



An
Bord
Pleanála

Inspector's Report ABP-320591-24

Development	Construction of 4 houses and all associated site works.
Location	Fountain Court, Tralee, Co. Kerry
Planning Authority	Kerry County Council
Planning Authority Reg. Ref.	2460369
Applicant(s)	JFD Ltd.
Type of Application	Permission.
Planning Authority Decision	Grant with Conditions.
Type of Appeal	Third Party
Appellant(s)	Helen O'Carroll and Peter Staunton.
Observer(s)	None.
Date of Site Inspection	1 st November 2024.
Inspector	Oluwatosin Kehinde

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1.0 Site Location and Description

- 1.1. The 0.092 Ha appeal site is a serviced, urban site located approximately 1.5km east of Tralee town centre. The site is rectangular in nature and access is off Fountain Court Road. The appeal site is within an established residential estate and the surrounding area is generally characterised by residential properties with some commercial land uses.
- 1.2. The appeal site is greenfield in nature and delineated by hedgerows with shrubs. The site is relatively flat and bounded on the southern boundary by Ballinorig Road.

2.0 Proposed Development

- 2.1. Planning permission is being sought for the construction of 4 houses and all associated site works

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority (PA) issued a grant of permission for the proposed development subject to eight conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The decision to grant permission by the PA was informed by the report from the Planning Officer (PO). The report dated 01st August 2024 considered the proposal in terms of residential amenity, traffic and services in the area. The PO was satisfied that the houses proposed are consistent with the provisions of the Kerry development plan. The PO considered that the development will sufficiently integrate with the area and provide a good level of residential amenity for its future occupants. Accordingly, planning permission was granted.

- The PO concluded that having regards to the nature, scale and location of the proposed development, there was no need for a preliminary examination or a screening determination in the context of an environmental impact assessment
- The PO also carried out an AA screening exercise and concluded that, given the nature of the proposed development and existing development on the site and adjacent sites there was no predicted impact. Therefore, Appropriate Assessment is not required.

3.2.2. Other Technical Reports

- Flooding, Coastal and Marine Unit – in a correspondence email dated 5th July 2024 stated no flood risk identified at the location.
- Tralee Municipal District Office Roads and Transportation Department – Report dated 31st of July 2024 recommended approval subject to conditions.
- Housing Estates Unit – Report dated 1st of July 2024 commented on the development and offered conditions for any PA grant.

3.3. Prescribed Bodies

None received.

3.4. Third Party Observations

Several third party observations were received by the PA and can be summarised as follows:

- The development constitutes over development of the site and out of character with the streetscape. The scale and form of the development is not in keeping with the existing properties in the area.
- Traffic issue and pedestrian safety
- Impact of the proposed development on existing drainage infrastructure

4.0 Planning History

No relevant planning history

5.0 Policy Context

5.1. Development Plan

The Kerry County Development Plan 2022 – 2028 (Tralee Town Plan) is the pertinent statutory Plan.

The subject appeal site is zoned 'R2' Existing Residential. Residential developments are permitted in principle under this zoning as per the land use zoning of the Tralee Town Plan.

Section 1.5 of Volume 6 of the Kerry County Development Plan 2022-2028 contains development standards for residential development. Land use chapter of Volume 6 under "Development in Existing Residential/Built Up Areas (R2/M2/M4)" the plan states:

"Within predominantly built up areas, development proposals normally involve infill development, redevelopment or refurbishment or changes of use. It is important to recognise that this is part of the cycle of development or redevelopment in settlements that contributes to the character of towns. In many ways, this is more sustainable than continually encouraging growth to concentrate only towards undeveloped areas. Indeed, a mix of harmonious uses is often considered a desirable and attractive characteristic. It is therefore the policy of the Planning Authority to protect and improve existing/developed/residential areas and to provide facilities and amenities incidental to those areas. There is a range of additional uses open to consideration within these areas where it can be demonstrated that there is a need for such facilities and that it will not affect the predominant use of the area".

"It is the policy of the Local Authority to facilitate development that supports in general the primary land use of the surrounding existing built up area"

5.2. Natural Heritage Designations

Special Area of Conservation: Ballyseedy Wood SAC is located approximately 1.5km south of the site.

Special Protection Areas: Tralee Bay Complex SPA, pNHA Tralee Bay And Magharees Peninsula, West To Cloghane and Special Area of Conservation: Tralee Bay and Magharees Peninsula, West to Cloghane SAC are located approximately 3.1km south west of the site.

5.3. EIA Screening

- 5.3.1. Having regard to the nature and scale of the proposed development and the absence of any connectivity to any sensitive location, 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.

