



An
Bord
Pleanála

Inspector's Report PL03.248694

Development	Demolition of existing building and construction of a new two storey commercial building.
Location	13 Parnell Square Car Park, Ennis, Co. Clare
Planning Authority	Clare County Council
Planning Authority Reg. Ref.	P17/223
Applicant(s)	John Considine
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Mr Ronan Connolly and Ms Siobhan O'Neill
Observer(s)	None
Date of Site Inspection	18 th of August 2017
Inspector	Angela Brereton

1.0 Site Location and Description

- 1.1.1. The application site is that of a two storey terraced double fronted building facing onto Harvey's Quay adjacent to the River Fergus with a stated floor area of 226.87 square metres. Salthouse Lane and Barretts Lane to the east and west respectively link Harvey's Quay to the north with Parnell Street to the south. There is a public footpath to the front and public pay and display carparking within the quays area.
- 1.1.2. The subject building is located within a terrace on Harvey's Quay with adjoining buildings on all three sides. There is a single storey building to the east (The Zip yard) and the three storey building to the west (Fergus Dry Cleaners). The three storey building is occupied by dry cleaners on the ground floor and apartments above. The subject site had been vacant for a number of years previously being occupied by CTS Bargain Stores.
- 1.1.3. At upper floor level the building is in residential use and at ground floor level retail space to either side of the centrally located entrance is unoccupied. To the east side adjoining the building is a single storey building in retail use occupied by 'Zipyard' a tailoring/alterations business. To the south/rear and to the east side there are three storey buildings in retail, public house, and residential use. These include 'Connolly & O'Neill Solicitors (the third party appellants) whose premises adjoins the rear of the subject site.

2.0 Proposed Development

- 2.1.1. It is proposed to demolish the existing building and construct a new 2 storey commercial building at no.13 Parnell Street Carpark, Ennis.
- 2.1.2. The application form provides that the area of the site is 0.00165ha, the g.f.a of the existing building is 224.82sq.m, which is proposed for demolition. The g.f.a of the proposed building is 219.60sq.m.
- 2.1.3. A Site Layout Plan, Floor Plans and Elevations have been submitted showing the existing and proposed development. A letter has been submitted from Howard Konick, Architect providing a rationale for the proposed development.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. On the 22nd of May 2017 Clare County Council granted permission for the proposed development subject to 11no. conditions. These include relative to infrastructural and construction matters and include the following:

- Condition no. 2 – provides for details of future occupiers to be submitted together with the nature of the commercial use prior to the commencement of development.
- Condition no.3 – provides for a full Demolition Method Statement prepared by a qualified person to be submitted.
- Condition no.4 – relates to the submission of a Construction Management Plan.
- Condition no.5 – relates to external finishes
- Condition no.6 – provides for archaeological monitoring.
- Condition no.9 – no sub-division of the unit shall take place without a prior grant of permission.

3.2. Planning Authority Reports

3.2.1. Planner's Report

This has regard to the locational context of the site, planning history and policy and the submissions made. They note that CTS Bargain Stores and 13 Parnell Street are in fact one building sharing a single leaf blockwork wall at ground floor level and at roof level sharing the same attic void space. They note the previous refusal in Reg.Ref.15/507 and the permission granted in Reg.Ref.16/242 and have regard to the current proposal in this respect. Also, that the applicant proposes to erect scaffolding and that a demolition report will be requested by condition to ensure that the adjoining properties are appropriately protected during the course of the works. They provide that the development does not require EIA or AA. They note that the proposed development does not require development contributions as no additional

floor area will be created. They recommend that permission be granted subject to conditions.

3.3. Other Technical Reports

3.3.1. Conservation Officer Report

The Conservation Officer has no objection in principle and considers that the proposed development will not be out of character with the ACA. They also note that the proposal is in the zone of archaeological interest. They recommend conditions.

