required)