6.0 The Appeal

6.1. Grounds of Appeal

- It is submitted that the proposed development is out of character with the existing context of thirteen detached properties in the area. The third party also notes the Pre-planning consultation which advised that only two no. detached dwellings or a pair of semi-detached dwellings would be appropriate on the site.
- The appellants states that it is difficult to accept that the new development will integrate sufficiently without a significant impact on the visual amenity of property in the vicinity.
- The process by which the PA arrived at the conclusion that proposed private open space around the new dwellings is adequate is not evident in the planning decision.

- It is submitted that on-street parking will present traffic hazard in the area. There are also concerns about pedestrian safety. The third party also draws attention to the unsuitability of the hammer head detailed in the proposed design.
- There are concerns regarding the proposed development on existing drainage. It is the opinion of the third party that a storm water pipe runs through the site. the appeal also notes other issues presented by the Housing Estate Unit (HEU).
- That there is no consideration for density as set out in the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities.
- It is submitted that the proposal does not respond to the scale and form of the surrounding developments and will impact on the amenities of the neighbourhood.

6.2. Applicant Response

- The applicant submits that the southern boundary comprises of an overgrown fence and 2.5 – 3.0m wide ditch and as such the provision of any future roadside footpath would not reduce the private open spaces for the proposed houses.
- Fountain Court housing estate is mixture of typologies ranging from detached single storey units to a terraced two storey housing units.
- There are presently 108 dwellings in the estate and the desired density of 35-50dph totals between 115 and 165 units.
- The additional of 4 houses in the estate is in keeping with the 2023 'Sustainable and Compact Settlements Guidelines' document.
- It is stated that there is strong demand for housing of the proposed format in this locality and the development will assist in fulfilling the housing needs in Tralee.

7.0 Assessment

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

- Principle of Development
- Design and visual amenity
- Density
- Private Open space
- Traffic Safety
- Drainage infrastructure

7.2. Principle of Development

7.2.1. The appeal site is within an established residential estate of Fountain Court and zoned R2 – Existing Residential. The site is within the boundary of Tralee town and considered as an infill site. It is the strategy of the Kerry County Development Plan to prioritise the sustainable development of Tralee and accordingly prioritise the development of residential units on infill sites.

7.2.2. It is Kerry County Development Plan's strategy to promote compact growth in Tralee town and I note Objective KCDP 4-2 that seeks to "facilitate and support the sustainable development of towns and villages of sufficient scale and quality to be drivers of growth, investment and prosperity".

7.2.3. I consider that residential development would be generally acceptable at this location subject to the usual development assessment criteria. I am satisfied that the proposed development represents an appropriate use of urban lands in the area.

7.3. Design and Visual Amenity

7.3.1. The proposed development is configured to engage the local road and the units are semi-detached houses with a maximum height of 8.45m at ridge level. Each unit is a 2 bedroom house with a total area of approximately 89m². I consider that the internal

space provisions of each unit is consistent with the Quality Housing for Sustainable Communities national guidelines.

7.3.2. The appellant stated as part of the ground for appeal, that the 4 no. two storey semi-detached houses will be out of character with the pattern of development in the area. As stated earlier, Fountain Court is an established housing estate and there exist, a variety of house types in the area. There is a mixture of terraced, semi-detached and detached properties within the estate. While the houses immediately adjoining the appeal site area detached, I consider that the proposed development will add to the variety of typologies in the estate and would not be out of character. Fountain Court exhibits a suburban character and the proposed houses would be in keeping with the general pattern of development in the area.

7.3.3. On the issue of visual amenity, I am of the opinion that the design of the proposed development is modest in nature. The proposed development will present apex roof profiling with fenestration similar in scale and arrangement to some terraced houses in the estate. The external finishes will be characterised by painted sand/cement plaster finish. Footpaths are to be provided to the north of the site to align with the existing. I consider that the provision of 4 no. 2 bedroom houses on this site is appropriate given the context of the area. Having regards to the design, scale and setting of the proposed houses, I consider that the development proposed will not lead to any significant impact on visual amenity.

7.4. Density

7.4.1. The proposed 4 houses will be located on a 0.092Ha site and I note that the appellant considers that the development fails to adhere to Section 3.3.6 (c) of the Sustainable Residential Development and Compact Settlements guidelines. That the development does not respond to the scale and form of surrounding developments to protect the amenities of properties and to protect biodiversity.

7.4.2. I note that there are 108 existing dwellings in Fountain Court estate with a gross site area of approximately 3.4 Ha providing a density of 31.8 dph. Tralee is Key Town identified by the Regional Spatial and Economic Strategy (RSES) and under the compact settlement guidelines, a density of a range between 30dph – 50dph shall be applied. Having regards to the development proposed, the density of Fountain Court

estate will increase to approximately 33 dph and I consider the density to be acceptable for this suburban area.