3.4. Third Party Observations

3.4.1. Hassett Leyden & Associates submission on behalf of Ronan Connolly and Siobhan O'Neill who occupy a Solicitors Office at no.13 Parnell Street includes the following:

- They have regard to the previous planning history and the grant by ABP – Ref.PL03.246750 refers. They consider that this proposal is more similar to previous proposals refused by the Council.
- They note their concerns relative to construction issues and the need for a mini-piling system throughout, in view of poor soil conditions.
- Concerns about impact on the structural integrity and servicing of their client's adjoining building. No consideration relative to the impact of the proposal on their property.
- They note the letters provided by Mr John Neylon, Consulting Engineer and Galvin Construction in relation to the overall structure. No detailing of the protection of their client's property or the protection to their structure or their foundation has been proposed in this report.
- They would consider that the reconstruction of the front façade can be carried out without structurally affecting the remaining properties, no consideration has been put forward regarding their client's property.

4.0 Planning History

4.1.1. The Planner's Report includes regard to the recent planning history of the subject site, which includes the following:

- Reg.Ref.16/242: Permission granted subject to conditions by Clare County Council and subsequently by the Board (Ref.PL03.246750 refers) for the Reconstruction of the front façade of the existing building at 13 Parnell Street car park, Ennis.
- Reg.Ref.15/507: Permission was refused for the demolition of the building in entirety and for the construction of a new two storey building for reasons relating to design and integration with existing development, impact on adjoining properties and lack of evidence of sufficient legal interest to implement the proposed development.

Copies of these decisions are included in the Appendix to this Report.

5.0 Policy Context

5.1. Clare County Development Plan 2017-2023

This sets out the overall strategy for the proper planning and sustainable development of the functional area of Clare County Council over a 6year period. It replaces the CCDP 2011-2017 and Ennis Development Plan 2008-2014 (as varied). As a result of the implementation of the Local Government Reform Act 2014, this development plan incorporates the areas formerly within the jurisdiction of Ennis Town Council and Kilrush Town Council, both of which previously had their own development plans.

Section 1.4 notes that Ennis is the County Town and the administrative centre of County Clare. It is also designated as a Hub town in the National Spatial Strategy (NSS).

Section 2.4.4 notes that the objectives regarding the management of retail development in County Clare are contained in Chapter 7 of this development plan and in Volume 8 - Retail Strategy for the Mid-West Region 2010-2016. Objective CDP7.3 refers to Ennis Town Centre Retail Offer.

Section 2.3.5 notes that Ennis will also have a dedicated local area plan prepared for it within the lifetime of this plan to support its sustainable development into the future.

5.1.1. Volume 3(a) –refers to Ennis Municipal District Written Statement and Maps

Section 1.7 refers to Retail Development and notes that the retail sector in Ennis is key contributor to the local economy and supporting a diverse and vibrant retail sector is one of the central aims of this plan.

Goal 3 Ennis Town Centre seeks to provide: *An Ennis with a strong and vibrant town centre with a diverse mix of retail, residential and other uses and an attractive public realm, which facilitates, encourages, and makes provisions for sustainable forms of mobility, access and permeability.*

Goal 4 Retail Development seeks to provide: *An Ennis with a vibrant and viable town centre, that has a retail and market offer of a quality, diversity, scale and function which fulfils all the shopping requirements of consumers from Ennis and the entire county.*

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. Hassett Leyden Associates Architects, Engineers & Project Managers have submitted a Third Party Appeal on behalf of Messrs. Connolly O'Neill Solicitors of 13 Parnell Street, Ennis. This is a commercial premises currently being used as a Solicitors Office that adjoins the proposed development site. Their grounds of appeal include the following:

- They note that the CTS Bargain Stores and their property are infact one and the same building sharing a single leaf blockwork at ground floor level sharing the same attic void space.
- Previous applications made to Clare County Council Reg. Refs. 15/157 and 15/507 have been refused and raise similar issues relative to the adverse impacts on their property.
- The note that Reg. Ref. P16/242 was for the reconstruction of the facade and that this was granted by the Board in Ref.PL03.246750. They consider that

while this application was made with the intension to reconstruct the façade, it was clear that the developers wished to carry out further works on the site. However, the restrictions imposed by Condition no.2 of the Board decision restrict the development to the reconstruction of the façade.

