



Planning and Development Acts 2000 to 2020

Planning Authority: Carlow County Council

Planning Register Reference Number: 19/476

Appeal by Brendan Hogan of Ballykealy Lane, Ballon, County Carlow against the decision made on the 12th day of August, 2020 by Carlow County Council to grant subject to conditions an outline permission to Patrick O'Brien care of Peter Bolger Consulting Limited of Newtown House, Bachelors Walk, Bagenalstown, County Carlow in accordance with plans and particulars lodged with the said Council.

Proposed Development: Outline permission for a two-storey dwelling, on-site wastewater treatment system and all associated site development works at Ballykealey Lane, Ballon, County Carlow.

Decision

GRANT outline 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, to the pattern of existing development in the area, to the location of the site as set out under the current Carlow County Development Plan 2015-2021, it is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the amenities of the area or of property in the vicinity, would be acceptable in terms of traffic safety and convenience, would not be prejudicial to public health, and would not conflict with the objectives of the Development Plan. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. This outline permission relates solely to the principle of the development of a single dwelling on this site and an on-site wastewater treatment system and associated site works, as outlined in the documentation submitted with the planning application, including the further information received by the planning authority on the 17th day of June, 2020 and the 21st day of July, 2020.

Reason: In the interest of clarity.

2. The plans and particulars to be submitted by way of a separate application for permission consequent shall include the following:
- (a) a comprehensive site survey, to a scale of not less than 1:500, including contours at intervals of 0.5 metres, showing all existing boundaries and other features,
 - (b) a site layout plan to a scale of not less than 1:500 showing the layout of the proposed house and driveway,
 - (c) the proposed finished ground floor levels of the house by reference to existing site levels, finished ground floor and roof levels of all neighbouring houses, and the road level at the proposed entrance,
 - (d) proposals for the landscaping of the site including landscaping and boundary treatments to the west and east site boundaries, and
 - (e) full details of the proposed entrance to the public road, including any walls or railings.

Reason: To enable the application for permission consequent to be fully assessed.

3. Details of the design of the house and associated works shall be submitted by way of a separate application for permission consequent and shall incorporate the following requirements:
 - (a) The position of the house shall be consistent with that shown on the Site Layout Plan, received by the planning authority on the 21st day of July, 2020,
 - (b) Any windows above ground floor level on the west elevation shall be of permanent obscure glazing.
 - (c) Landscaping and boundary treatment along the western site boundary shall be designed to ensure the avoidance of direct overlooking into ground floor windows of the adjoining property from ground floor windows at the proposed dwelling.

Reason: In the interest of visual and residential amenity.

4. (a) The treatment plant and polishing filter shall be located, constructed and maintained in accordance with the details submitted to the planning authority on the 21st day of July, 2020, 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 submissions 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 dwelling house 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) Surface water soakways shall be located such that the drainage from the dwelling and paved areas of the site shall be diverted away from the location of the polishing filter.
- (e) 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 and that the polishing filter is constructed in accordance with the standards set out in the Environmental Protection Agency document.

Reason: In the interest of public health.

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

Reason: To ensure adequate servicing of the development, and to prevent pollution.

6. The external wall finishes of the proposed house shall consist mainly of natural stone indigenous to the area, nap plaster or wet dash. Roof colour shall be blue-black or dark grey, using slate or tiles. Full details of the finishes shall be submitted with the application at permission consequent stage.

Reason: In the interest of visual amenity.

7. All service cables associated with the proposed development (including electrical, television, telephone and broadband) shall be run underground within the site.

Reason: In the interest of visual amenity.

8. At permission consequent stage, 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.

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

Dated this day of 2021.