

Planning & Development Acts, 2000 - 2018
Planning & Development Regulations, 2001 - 2019

REPORT ON TAKING IN CHARGE:

Planning Reference:	TC117
Development:	Kings Court Bolton Callan Co. Kilkenny
Developer:	South-East Construction (Kent) Ltd.
Planning Permission Reference:	P.05/1853, P.07/1701 & P.08/26

Site Location & Description

Kings Court is a residential development of 32 dwellings located in Bolton, Callan Co. Kilkenny. It is accessed from the Local Road L1021 and adjacent Regional Road R699 and is situated on the southern side of the Kings River. The units contained therein consist of two-storey housing with a mix of terrace, semi-detached and detached dwellings.

Planning History

- P.05/1853: Permission granted subject to 34 no. conditions to demolish existing habitable house, boundary walls and fences, inclusive of ancillary accommodation. And permission for the construction of a housing development consisting of 10 no. detached houses, 48 no. semi-detached houses, 4 no. townhouses, 12 no. duplex houses and 12 no. two-bedroom apartments and all associated ancillary accommodation and site work, complete with new access roadway on site.
- P.07/1701: Permission granted subject to 4 no. conditions for a change of house type & density on sites no. 35-42 inclusive from 8 no. 3 bed semi-detached to 10 no. townhouses (8 no. 2 beds & 2 no. 3 beds). The site for the above is contained within the site which has already obtained planning permission (planning ref. no. 05/1853).
- P.08/26: Permission granted subject to 4 no. conditions for a change of house types on sites no. 16, 17, 18, 19, 20 & 68 at Kings Court, Bolton, Callan, Co. Kilkenny.

The current 32 no. dwellings were constructed on foot of the above permissions. The remainder of the estate is effectively unfinished by the developer. However, a new developer AMC Properties Ltd was granted planning permission under planning reference P.18/124. The proposed development will comprise of (a) completion of existing estate

roads and footpaths previously granted under original planning reference 05-1835 (b) completion of existing open space and provision of new open space amenity (c) 53 no. dwelling houses comprising 46 no. 2 level semi-detached dwellings, 7 no. 2 level terraced dwellings and 5 no. detached garages. (d) provision of foul and surface water via connection to existing foul and surface water sewer (e) site landscaping and all associated site works. The development will include the provision of 2 no. semi-detached houses between the existing properties no. 32 and no. 35. This development is predominantly outside the proposed area which is the subject of this taking in charge report, save for some minor alterations to the green area and tie-in's for access roads and footpaths.

TIC Request:

The formal application to have this development taken in charge was made by the developer in April 2014. The application was referred to the various internal service areas as outlined above and based on the responses a schedule of necessary works was prepared. Due to the failure of the developer to engage constructively with the county council regarding the taking in charge process and the required taking in charge works a claim was made on the bond from the Bond Holder in. The subsequent process in this instance required Kilkenny County Council to fund and complete all works and to submit a subsequent claim with supporting documentation. Upon completion of the works a claim of €143,107.24 was submitted to the Bond holder and this has now been paid to Kilkenny County Council.


Recommendation:

The section of the development as completed is considered to be in substantial accordance with the relevant planning applications and conditions attached therein. Whilst it is acknowledged that there are matters of non-compliance related to the said applications namely the unfinished part of the estate, these are not considered to be material for the purposes of taking-in-charge of roads, footpaths, open space, services, etc. Consequently, and having regard to the completion of taking in charge works as identified by the various internal service areas, I recommend that Kilkenny County Council initiate proceedings for the taking in charge of the completed section of the estate at Kings Court, Callan, Co. Kilkenny under Section 11 of the Roads Act 1993 and Section 180 of the Planning and Development Acts 2000-2019.

SIGNED:


Thomas Brennan
Executive Engineer

Date: 6/12/2019


Denis Malohe
Senior Planner

Date: 6/12/2019

THIS IS A COMPUTER GENERATED MAP WITH ITM COORDINATES

Callan South Td.

OS MAP REF. Map Ref 5009

E642104 E643692

Callan South & Bolton Td.

Mineau Td.

E641416 N843255

Bolton Td.

Lands at Kingscourt Bolton Callan Co.Kilkenny

AREA OF SITE OUTLINED & SHADED IN RED = Area 0.67Ha
FOLIO - KK27318F(part of), KK15494(part of) & KK27317F (part of)

NOTE: Drawing Subject to Alterations
Pending Final Legal Transfer to Kilkenny
County Council. DO NOT SCALE.

**FOR
INFORMATION
PURPOSES**

Scale: 1:2500 @ A4
Plot Date: 06/12/2019
Drm: T. Brennan

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BASED ON ORDNANCE SURVEY OF IRELAND MAP LICENCE NO. KILKENNY CCMA 08/12

