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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Tipperary County Council**

**Planning Register Reference Number: 18/601548**

**Appeal** by Mary Loughman care of Sean R. McCarthy of The Orchard, Cork Road, Fermoy, County Cork against the decision made on the 11<sup>th</sup> day of September, 2019 by Tipperary County Council to grant subject to conditions a permission to Alan and Susan Quinn care of Tim O'Malley of Tipperary Technology Park, Rosanna Road, Tipperary Town, County Tipperary in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Extension and renovation of the existing dwellinghouse (including conversion of dwelling to dormer, rear single-storey extension and front porch), installation of a new on-site wastewater treatment and disposal system (to serve this dwelling and an adjacent dwelling owned by the applicants sister), and all associated ancillary works at Springhouse, Kilshane, 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 provisions of the South Tipperary County Development Plan 2009-2015 (as varied), and to 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 be acceptable in terms of design and wastewater treatment and would not seriously injure the amenities of the area or of property in the vicinity. The proposed development 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 submitted on the 19<sup>th</sup> day of August, 2019, 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 the external finishes to the proposed extension areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

3. The effluent treatment and disposal system shall be located, constructed and maintained in accordance with the requirements of 'Code of Practice Wastewater Treatment and Disposal Systems Serving Single Houses, (p.e. less than or equal to 10)', published by the Environmental Protection Agency. Arrangements in relation to the ongoing maintenance of the system between the separate users of the system, including a legal agreement, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Within three months of installation, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the effluent treatment system has been installed and commissioned in

accordance with the approved details and is working in a satisfactory manner in accordance with the standards set out in the EPA document and that the existing septic tank and associated features have been decommissioned.

**Reason:** In the interest of clarity and public health.

4. The site shall be landscaped in accordance with a scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

- (a) The retention of existing mature trees,
- (b) Any additional planting considered necessary to minimise any visual impact on the protected structures.

Any proposed 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 interest of residential and visual amenity.

5. 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.

**Reason:** In the interest of public health.

6. Site development and building works shall be carried out only between the hours of 0800 to 1900 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.

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**Stephen Bohan**

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

**Dated this            day of            2020.**