



An
Bord
Pleanála

Board Order
PL 27.247794

Planning and Development Acts 2000 to 2016

Planning Authority: Wicklow County Council

Planning Register Reference Number: 16/1120

Appeal by Richard Mulcahy care of OTE Solutions of Dublin Road, Arklow, County Wicklow against the decision made on the 29th day of November, 2016 by Wicklow County Council to refuse permission for the proposed development.

Proposed Development: Extension of the existing farm outbuilding and change of use to two number holiday homes and upgrade of the previously approved on-site effluent disposal system along with all associated site works at Kilmurry Lower, Arklow, County Wicklow.

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 planning history of the site, the provisions of the current Wicklow County Development Plan, the proposal to renovate and convert the existing outbuilding to provide for holiday home accommodation within an existing farmyard and the proposal to upgrade the existing on-site effluent treatment system, it is considered that, subject to compliance with the conditions set out below, the proposed development would not be prejudicial to public health or the environment, would not seriously injure the visual amenities of the area and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted to An Bord Pleanála on the 30th day of December 2016, 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. Prior to commencement of development, the developer shall enter into a legal agreement under Section 47 of the Planning and Development Act, 2000 with the planning authority specifying that the entire development, consisting of two number holiday homes, existing farmhouse, farmyard and effluent disposal system as outlined in red on the submitted drawings that this permission refers to, shall be held in single ownership and shall not be subdivided. The holiday homes shall be available for short-term letting only and not used as permanent places of residence.

Reason: In the interest of clarity and orderly development.

3. The holiday homes shall not be constructed until the planning authority have agreed in writing that the effluent treatment system has been installed and completed to their satisfaction, together with details of future maintenance.

Reason: In the interest of public health and the proper planning and sustainable development of the area.

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 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 installation of the treatment plant, the developer shall submit to the planning authority 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. The external finishes of the proposed extensions shall be the same as the existing finishes on the building in colour and texture.

Reason: In the interest of visual amenity.

