



An  
Bord  
Pleanála

## Board Order PL 10.248511

---

### Planning and Development Acts 2000 to 2017

**Planning Authority: Kilkenny County Council**

**Planning Register Reference Number: 17/1**

**Appeal** by Robert Wemyss of 9 Maudlin Court, Thomastown, County Kilkenny against the decision made on the 19<sup>th</sup> day of April, 2017 by Kilkenny County Council to grant subject to conditions a permission to Valerie Butler care of Tom Butler Architects of Ballinamona, Thomastown, County Kilkenny in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Construction of a single storey extension to the existing ground floor bedroom and change of use of the ground floor bedroom from domestic use to childcare use and all associated site development works at number 36 Maudlin Court, Thomastown, County Kilkenny.

### 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 of the site as 'Existing Residential' in the Thomastown Local Area Plan 2009-2020 and to the policies as set out in the Kilkenny County Development Plan 2014-2020, under which childcare facilities are permissible and to the limited nature and extent of the proposed childcare use ancillary to the main dwellinghouse on the site, it is considered that, subject to compliance with the conditions set out below, the proposed extension and change of use to a childcare facility would be in accordance with the zoning for the site, would not seriously injure the amenities of property in the vicinity 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 on the 24<sup>th</sup> day of March, 2017, 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. The proposed childcare facility shall not operate outside the period of 08.30 to 12.30 hours Monday to Friday inclusive except public holidays. Prior to the operation of the childcare facility, the operator shall submit to, and agree in writing with, the planning authority details of the proposed signage.

**Reason:** In the interests of residential and visual amenity.

3. The number of children to be accommodated within the premises shall not exceed 11 at any time on any day.

**Reason:** To limit the development in the interest of residential amenity.

4. The two number additional on-site car parking spaces shall be provided prior to the opening of the childcare facility.

**Reason:** In the interests of public safety and orderly development.

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

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

6. 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.

---

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

**Dated this          day of    2017**