



An
Bord
Pleanála

Inspector's Report PL 03 247357.

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| Development | Alter and extend derelict dwellings, and conversion of dwellings into private garage for domestic use, connection to services raise ground level at rear of site with mix of local stone and block walls to form new boundaries and associated site development works. |
| Location | Church Street, Sixmilebridge, Co. Clare. |
| Planning Authority | Clare County Council |
| P. A. Reg. Ref. | P15/686. |
| Applicant | Michael Ellison and Margaret Healy, |
| Type of Application | Permission. |
| Planning Authority Decision | Grant Permission and Refuse Permission |
| Type of Appeal | First Party Against Decision to Refuse |
| Appellant | Michael Ellison and Margaret Healy, |
| Observer(s) | |
| Date of Site Inspection | 28 th November, 2016 |
| Inspector | Jane Dennehy. |

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1.0 Site Location and Description

The site which has a stated area of 0.147 hectares is at the northern end of Church Street (R470) on the western frontage and extends to the east as far as the west bank of the River OwenaGarney which flows in a southerly direction from the north. It falls steeply eastwards from the rear of the existing derelict terrace of two storey houses on the road frontage towards the river and has very uneven terrain and some construction materials within it. Fencing is located along the northern side from the as far as the river adjacent to a rough track. Ground levels within the site drop from the west at circa 12 mOD to circa 07 mOD at the boundary wall adjoining the river.

An entrance and access to the adjoining early Georgian building (circa 1740) known as "Old Parochial House" and the access track to the river edge is located to the north side. Gardens and amenity space are located to the east of the house and to the west side of the river.

2.0 Proposed Development

2.1. The application lodged with the planning authority on 5th October, 2015 indicates proposals for:

- Alterations, extensions and conversion of the existing structure into a garage for private domestic use. It has a gross floor area of 287 square metres and capacity for four vehicles, three work areas storage and decking and maintenance lifts accessing a first floor level. The applicant intends to keep and maintain and repair classic cars in the building.
- Connection to public services, site development works and,
- Raise the ground level at the rear of the site, (adjacent to the river) with a mixture of local stone and block walls to form new site boundaries. A tennis court is to be constructed on the raised ground.

2.2. Additional information with regard to several issues was requested and further information inclusive of revisions to the proposed development was lodged on 10th August 2016 which included:

- Reductions to the proposed levels for the tennis court and surrounding wall by 1.03 metres originally proposed, an undertaking to conduct a survey of the existing southern boundary wall and incorporate a buffer zone between the proposed retaining wall and existing boundary the area in which is to be enclosed and covered with light mesh on a lightweight steel frame.
- A flood risk assessment report proposing a finished floor level for the tennis court at 2.23 m above the 0.1% peak flood level and measures to limit discharge volumes to a level that does not increase flooding elsewhere.
- Provision for use of stone filled gabions, for the wall along the river to mitigate pollution to the river, construction of a retaining wall at the rear of the site by the river, use of clean stone to form the gabion base to remove potential concrete spillage.
- A land drain pipe network under the tennis court to provide for drainage to the surface water network and a wash-down and silt separator is to be installed to prevent pollution of the surface water. Details of the proposed arrangements for connection to the foul sewer are also provided.
- An undertaking is given to conduct a condition survey prior to construction of the tennis court over a way leave for the public foul sewer across the site.

2.3. The application includes a Flood Risk Assessment report according to which it is concluded, on the basis of review of CFRAMs, (which was published later than the SFRA for the Local Area Plan) that taking the riverside boundary wall into account, the location comes within Flood Zone C; no increased risk of fluvial flooding would occur and that pluvial and groundwater can be screened out owing to the drainage design incorporated in the proposal. The proposed use and infilling of the site are considered acceptable on the basis that no increase in flooding risk would occur.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. By order dated, 6th September, 2016, the planning authority issued a split decision: It decided to grant permission for alterations, extensions and conversion of the existing structure into a garage for private domestic use and for connection to public services and site development works subject to seven conditions of a standard nature.
- 3.1.2. It decided to refuse permission to raise the ground level at the rear of the site with a mixture of local stone and block walls to form new site boundaries on the basis of the reason reproduced in full below:

“A way leave exists over the foul sewer which traverses the site and is required for essential maintenance and repair. It is considered that the proposed development, if permitted, by reason of the proposed construction of the boundary wall, raising of ground levels and associated site works would impede access to this wayleave, would reduce the existing cover to the foul sewer, and would not therefore be in accordance with the orderly development of the area. Furthermore, the Planning Authority considers that the proposed development, having regard to the extent of ground works and wall to be constructed would seriously injure the visual amenities of the area including from viewing along the Owenagarry river to the rear of the site. The proposed development would therefore be prejudicial to public and would seriously impact on the visual amenities of the area, and would therefore be contrary to the proper planning and sustainable development of the area.”

