

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

Kerry County

Planning Register Reference Number: 16/1068

An Bord Pleanála Reference Number: PL 08.247916

APPEAL by Christine O’Riordan of Bay View, High Road, Glenbeigh, County Kerry against the decision made on the 21st day of December, 2016 by Kerry County Council to grant subject to conditions a permission to Karl and Caroline Griffin care of Davide Mosca Design of 95 New Street, Killarney, County Kerry in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Construction of dwelling and garage served by wastewater treatment system and all associated site works at Kilnabrack Upper, Glenbeigh, County Kerry.

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 zoning objective of the appeal site in the Killorglin Functional Area Local Area Plan 2010 – 2016 and to the pattern of development in the vicinity, 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 health. 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, 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. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.

Reason: In the interest of public health and to ensure a proper standard of development.

3. The proposed development shall be modified as follows:

The proposed two number windows on the southern gable shall be omitted and may be replaced with a high level window.

Revised drawings showing compliance with this requirement shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In order to protect the residential amenities of adjoining property.

4. The proposed vehicular entrance shall be designed and constructed in accordance with the requirements of the planning authority.

Reason: In the interest of traffic safety.

5. Prior to commencement of development, details of the materials, colours and textures of all the external finishes shall be submitted to, and agreed in writing with, the planning authority. Roof colour shall be blue black or slate grey in colour only.

Reason: In the interest of visual amenity.

6. (1) The proposed development shall be provided with a packaged waste water treatment unit (Tricel or equivalent), a raised sand polishing filter (Sandcel or equivalent) and finally a soil polishing filter in accordance with the "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2009. as outlined in the plans and particulars received by the Planning Authority on the 1st day of November 2016.

The effluent treatment system shall be installed and maintained in accordance with the Environmental Protection Agency Code of Practice "Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)"

- (a) The packaged wastewater treatment unit and raised sand polishing filter shall comply with all separation distances listed in Table 6.1 of the Environmental Protection Agency Code of Practice "Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" unless otherwise agreed in writing with the planning authority.

- (b) The proprietary wastewater treatment unit shall have, at minimum, the capacity to cater for a Population Equivalent of 5 in accordance with the drawing numbered “K1997-A020-A” received by the planning authority on the 1st day of November 2016.
- (c) The packaged wastewater treatment unit shall be installed in accordance with the manufacturer’s instruction and with the requirements of the Environmental Protection Agency Code of Practice “Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)” and shall be EN12566 compliant.
- (d) The raised sand polishing filter shall have a minimum area of 15.40 square metres.
- (e) The proposed wastewater treatment system shall be constructed and located on site in accordance with drawing numbered “510” received by the planning authority on the 1st day of November 2016.
- (f) The wastewater treatment unit shall be provided with a suitable alarm system, both visible and audible, which shall activate in the event of any malfunction of the system.
- (g) Storm-water drains, water mains, service pipes, soakaways, access roads, driveways, paved areas or land drains should not be located within or around the final soil polishing filter. The growth of any type of tree or plant which develops an extensive root system should be limited to a minimum distance of 3 metres from the final soil polishing filter. This restriction also applies to the cultivation of crops necessitating the use of machinery, likely to disturb the final soil polishing filter.
- (2) Within four weeks of the completion of installation and subsequent commissioning of the proposed effluent treatment system, the developer shall submit a certificate (which shall include relevant photographs and as-constructed drawings and records of the installation) from a suitably qualified person, the holder of professional indemnity insurance, stating that the proprietary wastewater treatment unit and raised sand polishing filter have been installed in accordance with –
- the terms of the planning permission,
 - the Environmental Protection Agency Code of Practice “Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. < 10), and
 - the manufacturer’s instructions.

A copy of the insurance certificate confirming that the qualified person referred to above held up-to-date professional indemnity at the time of preparation of the installation certificate shall also be submitted along with the certificate.

The effluent treatment shall be installed, operated and maintained in accordance with the Environmental Protection Agency Code of Practice "Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)".

- (3) The developer shall undertake a maintenance or service contract for the on-going maintenance of the packaged wastewater treatment unit and sand polishing filter with the manufacturer(s) or such suitably qualified person in perpetuity. A signed and approved maintenance contract(s)/agreement(s) shall be submitted to the planning authority prior to the installation of the packaged wastewater treatment unit and sand polishing filter.

A maintenance contract(s) for the packaged wastewater treatment unit and sand polishing filter shall be entered into and paid in advance for a minimum period of five years from the first occupancy of the house and thereafter shall be kept in place at all times. Signed and dated copies of the contract(s) shall be submitted to, and agreed in writing with, the planning authority within four weeks of the date of installation.

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

7. Details of all boundary treatment to serve the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of visual amenity.

8. The site shall be landscaped with suitable trees, shrubs or hedging which shall mainly be of indigenous species. Details shall be agreed with the planning authority before development commences.

Reason: In the interest of visual amenity.

9. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site.

Reason: 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, 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.

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

Dated this day of 2017.