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**Planning and Development Acts 2000 to 2020**

**Planning Authority: Cavan County Council**

**Planning Register Reference Number: 20/602**

**Appeal** by Brian McDermott care of David King Planning Street of Collorus House, Lauragh, Killarney, County Kerry against the decision made on the 8<sup>th</sup> day of June, 2021 by Cavan County Council to grant subject to conditions a permission to Erne Palais Limited care of Michael Fitzpatrick Architects Limited of Main Street, Butlersbridge, County Cavan in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** (1) Partially demolish and convert existing community centre (formerly Erne Ballroom/Palais and protected structure) to two number one-bedroom apartments retaining the front façade of existing building, (2) erect three number two-storey two-bedroom terraced houses, (3) erect two number two-bedroom terraced bungalows (seven units in total) with connection to all public services and all associated site works. (These works are to be carried out to protected structure CV44018 Erne Ballroom). All at Holborn Hill/Barrack Lane, Belturbet, County Cavan. A further public notice was received by the planning authority on the 14<sup>th</sup> day of May, 2021.

## **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 'Town Core' zoning which applies to the site under the Cavan County Development Plan 2014-2020, under which residential development is permissible, together with the nature and scale of the proposed development and the pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the character of the area, would not seriously injure the amenities of the area or the amenities of properties in the vicinity, would secure retention of the protected structure building's primary feature of architectural interest and 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 further information submitted to the planning authority on the 27<sup>th</sup> day of April, 2021 and as part of the first party appeal submission to An Bord Pleanála dated the 16<sup>th</sup> day of July, 2021, 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. Prior to commencement of development, a construction and demolition plan shall be submitted, which shall include measures to ensure protection of the retained front façade during the construction stage, for the written agreement of the planning authority. The development shall thereafter be carried out in accordance with such agreement.

**Reason:** In order to provide for protection of the retained element of the Protected Structure during the construction phase.

3. Private open space areas for the two number proposed apartment units, as shown on the Site Layout Plan, Site Section and Site Location Map drawing number PL17-199-03 submitted with the planning application shall be omitted from the development.

**Reason:** In order to protect the setting of the retained element of the Protected Structure.

4. Details of the boundary treatments for private open spaces to the rear of the proposed houses shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

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

5. Details of the materials for the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development and shall include timber of other high quality material for the retained front façade of the Protected Structure.

**Reason:** In the interest of visual amenity and to protect the character of the retained element of the Protected Structure.

6. Prior to the commencement of development, the developer shall submit and agree in writing with the planning authority, proposals for a pedestrian crossing adjacent to the south-east corner of the site and any such proposal shall incorporate the Design Manual for Urban Streets and Roads principles.

**Reason:** In the interests of traffic and pedestrian safety.

7. The proposed set-down area shall be appropriately marked and identified, in accordance with proposals which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

**Reason:** In order to avoid the set-down spaces being used as long-term parking spaces.

8. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that 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 operation (including hydrological and geotechnical investigations) relating to the proposed development,
  - (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
  - (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

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 site and to secure the preservation and protection of any remains that may exist within the site.

9. Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority, proposals for the relocation of the existing signage to the south (front) of the existing building.

**Reason:** In the interest of visual amenity and in order to provide for protection of the retained element of the Protected Structure.

10. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

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

11. Water supply and drainage arrangements, which shall include SuDS measures, shall comply with the requirements of the planning authority for such works and services, details of which shall be submitted to, and agreed in writing, with the planning authority prior to the commencement of development.

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

12. A naming and numbering scheme for the development shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the dwellings.

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

13. Site development and building works shall be carried out only between the hours of 0700 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.

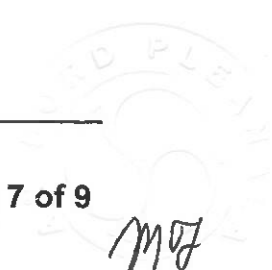
**Reason:** In order to safeguard the residential amenities of property in the vicinity.

14. Prior to the commencement of any house in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house unit), pursuant to Section 47 of the Planning and Development Act, 2000, that restricts all houses permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.

**Reason:** To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

15. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** To ensure the satisfactory completion and maintenance of the development until taken in charge.



16. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

**Reason:** To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.



17. 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.

*DR. Maria FitzGerald*

**Maria FitzGerald**

**Member of An Bord Pleanála**

**duly authorised to authenticate**

**the seal of the Board.**

Dated this *27<sup>th</sup>* day of *Oct.* 2021.