- This application bar some minor modifications is similar to previous applications. They consider that the current proposal is more akin to what was previously refused in P15/507, with the entire demolition and reconstruction of the property and the impact on the integrity of their client's property not being addressed.
- They have regard to the need for the provision of a mini-piling system relative to the prevailing ground conditions in Ennis where the majority of Ennis requires a piling system throughout.
- The overall property is being redesigned with the stairs relocated and the walls reconstructed.
- They consider that there is no structural impediment to the developer to carry out the reconstruction to the front façade as permitted under PL03.246750.
- Details of the protection of their client's property or of adjoining properties have not been addressed adequately in the Technical Reports submitted.
- In conclusion they consider that the reconstruction of the front façade can be carried out without structurally affecting the remaining structure. The current proposal would affect the remaining structure with no consideration or proposals put forward in respect of their client's property.
- They are concerned about the impact of the demolition/construction works on the adjoining Solicitor's offices Connolly O'Neill. This includes regard to impact on services and the privacy of their rear offices and separation and protection of properties.
- They request the Board to consider their concerns particularly based on the description of the property in the development which they consider in this instance would not require the complete reconstruction of same.

6.2. Applicant Response

6.2.1. Howard Konick, Architect response on behalf of the First Party includes the following:

- Details are provided as to how this application varies from that granted in PL03.246750.
- Some changes are proposed to the front and east facades and details are given of these. They note that there had been no modification to the proposed internal layout of the building.
- They provide a response relative to concerns raised regarding the surface water and foul sewers that constitute the existing way-leave.
- They have regard to services and provide that the present proposal leaves pipes and the wall supporting them intact. Also that there will be no connection or interference with the existing foul and surface water pipes that serve adjoining buildings.
- They provide details relative to the issues with the party wall.
- Having regard to daylighting the distance between the appellant's rear elevation and the opposite wall on the proposed development is the same as presently exists as indicated on the drawings.
- Details are provided relative to the creation of a buffer zone where no construction work will take place and to provide a service access between the properties.
- They have regard to advice from structural engineers relative to the design of foundations for the front and rear walls of the proposed structure.
- They note that soil samples revealed river deposits and fill which would provide poor bearing for the proposed walls. Also that mini piles would be necessary to provide adequate bearing for the proposed foundations.
- They provide details regarding the building of a unified foundation under all walls would be a more structurally sound solution to the proposed development.

- They provide that the building proposed in this application is based on these technical recommendations.
- They note, taking concerns regarding the impact in previous refusals into consideration that they have decided to erect scaffolding internally and to erect cantilevered scaffolding.
- The current proposal will be similar to the preceding proposal that was granted permission. However, they note some proposed modifications to the permitted design.
- They request the Board to uphold permission for this development.

6.3. Planning Authority Response

6.3.1. Clare County Council's response includes the following:

- The site is located within the main fabric of the town within a focal location and is also in an ACA. The site is currently in poor dis-repair and its redevelopment is acceptable in principle subject to normal planning considerations.
- They note the previous refusal on site 15/507, the integrated development of the site along with the adjoining building was not under the control of the applicants and was not achievable.
- They note concerns relative to demolition works and that the applicant proposes to erect scaffolding internally adjacent to the walls to be demolished. A cantilevered scaffolding will be erected over the adjacent roof (Zip yard) to ensure material does not fall outside the walls as they are removed.
- The proposal also caters for the protection of the existing way-leave within the site for foul and surface water pipes. There will be no interference with existing pipes that serve adjoining buildings.
- A demolition report is requested by condition to ensure that adjoining properties are appropriately protected during the course of the works.
- They request the Board to uphold their decision to grant.

7.0 Assessment

7.1. Principle of Development and Planning Policy

- 7.1.1. As shown on the Ennis Settlement Plan Map in Volume 3 of the Clare County Development Plan the site is zoned Mixed Use and is identified for development of high quality, it is also within an ACA and it is provided that development proposals must complement the built heritage of the area. The site is to the south of and adjacent to but not within OP6 -Opportunity Site at Riverside Parnell Street, Ennis (0.21ha). It is proximate and to the south of the River Fergus.
- 7.1.2. This proposal is for the redevelopment of this site to consist of the demolition of the existing building and the construction of a new two storey commercial building. It is proposed to provide retail floor space on both floors which is in accordance with planning policy in this mixed use zoning. Therefore, the principle of the proposed development is supported on this site.
- 7.1.3. The Third Party have regard to the planning history of the site and consider that the current proposal is similar to those previously refused permission on this site. They are concerned that the proposed development would affect the structural integrity of the adjoining Solicitors commercial property, which they provide is one and the same building. Also that no details have been provided or proposed in respect of their client's property both in respect to services and the protection of the structure of the building. They consider that the current proposal will have an adverse impact on their property and recommend refusal.
- 7.1.4. The constraints of this site are noted in the context of the surrounding buildings. It is considered important that the proposed development would not jeopardise the adjoining buildings or uses therein, or be contrary to the proper planning and sustainable development of the area. Regard is had, to its locational context and to the issues raised. Also to the First Party Rationale for the current proposal and to their response to the grounds of appeal in this Assessment below.

