



An
Bord
Pleanála

Board Order PL 10.248577

Planning and Development Acts 2000 to 2017

Planning Authority: Kilkenny County Council

Planning Register Reference Number: 16/586

Appeal by Alan Maharaj and Martin Duggan of Bleach Road, Kilkenny against the decision made on the 5th day of May, 2017 by Kilkenny County Council to grant subject to conditions a permission to Vincent O'Shea and Donna McGreevy care of MK Architecture and Building Surveying Limited of 22 Upper Patrick Street, Kilkenny in accordance with plans and particulars lodged with the said Council.

Proposed Development: A holiday cabin, with an effluent treatment system and all associated site works at The Weir, Bleach Road, Dunmore, County Kilkenny.

Revised public notices were received by the planning authority on the 11th day of April, 2017 which consisted of revised site boundaries and site layout to include revised location of cabin, parking and all associated site works.

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 of the proposed development, its location within a rural area, and the provisions of the Kilkenny County Development Plan 2014-2020, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of property in the vicinity, would not be likely to lead to a risk of flooding, 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 on the 11th day of April, 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 cabin and ramp entrance serving it shall be located and sited in accordance with the details submitted to the planning authority on the 11th day of April, 2017. The ground levels of the cabin and ramp shall also be in accordance with the details submitted to the planning authority on the 11th day of April, 2017.

Reason: In the interests of clarity and orderly development.

3. The external finishes of the proposed development shall be in accordance with the details submitted to the planning authority on the 11th day of April, 2017, (that is, timber clad externally).

Reason: In the interest of visual amenity.

4. 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.

5. (a) The proposed septic tank drainage system shall be in accordance with the standards set out in the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2009.
- (b) Treated effluent from the septic tank system shall be discharged to a percolation area which shall be provided in accordance with the standards set out in the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2009.
- (c) 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 raised percolation area is constructed in accordance with the standards set out in the Environmental Protection Agency document.

Reason: In the interest of public health.

6. The proposed development shall be used for short-term tourist accommodation only, and shall not be used as a place of permanent residence.

Reason: The occupation of the proposed development on a permanent basis is unsustainable having regard to the overall layout of the site, and would conflict with the rural housing policies as set out in the current development plan for the area.