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planning officer reached the conclusion having considered the additional information submission that permission for the proposals for the derelict structure itself could be granted but that owing to the concerns of Irish Water with regard to the Wayleave over the public sewer, (see s 3.2.2 below) permission could not be

granted for the alterations to the ground levels, walls and boundary treatment and site works on the basis of the reason reproduced under Section 3.1.2 above.

3.2.2. **Technical Reports.**

3.2.3. The report of Irish Water dated 3rd November, 2015 indicated a recommendation for a request for additional information it being noted that a wayleave over the public foul sewer in favour of the local authority traverses the site which would be impeded by the construction the boundary wall adjacent to it.

3.2.4. The supplementary report of Irish Water dated, 2nd September, 2016 states that,

“the right of way specified in Instrument No DS2013LRO68947U in favour of Clare County Council is impeded by the proposed boundary wall. Irish water is also concerned about the applicant’s proposal to reduce the existing cover to the foul sewer and construct a tennis court and boundary wall on top of the sewer line.”

4.0 **Planning History**

PL 03CD 3022: Consent to Compulsory Purchase of the lands subject of the current application was confirmed further to consideration by An Bord Pleanala of objections by Valmark Construction and by Michael Ellison in 2009.

P. A. Reg. Ref. PD00 2521: Permission for a development of townhouses and apartments, parking, landscaping and lighting was granted to Valmar Construction subject to forty-four conditions. The planning authority did not agree to a request for an extension to the duration of the grant of permission under P 07 7.

5.0 **Policy Context**

5.1. **Development Plans**

The operative development plan is the Clare County Development Plan, 2011-2017. The site is within the development boundary of Sixmilebridge within the South Clare Local Area Plan, 2012 -2018 according to which it is subject to the zoning objective: “Town Centre”. It also comes within the Architectural Conservation Area for the

town. (The Old Parochial House, is not included on the record of protected structures.)

5.2. **Natural Heritage Designations**

The Lower River Shannon SAC (Site Code 002165) and the River Shannon and River Fergus SPA (Site Code)004077) are downstream from the site location at the Shannon Estuary.

6.0 **The Appeal**

6.1. **The Appeal.**

An appeal was received from the appellants Ms Healy and Mr Ellison on 3rd October, 2016 which has multiple attachments which include drawings indicating a revised alternative proposal. It is stated that Ms Healy owns and occupies the site which was sold to her in two Lots in 2013 and Mr Ellison is the owner of the Old Parochial House which is occupied by both Ms Healy and Mr Ellison. An alternative proposal is included in the attachments for consideration there being an original proposal and revised proposal (submitted as further information) within the application documentation. According to the appeal:

- The decision to refuse permission for the raise in the ground level at the rear of the site with a mixture of local stone and block walls to form new site boundaries jeopardises the overall development project. The garage permitted could not be used without concern about anti-social behaviour. There would be no alternative to having the lands set out in terraced gardens and safety concerns about the river would not be addressed. The refusal is unwarranted.
- The proposal should be considered in the context of the Old Parochial House which is within an ACA and worthy, along with other structures of protected structure status. The applicants have carried out extensive and sensitive

restoration of the house at their own expense and it is now a significant contribution to public amenity in the streetscape. The planning officer welcome the proposed refurbishment and is satisfied that there is no overbearing impact on the Old Parochial House or ACA.

