

An
Bord
Pleanála

Board Order
ABP-309303-21

Planning and Development Acts 2000 to 2020

Planning Authority: Kilkenny County Council

Planning Register Reference Number: 20464

Appeal by Stephen O'Hara of Rathsnadagan, Inistioge, County Kilkenny against the decision made on the 6th day of January 2021 by Kilkenny County Council to grant subject to conditions a permission to Maya Homburger and Barry Guy care of Guard Tillman Pollock Architects LLP of 161 Whitfield Street, London, England in accordance with plans and particulars lodged with the said Council:

Proposed Development: Free-standing two storey studio and music workshop with white painted rendered walls and black slate pitched roofs with ridge heights matching the ridge height of the adjacent cottage at River Cottage, Rathsnadagan, Inistioge, 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.

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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 provisions of the Kilkenny County Development Plan 2014-2020, and the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the natural heritage or visual amenity of the area and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Screening

The Board noted that the proposed development is not directly connected with or necessary to the management of the River Barrow and River Nore Special Area of Conservation (Site Code: 002162). In completing the screening for Appropriate Assessment, the Board accepted and adopted the screening assessment and conclusion carried out in the Inspector's report in respect of the identification of the European Site which could potentially be affected, and the identification and assessment of the potential likely significant effects of the proposed development, either individually or in combination with other plans or projects, on this European site in view of the site's conservation objectives. The Board was satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on the River Barrow and River Nore Special Area of Conservation, or any other European site, in view of the site's conservation objectives and that a Stage 2 Appropriate Assessment is not required.



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 8th day of December 2020, 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. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The external render shall be painted in a colour that matches the current colouring of the adjoining building known as the guest cottage.

Reason: In the interest of visual amenity.

3. Prior to commencement of development, a letter from a suitably qualified individual confirming that the existing wastewater treatment plant and percolation area is in good working order and can accommodate any additional loading from the proposed development, shall be submitted for the written approval of the planning authority. This letter shall be accompanied by evidence of Professional Indemnity Insurance for the said individual.

Reason: In the interest of public health.

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4. (a) The proposed studio and music workshop shall only be used for the purposes as indicated in the relevant plans and particulars.
- (b) The structure shall not be sold/leased or otherwise disposed of separate from the main dwelling property and shall not be used as a dwelling either on a short-term or long-term basis.

Reason: To clarify the development authorised by this permission.

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

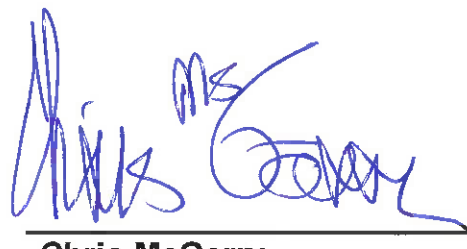
Reason: In the interest of public health.

6. Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

7. 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.

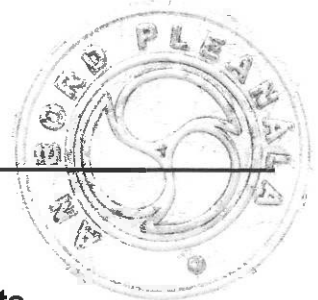
Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.



Chris McGarry

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**



Dated this 19th day of July 2021