

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2011

Waterford County

Planning Register Reference Number: PD 11/236

An Bord Pleanála Reference Number: PL 24.239918

APPEAL by Stella Fenton of Brooklodge, Cappagh, County Waterford against the decision made on the 10th day of November, 2011 by Waterford County Council to grant subject to conditions a permission to Percy Wall care of Liam Buck of Glen, Clonea, Dungarvan, County Waterford in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Construction of a two-storey dwellinghouse, treatment system, percolation area, entrance and ancillary works as replacement for existing dwelling at Newtown, Kilmacthomas, County Waterford.

DECISION

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

Having regard to the 'Stronger Rural Area' designation for the area in the 2011-2017 Waterford County Development Plan and the pattern of development in the area, and the 'Sustainable Rural Housing – Guidelines for Planning Authorities' published by the Department of the Environment, Heritage and Local Government in 2005, and, in particular, to the nature of the proposed development as a replacement farm dwelling for the existing substandard farm dwelling on a large landholding where the applicant qualifies under the criteria set out in Section 4.10 'Genuine Local Housing Need' of the development plan within this designated Stronger Rural Area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area and would not be prejudicial to public health and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted the 27th day of September, 2011 and the 25th day of October, 2011, 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) The existing circa 1860 entrance gateway shall be retained in situ as currently constructed on site.
 - (b) The existing stone wall along the eastern boundary to this traditional farmyard shall be retained other than where removed to provide a driveway to the replacement house, and if required the Lion figure may be mounted thereon.

Reason: In the interest of protecting the character of the traditional Farmyard at Newtown Farm which Farmyard is a Protected Structure (reference number RPS 635) including the attractive circa 1860 entrance gateway and the adjacent stone outbuilding.

3. (a) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road.
- (b) The access driveway to the proposed development shall be provided with adequately sized pipes or ducts to ensure that no interference will be caused to existing roadside drainage.

Reason: In the interest of traffic safety and to prevent pollution.

4. (a) The treatment plant and polishing filter shall be located, constructed and maintained in accordance with the details submitted to the planning authority and in accordance with the requirements of the document “Wastewater Treatment Manual: Treatment Systems for Single Houses”, Environmental Protection Agency (current edition). No system other than the type proposed in the submissions shall be installed unless agreed in advance in writing with the planning authority.
- (b) Certification by the system manufacturer that the system has been properly installed shall be submitted to the planning authority within four weeks of the installation of the system.
- (c) A maintenance contract for the treatment system shall be entered into and paid in advance for a minimum period of five years from the first occupancy of the dwellinghouse and thereafter shall be kept in place at all times. Signed and dated copies of the contract shall be submitted to, and agreed in writing with, the planning authority within four weeks of the installation.
- (d) Surface water soakways shall be located such that the drainage from the dwelling and paved areas of the site shall be diverted away from the location of the polishing filter.
- (e) Within three months of the first occupation of the dwelling, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner and that the polishing filter is constructed in accordance with the standards set out in the EPA document.

Reason: In the interest of public health.

5. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.

Reason: To ensure adequate servicing of the development, and to prevent pollution.

6. Roof finishes of the proposed two-storey dwelling shall be blue/black slate and the external walls shall be finished in a neutral shade of painted plaster.

Reason: In the interest of visual amenity.

7. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity.

8. The site shall be landscaped, using only indigenous deciduous trees and hedging species, in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

- (a) the establishment of a hedgerow along all side and rear boundaries of the site as indicated in the location of the Proposed Planted Boundary on the revised Site Layout Plan drawing received on the 25th day of October, 2011,
- (b) planting of trees at five metre intervals along the above boundaries.

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

Reason: In order to screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity.

9. Upon the commencement of use of the proposed dwelling, the existing dwelling on the site shall be used for storage purposes only and shall not be used for habitable purposes.

Reason: To define the scope of permission, to comply with the rural settlement strategy and in the interest of orderly development.

10. 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. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2012.