

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

**Waterford City and County**

**Planning Register Reference Number: 16/585**

An Bord Pleanála Reference Number: PL 93.247841

**APPEAL** by Michael Walsh of Ballyloughmore, Woodstown, County Waterford against the decision made on the 13<sup>th</sup> day of December, 2016 by Waterford City and County Council to grant subject to conditions a permission to Neville Kirwan care of James Reynolds Architectural and Planning Consultants of Viewmount House, Dunmore Road, Waterford in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** Retention of as constructed car maintenance garage to rear of existing property together with permission to construct a new single storey dwelling, effluent treatment plant, shared entrance, boundary treatment, connection to mains water and landscaping together with all associated site works at Ballyloughmore, Woodstown, 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 nature and location of the commercial garage for which retention is sought, and the pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the development would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health, and would be acceptable in terms of traffic safety. The development for which retention is sought would, therefore, be in accordance with the proper planning and sustainable development of the area.

Having regard to the provisions of the Waterford County Development Plan 2011 - 2017, and having regard to the pattern of development in the area and the single storey design and scale of the proposed dwelling, it is considered that, subject to compliance with the conditions set out below, the development of a single storey dwelling at this location would not seriously injure the visual or residential 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.

## CONDITIONS

1. The development shall be retained, and carried out and completed, in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 23<sup>rd</sup> day of November, 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. (a) The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of at least seven years thereafter unless consent is granted by the planning authority for its occupation by other persons who belong to the same category of housing need as the applicant. Prior to commencement of development, the applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect.
- (b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation.

This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.

**Reason:** To ensure that the proposed house is used to meet the applicant's stated housing needs and that development in this rural area is appropriately restricted in the interest of the proper planning and sustainable development of the area.

3.
  - (a) The proposed effluent treatment and disposal system 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 entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2009. Arrangements in relation to the ongoing maintenance of the system shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
  - (b) 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 in accordance with the standards set out in the Environmental Protection Agency document.

**Reason:** In the interest of public health.

4. 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 or adjoining properties. 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.

5. All public service cables for the proposed dwelling, including electrical and telecommunications cables, shall be located underground throughout the site.

**Reason:** In the interest of visual amenity.

6. The finished floor level of the proposed dwelling shall not be greater than 91 metres, as per the contour levels identified on the site layout plan submitted on the 23<sup>rd</sup> day of November, 2016.

**Reason:** In the interest of visual amenity.

7. The proposed front boundary and wing walls shall consist of stone/sod to match the existing boundary, the exact height and location of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Apart from works required to construct the entrance and achieve the required sightlines, the existing roadside stone/sod boundary and hedge shall be retained.

**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, using native hedgerow species only, along all boundaries of the site, and
- (b) planting of native deciduous trees at 5 metre intervals inside the front roadside boundary.

Any plants which die, 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. The roof of the proposed house shall be of blue-black slate only. The colour of the ridge tile shall be the same as the colour of the roof.

**Reason:** In the interest of visual amenity.

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 and any unused excavation material.

**Reason:** In the interests of public safety and residential amenity.

11. Within three months of the date of this order, the developer shall submit the following for the written agreement of the planning authority:

- (a) Full design details and brochure specifications of the proposed petrol interceptor.
- (b) Details of the bunding to be provided for the waste oil/hydrocarbon storage areas in the garage to be retained. All bunding shall be designed to adequately protect against accidental oil and hydrocarbon spillages on site.

The agreed details shall be carried out in full and completed prior to the commencement of construction of the proposed dwelling.

**Reason:** In the interest of public health and to prevent pollution.

12. No advertisement or advertisement structure, the exhibition or erection of which would otherwise constitute exempted development under the Planning and Development Regulations, 2001, or any statutory provision amending or replacing them, shall be displayed or erected within the curtilage of the site containing the garage, unless authorised by a further grant of planning permission.

**Reason:** In the interest of visual amenity.

13. 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 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 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.

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

**Dated this            day of            2017.**