- The proposal should also be considered in the context of the site being a derelict brownfield site. The continued dereliction of the appeal site has a negative impact on the amenities of the Old Parochial House and the site levels are also hazardous.
- The garage structure which is to be used for storage and restoration of classic cars is based on careful engineering and design, the landscaping proposals are carefully considered and provide for passive surveillance, and preserve the potential future “mixed use” zoned landbank.
- The tennis court which is incidental to the application is to be available for private and some community use. The surface type has not been selected but the sub strata will not interfere with the sewer. The landscaping at the rear of the structure provides for a level playing field and serves as a landbank as far as the river.
- The validity of the contestation of the legal interest Ms Healy on the part of the planning authority is challenged. The area of the wayleave is best understood by a comparison of the map of two lots in the site Deed where there is an area (“The Triangle”) not covered by the wayleave area. This is consistent with the boundary of the Old Parochial House lands and ownership. The applicants believe that the matters relating to the tennis court are not planning or Irish Water matters and there is no way leave interest over the Triangle in favour of Irish Water.
- The levels were carefully selected with regard to need or excavation and infill, the Fishermen’s rights of way and, enhancement of safety and security beside a high and fast flowing section of the river in flood.
- Original levels were much higher and previously excavated material from the lower half of the site have been removed. A single step down over the five metre drop down to the river has been avoided. The application balances the

impact on the river boundary, safety of the river boundary, the sewer level and impact on the fisherman's right of way in the Old Parochial House property.

- The river wall is modestly increased in height to 1.8 metres 2009 flood levels. The revised application reduced the increase in height to 1.2 metres which is required for sufficient cover for the sewer although higher levels are preferred. The proposed river wall is in context with a channelled river but can be dangerous in flooding as it narrows the water from the upstream weir. A large river wall is in context and the existing wall is not capped could be capped and improved in appearance. The raised land will soften it. The applicants do not wish to landscape the space as sloping private gardens because security issues could arise and a constant problem of anti-social behaviour must be designed out.
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- Flooding is increasingly frequent but the site is not prone to flooding. The retaining wall is wells set back on the site and there are no significant sightlines. It is diminutive and is designed in context with the tennis court and will be painted to match the court surface and decorated with flowers. The landscaping has merit and at river boundary thorny planting to prevent trespass.
- The planning authority did not take regeneration, prevention of adverse effect on existing amenities, urban blight and dereliction, anti-social behaviour or shortage of habitable houses on lands suitable for residential development into account. The basis for refusal of permission is not clear. The split decision gives undue weight to minor matters that could be reconciled. There are overwhelming merits to the application for the community and local authority objectives.
- It is not accepted that the Wayleave issue should be used in the refusal The applicants are more than willing to discuss possible relocation of the sewer, as suggested by Irish Water and to facilitate Irish water with temporary

easement to conduct the works. The refusal issues could have been dealt with by conditions. Issues could have been raised and addressed earlier. It is unreasonable to conclude that the raised ground level would reduce the cover to the foul sewer.

- The proposed development would not be prejudicial to public health because the matter relating to the sewer in the applicant's lands is easily resolvable. Irish Water and the Local Authority do not have wayleaves beyond the scope of the Deed of Contract relating to the sale of the lands and inspection manholes will be available. The sewer is in urgent need of repair and is at present prejudicial to public health. The application addresses public health concerns because it eradicates anti-social behaviour from the site, reduces littering and dumping and makes the boundary safe at the river.
- The claim as to impeding the way leave is baseless and is a misinterpretation of the site Deeds (copy attached.) The right no right to access or restriction on landscaping adjacent to the Fisherman's right of way (the triangle.) The applicant has sufficient legal interest in the lands.
- The application carefully balances conflicting planning objectives of Irish Water and the County Council with regard to the sewer. It provides for adequate cover for the sewer and improves the Wayleave area.
- The alternative proposal of removal of the gabions and replacement with banking to the tennis court deal with the matter the retaining wall 600 mm of cover to the sewer which can be encased in concrete. The wall levels can be increased by 300 mm from the revised proposal's height. The merit of the flat area over the wayleave are is obvious especially at a mixed use site in the town centre creating a landbank for future use including recreational facilities.

- The second reason for refusal of permission is deficient and misinformed. The works would not seriously injure visual amenities of the area including views along the river. Just a few metres to the river area to be raised and the rest are to be lowered.