- 7.4.3. While the houses proposed are 2 storeys in nature, I consider that the development respond to the surrounding properties in terms of scale, site configuration, form and setting. The proposed houses will not impact on the existing residential amenity in the area.

7.5. Private Open Space

- 7.5.1. The houses are configured on site to provide front gardens, side and rear garden open spaces. For the purposes of this assessment, I consider any open area behind the front building line to be private open space. The Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities approved in January 2024 requires that the minimum private open space standard for a 2 bed house should be 30sqm. The proposed development provides for in excess of 30m² for each unit with Site B providing for approximately 65m² private open space. I therefore consider that the proposed development has provided for sufficient private open space for the houses.

7.6. Traffic hazard

- 7.6.1. It is proposed that one car parking per house will be provided and in the Kerry County Development Plan, the parking requirement for the site is 2 spaces per dwelling and 0.5 visitor space per dwelling. Having regards to the infill nature of the site, the availability of local bus services and the proximity of the site to the train station I consider that the one car parking space per house is acceptable in this instance.
- 7.6.2. The third party has raised concerns regarding the potential for on-street parking which will lead to traffic hazard and pedestrian safety. It is intention of the applicant that the cars associated with the houses will be parked off-street within the curtilage of each site. I note the comments of Kerry County Council's Housing Estate Unit and I am satisfied that there won't be any significant levels of traffic issues at the site. I also note that the Roads and Transportation Department of Tralee Municipal District office had no objections to the proposed development.

7.7. Drainage infrastructure

The proposed development will be connecting to the existing network and the appellant has stated that the existing pipe network runs through the appeal site. the third party did not include evidence of the same. However, from the site layout drawing supporting the appeal, it is observed that the existing foul & water drainage network pipe is located on the road and not within the site. I note that the PA District Office reviewed the development and raised no concerns. In the absence of any evidence by the third party to the contrary, I accept the drawing submitted showing the location of the existing drainage pipe network on the road.

8.0 AA Screening

- 8.1. Having regard to the nature and scale of the proposed development, the receiving environment, the separation distances, and the absence of any pathway to European sites, it can be concluded that the development, alone or in-combination with other plans or projects, would not give rise to any significant effects on any European site. As such, there is no requirement for a Natura Impact Statement in this case.

9.0 Recommendation

- 9.1.1. I recommend that permission be granted, subject to conditions, for the reasons and considerations as set out below.

10.0 Reasons and Considerations

- 10.1.1. Having regard to the nature and scale of the proposed development, within the settlement boundary of Tralee town and on a site with an 'R2 Existing Residential' zoning objective, it is considered that the proposal would be in accordance with the Kerry County Development Plan 2022-2028, and subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1.	<p>The development shall be carried out in accordance with the plans and particulars lodged with the application and particulars received by the planning authority on the 11th day of June 2024, 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Details of the materials, boundary treatments, 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. Roof colour shall be blue-black, black, dark brown or dark grey in colour only.</p> <p>Reason: In the interest of visual amenity and to ensure an appropriate high standard of development</p>
3.	<p>A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.</p> <p>Reason: In the interest of sustainable transport and safety.</p>
4.	<p>Prior to the commencement of development the developer shall enter into a Connection Agreement (s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network. Adhere to any other specific requirements.</p>

	Reason: In the interest of public health and to ensure adequate water/wastewater facilities.
5.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) located outside buildings or not attached to buildings shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. Details of the ducting shall be submitted to and agreed in writing by the planning authority prior to the commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
6.	<p>Site development and building works shall be carried out only between the hours of 0700 and 1800 Mondays to Fridays inclusive, between 0800 to 1300 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.</p> <p>Reason: In order to safeguard the amenities of properties in the vicinity.</p>
7.	<p>That all necessary measures be taken by the contractor to prevent the spillage or deposit of clay, rubble, or other debris on adjoining roads, including responsibility and repair for any damage to the public road to the satisfaction of the planning authority, during the course of the works.</p> <p>Reason: To protect the amenities of the area.</p>
8.	<p>The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.</p> <p>Reason: To prevent flooding and in the interests of sustainable drainage.</p>
9.	The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by

	<p>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.</p> <p>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.</p>
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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.

Oluwatosin Kehinde
Senior Planning Inspector

19th November 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	320591-24			
Proposed Development Summary	4 no 2 bedroom houses			
Development Address	Fountain Court Tralee			
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	X
			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	X	4 No. Residential development units	EIA Mandatory EIAR required	
No			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)	Conclusion
No		N/A		No EIAR or Preliminary Examination required
Yes	X	Residential Development	4 houses	Proceed to Q.4

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

Inspector: Oluwatosin Kehinde Date: 19th November 2024