7.2. Regard to Planning History

- 7.2.1. The Third Party have regard to serious concerns and objections raised in respect to the proposed development in previous Council refusals Reg. Refs. 15/157 and

15/507, particularly as the buildings are one and the same and as no accommodation had been made in respect to either application to their client's property both in respect to services and the structure of the building. They consider that it is clear that in these cases the PA then took into account all the existing properties surrounding this particular development and refused permission.

7.2.2. It is noted that Reg.Ref.P16/242 related to the reconstruction of the front façade of the existing building at 13 Parnell Street carpark and that this was granted by the Board in Ref.PL03.246750. Condition no.2 provided that this grant was for the reconstruction of the front façade to the existing building only. Condition no.3 provided for a full demolition method statement to be submitted. Condition no.4 related to archaeological appraisal of the site. To date this permission has not been enacted.

7.2.3. The Third Party considers that the property development proposed is a substantial deviation from that previously granted as it now includes the entire demolition and reconstruction of the property which was previously refused (P15/507 relates) with the impact of the client's adjoining property not been properly assessed. Having regard to the floor plans the similarities with the current application are noted.

7.2.4. The First Party response provides that this application varies from that granted permission by the Board in PL03.246750 which provided for the construction of new front and rear walls mainly in that it proposes to demolish the existing gable and internal walls so as to create a contiguous new structure.

7.3. Rationale for Current Proposal

7.3.1. The First Party provides that they decided to apply for permission to demolish the existing building on this site, and to reconstruct a new structure, based on advice from their structural engineer, and building contractor. Subsequent to obtaining permission in PL03.246750, steps began towards the reconstruction of the building. This arose relative to concerns regarding foundations and structural detailing of the integration of the new front façade and the existing gable walls. After examining sub-soil samples the engineer concluded that due to poor bearing quality of the soils, that mini-piles would be necessary to provide adequate bearing for the proposed foundations.

- 7.3.2. It was considered likely that differential movement could occur between the old and new walls of the building, suggesting that a building with a unified foundation under all walls would be a more structurally sound solution to the proposed development. Letters from John Neylon & Associates Consulting Engineers and Galvin Construction are included providing technical advice in support of this. The former also includes that as the existing gable walls are structurally independent of both adjoining properties, their removal and replacement with new construction would not be a major task and could be carried out without interference. It is provided that the current development proposal is based on these recommendations and will be similar to that previously granted permission.
- 7.3.3. It is also of note that the application form now provides that the applicant is the owner of the site. It is of note that the issue of ownership is a civil matter and I do not propose to adjudicate on this issue. I note here the provisions of s.34(13) of the Planning and Development Act: “A person shall not be entitled solely by reason of a permission under this section to carry out any development”. Under Chapter 5.13 ‘Issues relating to title of land’ of the ‘Development Management - Guidelines for Planning Authorities’ (DoECLG June 2007) it states, inter alia, the following: “The planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land; these are ultimately matters for resolution in the Courts...”

7.4. Design and Layout

- 7.4.1. As shown on the Site Layout Plan, the application site is surrounded on three sides by existing buildings of varying heights with the single storey ‘Zip Yard adjoining to the east with frontage to Salt House Lane, two storey Connolly and O’Neill Solicitors to the south at 13 Parnell Street and a three storey commercial with residential above to the west. The frontage of the building faces Parnell Street Car Park and the River Fergus. It is proposed to demolish the existing two storey commercial premises (c.224.82sq.m) i.e the vacant ‘CTS Bargain Stores’ with residential above, and to construct a replacement commercial two storey building (c.219.60sq.m) on a similar footprint. Existing and Proposed Plans have been submitted. Visually it is not considered that the demolition of the existing building and the construction of the

proposed new build will have an adverse impact as the current building is not of merit or in good repair.