- Alternative schemes considered include:
 - (a) Re-establishing the original levels (this would be unsuitable from an anti-social behaviour perspective because it would leave a single buttress terrace of four metres or significant slope and imported fill would be necessary.
 - (b) Providing for a single step at the garage end with large buttresses which would make access to the rear difficult and would require necessary modification to the sewer to allow for lower level and would require export of materials, would reduce passive surveillance potential. And stress the retaining wall
 - (c) Providing for a two-step approach. It takes precedent from a prior proposal by the previous landowner as proposed in the further information submission. It is the best landscape proposal and meets all planning objectives. (i) The river wall height is not overbearing in context with the channelled river and industrial archaeology of the Thomond Mills are opposite the site, (ii) the sewer is covered without modification, (iii) the sightlines for passive surveillance are optimised and (iv) the access to the site for the future use is not compromised. This proposal is much improved in impact relevant to the previous permitted development of house and apartments extending to twelve metres in height.

The optimal solution a combination of the original and revised proposals and the issue of cover to the sewer would be beyond doubt. It would increase the wall by 300 mm over the revised application height to 1500 mm over the existing wall; increase the tennis court levels by 100 mm on the inner side of the river boundary leaving a narrow channel of soil over the gabions to the river wall and raise another 10 mm in a 1:200 slope along the tennis court

length to the retaining wall resulting in a reduced height retaining wall with a 500 mm appearance. The retaining wall's smooth concrete would be softened by paint and local field stone and plating and hanging baskets. The river wall and retaining wall are in context with a tennis court development with a clubhouse.

- The impact as to “serious damage” is overstated with regard to the sightlines to the and from the area of the site. They are minimal. There is no third party objection. Trees and vegetation obscure views.

Sightlines downstream from the bridge at the down centre are distant and the river would be softened by planting and would be invisible for most of the e year,

Sightlines upstream are from the Duck Inn and in private property. To the extent that there is visibility visual amenity would be improved by the raised river wall in local stone with planting. The proprietor also has no objection and considers the matter of little relevance to him.

Sightlines from the south including the mill pond are limited. The area over a high boundary has poor aesthetic value. The height is less than two metres above the original levels except for a few metres adjacent to the river. he permitted riverside development rising to twelve metres would have removed all sightlines for the neighbours to the south.

Sightlines from Church Street are negligible due to the drop of five metres and are only attainable through the iron gateway where there is no loss of sight to the river or the weir.

There are distant sight lines from the northern of Frederick Street of the carpark to the Duck Inn but they are insignificant.

- The Fisherman's right of way is not used as a public right of way and the fishing club does not rightfully use it so the sightlines should not be relevant. It is the applicant's intention to landscape and plant the area adjacent to the Fisherman's right of way, (which is not a public right of way), to make the area

safe, with the agreement of the fishing club. The applicants have welcomed the responsible use of the Fisherman's right to way by the fishing club and other fishermen.

- The revised proposal is a sensible compromise to the original application and enables all planning objectives to be met. Additional "softening in landscaping is in the alternative proposal included with the appeal. It provides:
 - 1 two lesser steps rather than one large step of landfill.
 - 2 Increased security and safety.
 - 3 Sightlines within the site and from the Old Parochial House for surveillance and landscaping.
 - 4 A stable, level and accessible land bank in a mixed use down in the town centre
 - 5 Space for recreational development consistent with the sports culture of the area and development plan
 - 6 Improves the landscape with regard to the sewer.
 - 7 sufficient cover to the sewer while allowing for access for inspection
 - 8 Secures the boundary of the Fisherman Right of Way
 - 9 Reasonably balances excavation with landfill in restoration of site levels which were adjusted badly in the abandoned building project (Valmark)
 - 10 Restores the site from a brownfield derelict state.
 - 11 It is a well-balanced proposal with strong merits for sustainable and orderly development that outweighs negative impacts.

- Permission can be granted for the proposed development in entirety because:
 - The grant of permission does not amend rights of parties under the sale of contract and Wayleave (Site Deed). Parties are encouraged to take advice and discuss their needs.

- Adequate cover (600 mm) to the sewer will be given over the entire length excluding the inspection manholes which will be left uncovered. Encasement in concrete of the sewer in accordance with Irish Water and County Council standards will be undertaken.
- Adequate time will be given to Irish Water and the Local authority to restore the sewer (no longer than six months) before commencement of site works on the Way leave area.
- The revised alternative proposal (in particular the removal of gabions from the higher end of the site adjacent to the Fisherman's Right of way, sloping the land into the playing area of the court, (2) moving the lower gabion structure 2-3 metres south and sloping that lands towards the Fisherman's Right of way and (3) introducing natural stone soldier to the river wall increasing so it and the playing field levels by 3000 mm over the revised proposal but not more than 500 mm above the revised proposal levels at the river and, (4) encouraging planting as shown the alternative proposal.

