



An
Bord
Pleanála

**Board Order
PL 10.248579**

Planning and Development Acts 2000 to 2017

Planning Authority: Kilkenny County Council

Planning Register Reference Number: 16/777

Appeal by Bernard Raggett of Tornóg, Stoneyford, County Kilkenny against the decision made on the 10th day of May, 2017 by Kilkenny County Council to grant subject to conditions a permission to Olivia and Neil Conway care of Slattery Design of Low Street, Thomastown, County Kilkenny in accordance with plans and particulars lodged with the said Council.

Proposed Development: Demolition of existing cottage and construction of a new four bedroom, storey and a half dwelling including new septic system, new site entrance and all other ancillary internal and external works at Mount Juliet Road (L4206), Ballycoam, Stoneyford, 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 established use of the site for residential purposes, the pattern of development in the area and the policies of the current Kilkenny County Development Plan, which facilitates the replacement of existing houses in rural areas, it is considered that, subject to compliance with the conditions set out below, the proposed development would not detract from the visual or residential amenities of the area, would not be prejudicial to public health and 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 received by the planning authority on the 13th day of March 2017, and the 18th 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 the development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interests of clarity.

2. The existing dwelling on the site shall be demolished in its entirety prior to the commencement of construction of the proposed replacement house.

Reason: In the interests of clarity.

3. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services. A method statement for the removal of the existing septic tank on the site shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development on the site.

Reason: In the interests of public health and to ensure a proper standard of development on the site.

4. All service cables associated with the proposed development, including electrical and telecommunications services, shall be placed underground throughout the site.

Reason: In the interest of visual amenity.

5. Details of the materials, colours and textures of all of the external finishes to the proposed development including front door and windows shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The roof colour shall be blue-black or slate grey in colour only, including ridge tiles.

Reason: In the interests of visual amenity.

6. (a) All infrastructure works shall be completed in accordance with the drawings and particulars submitted or as revised throughout this application except where otherwise stated. The only access (vehicular or pedestrian) to the site from the public road shall be from the public road as shown on the Proposed Site Layout Plan (drawing number PL/01) submitted to the planning authority on the 21st day of November, 2016.
- (b) Before any other development commences, sightlines in both directions shall be provided as detailed on the Site Layout drawing submitted with the application documents and the developer shall ensure that the visibility splays are kept free of obstructions at all times.
- (c) A black-topped surfaced paved area shall be provided for a distance of 10 metres on either side or centre of the proposed entrance. The developer shall not in any circumstances affect the existing roadside drainage system or pattern until completion of an approved alternative system. The entrance gates shall be set not less than 4.5 metres from the new roadside boundary within a splayed recess space 9-11 metres wide along the line of the new roadside boundary. The full area of the splayed entrance to the site adjoining the public road shall be suitably structured to cater for vehicular traffic, black top surfaced, set between level and no greater than a gradient of 2.5% falling off the public road with all such works as are necessary being designed and constructed in such a manner that the existing road drainage system is not adversely affected. The walls/fences forming any splayed entrance shall not exceed 1 metre in height, and where block is proposed, shall be neatly capped and plastered to its external face.

- (d) The developer shall not in any circumstances affect the existing roadside drainage system or pattern until completion of an approved alternative system. The surface water pipe across the entrance shall be kept in operation at any time. If this pipe is damaged during construction, it shall be replaced and repaired. Any alterations to this pipe shall need to be undertaken in discussion with the planning authority.

Reason: In the interests of visual amenity and traffic safety.

7. The site shall be landscaped in accordance with the landscaping scheme submitted to the planning authority on the 13th day of March, 2017. Existing hedgerows along the site boundaries shall be maintained and augmented by additional planting. The beech hedging along the north-eastern boundary shall be planted continuously and in a double row. A continuous double row of hedgerow shall also be provided inside the new front boundary wall, comprising indigenous species such as holly, hawthorn, field maple, beech etc.). A minimum of eight number native indigenous trees (not dwarfed) shall be included in the landscaping of the site. Cupressocyparis x leylandii shall not be used in any part of the site.

All planting shall be adequately protected from damage until established. 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 the interests of residential and visual amenity.

8. (a) The proposed effluent treatment system 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 entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2009. No system other than the type proposed in the submission 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) Treated effluent shall be discharged to a raised percolation area constructed from imported fill with a suitable T value and depth to ensure adequate attenuation of the effluent prior to discharge to ground. The percolation area shall be provided in accordance with the requirements of the Wastewater Treatment and Disposal Systems Serving Single House (EPA Code of Practice 2009). Surface water drains shall be constructed up-gradient of the treatment system to prevent ingress of surface water.

- (e) Within three months of the commissioning into use of the effluent treatment system, 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 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.

9. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interests of protecting the environment.

10. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July, 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