- 7.4.2. It is provided that the current proposal is for a development that will be of a similar height to the existing building and follows the same floor plan as that granted permission. They also provide that there will be no modification to the proposed internal layout of the building. However, it is noted that a more open plan layout is envisaged and the stairs are to be relocated and toilets added on ground and first floors. External revisions now proposed include a balcony door and the first floor level, similar to the opening on the existing façade. The present design also includes a parapet wall at the front and side facades. The First Party provides that some changes are proposed to the front and east facades: a parapet wall is proposed at the base of the roof. The parapet wall includes an internal gutter so that at the front of the building, the footpath below is protected from debris falling from the roof. The parapet wall also allows for the maintenance of the roof of the proposed building and facades below it without the necessity of scaffolding.

7.5. Impact on the Character and Amenities of Adjoining Property

- 7.5.1. The Third Party raise concerns regarding the lack of protection of their adjoining property during the course of construction, the protection of their services, particularly where they pass beneath the proposed development and the effect this development will have on their business, the privacy of their rear offices and the separation and protection of properties.
- 7.5.2. It is noted that one of the reasons previous applications were refused was the Council's concern about the possible impact of the proposed demolition works on the adjacent Salthouse Lane property. The First Party have reviewed this issue with their building contractor and they propose to erect scaffolding internally adjacent to the walls to be demolished; and to take these down manually stone by stone. They propose to erect cantilevered scaffolding, 1.2m in width, over the adjoining roof to safeguard this roof from any material that could accidentally fall outside the walls being taken down. It is recommended that such scaffolding also be included having regard to adjoining properties including no.13 Parnell Street.

- 7.5.3. Issues relative to privacy and the impact on daylight to their property are of concern to the Third Party. They note that this is one and the same building with only a blockwork rubble wall separating the properties. The First Party note that the incomplete nature of the party wall between the two properties has existed since February 1992, with no problems issued during the intervening 25 years. This proposal however is for a new construction and is recommended that if the Board decide to permit that it be conditioned that details for the reinforcement of the party wall between the properties be included in any permission. Also that it be conditioned that the submission of Construction and Demolition Management Plans be included.
- 7.5.4. During the site visit I noted that there is a first floor window at the rear of no.13 Parnell Street from the Solicitors Office premises which looks towards the first floor flat roofed element of the subject site. Having regard to daylighting issues the First Party confirm that the distance between the appellant's rear elevation and the opposite wall on the proposed development is the same as currently exists and they refer to the drawings submitted. It is also noted that two other first floor windows face the flat roof area and as shown on the drawings these are to be included in the rear wing of the existing building to be reconstructed. Therefore, it is not envisaged that there will be any change in the existing lighting to the adjoining premises.

7.6. Impact on the Character and Amenities of the Area

- 7.6.1. The Council's Conservation Officer noted that the proposed development is within the ACA, the purpose of which is to preserve the character of the 17th and 18th century market town. They consider that the revised design of the façade is traditional in its arrangement of opening at first floor level and traditional type shop-front at ground level. Also that it reflects the symmetry and simplicity of the buildings in the ACA, particularly when it is proposed to insert wooden sliding sash windows, wooden fascia and soffits and wooden doors and shopfronts.
- 7.6.2. Having regard to the variety of existing buildings and roofscapes in the immediate area it is not considered that the proposed two storey development will detract from the ACA. However, if the Board decide to permit it is recommended that conditions be included relative to restrictions on signage and on any plant on the roof. Also that

details of the occupiers of the units be submitted, prior to the commencement of the use.

7.6.3. It is of note that access and carparking arrangements are as existing, with surface parking available in the Parnell Street carparking area in front.

7.6.4. It is also of note that the site is within recorded monument No. CL033-082 (historic town) and archaeological monitoring will be required for any ground disturbance or demolition. This is to identify and preserve any archaeological remains or medieval cut-stone which may have been re-used in the masonry. It is recommended that if the Board decide to permit that a condition similar to Condition no.4 of Board Ref. PL03.246750 be included relative to archaeological monitoring.

