



An
Bord
Pleanála

**Board Order
PL 92.248535**

Planning and Development Acts 2000 to 2017

Planning Authority: Tipperary County Council

Planning Register Reference Number: 17600080

Appeal by Eileen Spellissy of 69 Ciamaltha Meadows, Ciamaltha Road, Nenagh, County Tipperary against the decision made on the 24th day of April, 2017 by Tipperary County Council to grant subject to conditions a permission to Tom Grace and Sons Limited care of Brian Grace of Rathnaleen, Nenagh, County Tipperary in accordance with plans and particulars lodged with the said Council.

Proposed Development: Retention of as constructed sub-division of single dwellinghouse to two semi-detached dwellings and all associated ancillary site works at Thomond Lodge, Ciamaltha Meadows, Ciamaltha Road, Nenagh, County Tipperary.

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 site on lands zoned for residential purposes, it is considered that, subject to compliance with the conditions set out below, the development proposed for retention would be in accordance with the existing character and pattern of development in the immediate area. The development proposed for retention would not seriously injure the amenities of property in the vicinity. The development proposed for retention would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 30th day of March, 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 and the development shall be retained in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. (a) Within one month of the date of this order, the developer shall submit to, and agree in writing with, the planning authority a report by a suitably qualified structural engineer in respect of the structural stability of the existing wall along the western boundary of the site.
- (b) Arising from the detail of the structural survey outlined in 2(a) above, the developer shall provide within two months of the date of this order, a continuous wall of 1.65 metres along the rear western site boundary, running from a position aligned with the front elevation of number 69 Ciamaltha Meadows as far as the rear boundary. The wall shall be suitably plastered and capped on both sides.
- (c) Within two months of the date of this order, the site boundary to Thomond Place to the north shall be suitably repaired, repainted, and maintained thereafter.

Reason: In the interests of orderly development and the visual amenities of the area.

3. The site shall be landscaped, using only indigenous deciduous trees and hedging species in accordance with details which shall be submitted to, and agreed in writing with, the planning authority within two months of the date of this order. In addition to normal landscaping requirements:
 - (a) The scheme shall include the establishment of a hedgerow along the rear boundaries of the site.
 - (b) The soft landscaped front 'lawn' areas as shown on drawing number 17/12/429, entitled 'Subdivision of Thomond Lodge', received by the planning authority on the 2nd day of February, 2017 shall be provided to the front of both residential units.

Reason: In the interests of residential and visual amenity.

4. Water supply and drainage arrangements, including the attenuation and 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.

5. 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 the 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.

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

Dated this day of 2017