6.2. Planning Authority Response

In a submission received on 21st October, 2016 it is confirmed that the planning authority has no objection to the proposed development. It is suggested that the view of Irish Water should be sought on the technical and legal situation regarding matters relating to the public sewer that is in the site. It is recommended that sensitive treatment of the interface between the river and tennis court is critical to ensure satisfactory integration of the development into the river side setting.

7.0 Assessment

- 7.1. On consideration of the application on a *de novo* basis, there is no objection to the proposals for the derelict structure itself for which according to the planning authority decision permission can be granted. The applicant in the appeal contends that this element of the proposed development cannot be practicably delivered and made operational due to the exclusion and decision to refuse permission for works for raised ground levels at the rear of the site and formation of new boundaries. It is not accepted that the implementation of the garage conversion could not be achieved or

made operational in the absence of consent for the proposed ground works although some inessential modifications may be desirable to facilitate the proposed use. It is considered that implementation of the garage conversion alone can be achieved.

7.2. The issues central to the determination of the decision is as to implications of the proposed development with regard to the Wayleave over the site in connection with the public foul sewer that is across it. The second issue is that of impact the proposed works for which permission was refused on public views and the visual and recreational amenities of the area along the riverside, the ACA designation also being taken into consideration. A third issue central to the appeal is that of planning and community gain and finally, appropriate assessment is addressed. These matter are considered under the following subheadings:

- The Wayleave:
- Impact on Visual, Recreational Amenities and Character of the Area.
- Planning and Community Gain and,
- Appropriate Assessment.

7.3. **The Wayleave.**

7.3.1. The extent of entitlement imposed on the applicant as burden on Title to Irish Water and The Local Authority is challenged. Title to the lands on which a permitted development was commenced was transferred from the developer to the local authority by CPO and subsequently transferred to Ms Healy in 2013. The appeal includes a copy of the Folio 50698F on which the Burden on Title of a Right of Way and Easements in favour of Clare County Council is recorded with reference to Instrument D2013LR068947U which relates to the sale to Ms Healy. Resolution of the dispute as to the exact nature of the Burden on Title with regard to the Wayleave and easements in connection with the public sewer in the lands in order to facilitate consideration of the planning application and appeal is outside of scope of the planning remit of An Bord Pleanala in determining an appeal. It would be advisable for the applicants to pursue the matter with their legal advisers.

7.3.2. The applicants have sought in an alternative proposal included in the appeal to enable the development to proceed without obstruction of access to the sewer for inspection purposes by Irish Water and/or the Local Authority. It also appears that

facilitation of this access by the applicants is conditional on an agreement with Irish Water that repair works would have carried out to the sewer within a maximum period of six months. In this regard it is of note that due to the abandonment of the construction of the previously permitted development the sewer works were not completed.

- 7.3.3. The planning authority in its submission has suggested that Irish Water be invited to comment on the appeal submission which provides for an alternative proposal with regard to the treatment of the lands that are within the corridor of the right of way, prior to determination of a decision. In the event that the Board is predisposed towards favourable consideration of the appeal whether in favour of the original proposal, revised proposal or alternative proposal included within the appeal or any other modified arrangement, enabling the applicants seek to find a solution whereby issues as to the Wayleave do not arise, a request under Section 132 of the Act could be issued to Irish Water inviting observations and recommendations along with any observations as to the Wayleave Corridor inclusive of the range of proposals for surface and subsurface materials and depth of cover for the tennis court. It is considered that on the basis of the information available in connection with the application and the appeal, it is considered that the applicant may have insufficient legal interest to carry out development within the area over the public sewer within the site lands and that any such works could be at risk to the public sewer and be prejudicial to public health.