7.7. Drainage and Flooding issues

7.7.1. The Third Party concerns about the impact on the servicing of their property and on the protection of the existing way-leave are noted. The way-leave includes foul and surface water coming from the second story of the existing building, drops to pipes below ground level and flows to mains in Parnell Street. The First Party provide that their present proposal leaves these pipes and wall supporting them intact. Foul and surface water from the proposed development will be routed independently to foul and surface water mains in the Parnell Street Carpark area, so that there will be no connection or interference with existing foul and surface water pipes that serve adjoining buildings. It is recommended that if the Board decide to permit that a drainage condition be included.

7.7.2. Due to the location of the area, directly opposite the River Fergus and in Flood Zones A and B, in general any redevelopment of the site should be supported by a Flood Risk Assessment. However, this proposal is for the replacement of an existing structure on site and does not have an adverse impact or impede access to the watercourse, or flood protection and management facilities. As noted in the Planner's Report a flood protection system is in place along the river at this location with the aim of the protection of existing buildings. It is considered that having regard to the scale and nature of the proposed development and Section 2.28 of the Planning System and Flood Risk Management guidelines that this proposal is acceptable and does not require a separate FRA.

7.8. Appropriate Assessment

- 7.8.1. This site is located adjacent to the River Fergus which forms part of the Lower River Shannon SAC (site code:002165). The Council have carried out a Screening for AA which notes that the site is located approx. 30m from this SAC. This considers that there are no likely effects as the site is replacing an existing structure.
- 7.8.2. Having regard to the nature and scale of the development proposed relative to this application and to the nature of the receiving environment, namely an urban and fully serviced location, no appropriate assessment issues arise.

8.0 Recommendation

- 8.1. It is recommended that permission be granted subject to the conditions below.

9.0 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 received by An Bord Pleanála on the 12th day of July, 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 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 all the external finishes to the proposed building including the shop fronts 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(a) There shall be no subdivision of the units without a prior grant of permission.

- (b) The individual uses including the opening hours of the commercial units shall be agreed in writing with the planning authority prior to their commencement of use.
- (c) There shall be no storage of goods on the footpath outside of the units.

Reason: In the interests of clarity and residential amenity.

- 4. No signage, advertising structures/advertisements, security shutters, or other projecting elements including flag poles shall be displayed on the building or erected within the site unless authorised by a further grant of planning permission

Reason: To protect the visual amenities of the area.

- 5. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.

- 6. 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. No water shall discharge from the site onto the public road.

Reason: To ensure adequate servicing of the development, and to prevent pollution.

- 7. Access, servicing/loading arrangements and any works to footpaths and kerbs shall be in accordance with the detailed requirements of the planning authority for such works and details of these shall be submitted and agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of amenities and public safety.

- 8. A plan containing details for the management of waste and recyclable materials shall be submitted to, and agreed in writing with, the planning

authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: In the interest of the amenity of adjoining premises, and to ensure the provision of adequate refuse storage.

9. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual and residential amenity.

10. Site development and building works shall be carried out only between the hours of 0800 to 1800 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.

11. A full demolition method statement shall be prepared by a suitably qualified person. The method statement shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The statement shall ensure the following:

(i) Demolition work shall be carried out by suitably qualified operatives under full time supervision.

(ii) A dilapidation survey of adjoining properties shall be carried out prior to the demolition work.

(iii) Supports to the adjoining properties shall be provided during and after demolition works. Exposed gables of neighbouring properties resulting from demolition works shall be waterproofed.

(iv) A protective hoarding shall be provided on or adjacent to the public footpath.

(v) Proposals to minimise the environmental impacts of the demolition work, such as dust, noise and flying debris.

(vi) Details of how to properly secure the site on completion of the demolition works.

(vii) Details of how it is proposed to reinforce the existing party walls with adjoining premises.

Reason: In the interest of orderly development, amenity of adjoining occupiers and pedestrian safety.

12(a) The construction of the development shall be managed in accordance with a Construction 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 development, including having regard to the protection of the amenities of adjoining properties. Details on noise management measures, off-site disposal of construction/demolition waste, details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site; and provision for car parking facilities for site workers during the course of construction.

(b) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

Reason: In the interest of amenities, public health and safety.

13. Construction and demolition waste shall be managed in accordance with a construction waste 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 be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July, 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in

accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interests of sustainable waste management.

14. 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 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, and employ a suitably-qualified archaeologist prior to the 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.

Angela Brereton
Planning Inspector

21st of September 2017