



An  
Bord  
Pleanála

**Board Direction**  
**BD-013250-23**  
**ABP-313473-22**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 09/08/2023.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

### **Reasons and Considerations**

Having regard to the site's location within an urban area, to the nature and scale of the proposed development, to the nature of the change of use of the existing building and the nature of the proposed use within the new building, and to the relevant provisions of the Donegal County Development Plan 2018-2024, it is considered that, subject to compliance with the conditions set out below, the proposed development would allow for the appropriate use of a Protected Structure, would not adversely impact on the character and setting of the Protected Structure or of other built heritage assets in the area, would not seriously injure the amenities of the area including property in the vicinity and would constitute an acceptable form of development and use at this location. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **Conditions**

1. The proposed development shall be carried out in accordance with the plans and particulars lodged with the application, 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. Prior to commencement of development, the developer shall submit for the written agreement of the planning authority proposals for enclosure/screening of the platform lift and external stairwell, which shall be adequate to prevent overlooking of neighbouring residential property.

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

3. Foul and surface water drainage arrangements shall comply with the requirements of the planning authority for such works and services, details of which shall be agreed in writing prior to commencement of development.

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

4. Prior to the commencement of development, the developer shall enter into water and wastewater connection agreements with Irish Water.

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

5. Prior to commencement of development, the developer shall provide for the following:-
  - (a) The appointment of a conservation architect or other suitably qualified professional, who shall manage, monitor and implement works on the site and ensure adequate protection of the historic fabric during those works. Details of such appointment shall be provided to the planning authority for written agreement.
  - (b) The submission of details of all finishes and of all existing original features to be retained and reused where possible, including interior and

exterior fittings/features, joinery, fenestration, plasterwork, features (cornices and ceiling mouldings), roofs, staircases including balusters, handrail and skirting boards.

All repair/restoration works shall be carried out in accordance with best conservation practice as detailed in the application and the "Architectural Heritage Protection Guidelines for Planning Authorities" (Department of Arts, Heritage and the Gaeltacht, 2011). The repair/restoration works shall retain the maximum amount possible of surviving historic fabric in-situ including structural elements, plasterwork and joinery and shall be designed to cause minimum interference to the building structure and/or fabric.

**Reason:** To ensure that the integrity of the historic structures is maintained and that the structures are protected from unnecessary damage or loss of fabric.

6. All mitigation measures proposed in the Architectural Heritage Impact Assessment report and all associated detail set out in the relevant application drawings relating to the protected structure, as submitted with the planning application, shall be implemented in full.

**Reason:** In order to ensure that the integrity of the protected structure is maintained and that the structures are protected from unnecessary damage or loss of fabric.

7. The construction of the proposed development shall be managed in accordance with a Construction and Demolition Management Plan which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the proposed development, including noise management measures, details of construction traffic and off-site disposal of construction/demolition waste.

**Reason:** In the interest of public safety and to protect the ecological potential of the area.

8. 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 or public holidays. Deviation from these times shall 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.

9. Signage associated with the proposed development shall be in a form agreed with the planning authority prior to commencement of use.

**Reason:** In the interest of orderly development.

10. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:

(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operations relating to the proposed development, and

(b) employ a suitably qualified archaeologist prior to commencement of development. The archaeologist shall assess the site and monitor all site development works. The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works. In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

**Reason:** In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

**Board Member**

A handwritten signature in black ink, appearing to read 'Chris McGarry', written over a horizontal line. The signature is stylized and somewhat cursive.

Chris McGarry

**Date:** 15/08/2023