7.4. Impact on Visual, Recreational Amenities and Character of the Area.

- 7.4.1. There are three proposals for the raised ground levels, walls and site works which include the tennis court construction: The are: the original proposal, in the application, the revised proposal within the further information submission “Revised proposal” and third “alternative proposal along with other options included within the appeal to varying degrees involve considerable significant earthworks altering ground levels where there is an existing fall towards the riverbank of circa five metres, boundary treatment and construction of a tennis court. Notwithstanding the range of screen and ameliorative planting options referred to in the appeal, the levels and character of the area adjacent to the river would be largely devoid of

natural vegetation supporting the riverbank habitat and concerns arise as to potential environmental impacts from the site once developed. It is agreed that views along the river from some of the vantage points referred to in the appeal are limited or non-existent owing to the existing terrain and topography. It is particularly visible from the north east from both sides of the river, which are subject to the zoning objective “open space” with the lands on the west side of the river adjacent to the site and the Old Parochial House coming within the Architectural Conservation Area.

- 7.4.2. Notwithstanding the existing unsatisfactory situation with regard to the site lands owing to the failure of the previously permitted development project an optimal solution is necessary in any future project owing to the sensitivity and amenity potential of the site. Alterations to levels to facilitate a tennis court development and proposals for the boundary treatment adjacent the river alter the characteristics of riverside site and the amenities of the immediate riverside environs within the ACA.

7.5. Planning and Community Gain.

- 7.5.1. The repair and restorative works to the Old Parochial House undertaken by the applicants along with their commitment to resolve the existing unsatisfactory situation and their intentions to facilitate the continued use of the Fisherman’s Right of Way, to enhance and make the riverside amenity safe and secure and to consider facilitating access to and use of the proposed tennis court to members of the community are fully recognised and acknowledged.

7.6. Appropriate Assessment.

- 7.6.1. The Lower River Shannon SAC (Site Code 002165) and the River Shannon and River Fergus SPA (Site Code 004077) are downstream from the site location at the Shannon Estuary. Having regard to the location of the site which within a settlement some distance upstream adjacent to the Owenagarry River and to the nature and scale of the proposed development no appropriate assessment issues arise. The proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

8.1. It has been concluded that the planning authority decision to issue a split decision should be upheld and that the appeal should be rejected. A draft indicating a split decision and reasons and consideration's and conditions generally similar to those attached to those attached to the planning authority's decision order follows:

8.1.1. Decision (1)

Refuse Permission for associated site works consisting of the raising of existing ground level at the rear of the site with a mixture of local stone and block walls forming new site boundaries.

Reasons and Considerations:

A public foul sewer exists within the site. The Board is not satisfied that the proposed development, if implemented would not impede access to the Wayleave, would not be prejudicial to public health by reason of inappropriate and substandard cover over the sewer and would not be contrary to the proper planning and sustainable development of the area.

Having regard to the location adjacent to the river, an open space amenity area and within the Architectural Conservation Area it is considered that by reason of the extent and nature of ground works and wall construction involved the proposed development would be seriously injurious to the visual amenities and character of the area including views along the river. The proposed development would therefore be seriously injurious to the visual amenities and character of the natural and built environment within the area adjacent to the river. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

8.1.2. **Decision (2)**

Grant Permission for alterations and extensions to the existing dwellings to convert them into a private garage for domestic use and for connection to public services.

Reasons and Considerations

Having regard to the location of the derelict dwellings on the site which is within the settlement boundary of Sixmilebridge according to the South Clare Local Area Plan, 2012-2018 it is considered that subject to the conditions set out below, the proposed development would not be seriously injurious to the visual and recreational amenities of the area, would be in accordance with the said Local Area Plan and would 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 lodged with the planning authority on 12th August, 2016, 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. 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 within the site.

3. The use of the proposed development shall be restricted to use as a private garage for recreational and domestic use ancillary to the residential use of Old Parochial House and shall not be sublet or used for any commercial purpose unless otherwise authorised by a prior grant of planning permission.

Reason: In the interest of amenity and clarity.

4. Prior to the commencement of the development, the applicant shall submit and agree in writing full details of the proposed roof materials and all external finishes, including fenestration with the planning authority.

Reason: In the interest of visual amenities and character of the area having regard to the prominent location of the site within the Architectural Conservation Area.

5. Prior to the commencement of the development the applicant shall submit and agree in writing with the planning authority a specification for a silt separator which shall be installed and used in connection with the repair and maintenance of vehicles within the garage.

Reason: To prevent pollution.

Jane Dennehy
Senior Planning Inspector
30th December, 2016.