



An
Bord
Pleanála

Inspector's Report ABP-304920-19

Development	A new dwelling and domestic wastewater treatment system and percolation area including refurbishment works to an existing protected structure and all associated site works.
Location	Granny, Kilmacow, Co Kilkenny.
Planning Authority	Kilkenny County Council
Planning Authority Reg. Ref.	18668
Applicant	Shane Morrissey
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant	Paul Lawrence
Observer	Bob Murphy
Date of Site Inspection	11 th , November 2019
Inspector	Paddy Keogh

1.0 Site Location and Description

- 1.1.1. The site of the proposed development which has a stated area of 0.113 ha. is located on the southern side of the road when approaching Kilmacow from the east. Levels across the sight drop dramatically from the public road down to the River Suir. The southern boundary of the site is defined by the riverbank. The site is bounded to the east and west by residential properties. The entrance to a Waste Recycling facility is located to the north of the site (on the opposite side of the public road).
- 1.1.2. The front boundary of the site is defined by a stone wall – low on the side of the public carriageway, but significantly higher on the side of the site.
- 1.1.3. The site contains the roofless remnants of a former thatched cottage (Protected Structure).
- 1.1.4. There are a number of mature trees located within and on the boundaries of the site.
- 1.1.5. The remains of a seriously fire damaged caravan are also located on the site.
- 1.1.6. A 60 kph speed limit applies along the road fronting the site.

2.0 Proposed Development

- 2.1.1. The proposed development involves the construction of a new dwelling, wastewater treatment system and percolation area together with refurbishment works to the remains of an existing Protected Structure on site and all associated site works.
- 2.1.2. The proposed dwelling provides for a split-level contemporary design (single storey to the front facing the public road and two-storey to the rear facing the River Suir).

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Notification of a decision to grant planning permission for the proposed development, subject to 12 conditions, was issued by the planning authority per Order dated 18th, June 2019.

3.2. Planning Authority Reports

Planning Reports

- 3.2.1. In the course of considering this application the planning authority sought 5 items of further information from the applicant. These related to (i) provision of adequate vision splays at the proposed access (ii) Architectural Heritage Impact Assessment in respect of the remains of the cottage proposed for restoration as part of the development, (iii) comment on the third party observations received by the planning authority, (iv) confirm proposed use of the existing cottage that is to be restored and (v) confirm compliance with the Environmental Protection Agency (EPA) Code of Practice for treatment unit for single houses.
- 3.2.2. A report from the planning authority Senior Planner dated 18th, June 2019, following receipt of further information includes the following:
- Contents of the applicant's response to each item of further information are noted and deemed to be acceptable.
 - The planning authority Area Engineer, Environment Section and Conservation Officer have all reported that they have no objection to the proposed development subject to conditions.
 - There is a planning and conservation heritage gain associated with the refurbishment and restoration of a derelict Protected Structure back to its original 18th, Century state. The proposed development together with the refurbished derelict structure are to be used as a family home.
 - The access arrangements and wastewater disposal arrangements are acceptable.
 - The design revisions incorporated into the current proposal satisfactorily previous reasons for refusal for a dwelling on the site.
 - The proposed development is in accordance with the proper planning and sustainable development of the area.

The planning authority decision to grant planning permission reflects the recommendation of the Senior Planner.

3.2.3. Other Technical Reports

Roads Department – A report (by email) dated 14th, June 2015, following receipt of further information notes that the required 90m sightlines at the point of proposed access cannot be achieved in an easterly direction without the removal of the remains of the existing Protected Structure (only can be achieved) However, 63 m. represents a significant achievement on that currently achievable for the entrance to the site. Therefore, a relaxation of the normal 90 m. requirement is recommended. The report indicates no objection to the proposed development subject to conditions.

Environment Section – A report dated 17th, June 2019, following receipt of further information, indicates no objection to the proposed development subject to a condition requiring compliance with the EPA Code of Practice for Wastewater Treatment Systems for Single Houses.

Architectural Conservation Officer - A report dated 11th, June 2019, following the receipt of further information, notes the content of the Architectural Heritage Impact submitted as further information including some shortcomings (required background historical information on the cottage omitted) and state that following an inspection of the site (with the owner) it can be confirmed that certain elements of the original building are still in-tact (portions of the chimney breast) or on site (window and roof slates). The latter items should be used, where practical, in the restoration of the cottage. The report indicates no objection to the proposed development subject to conditions.

3.3. Prescribed Bodies

Irish Water – Report dated 25th, October 2018 indicates no objection to the proposed development subject to conditions.

3.4. Third Party Observations

- 3.4.1. Third party observations were received by the planning authority from Mr. Paul Lawrence who objects to the proposed development on a number of grounds. The matters raised in this observation are reflected in the submitted grounds of appeal.

4.0 Planning History (on appeal site)

Regt. Ref. 09/772 – Outline planning permission to construct a new house, roadside parking, install a new domestic water treatment system and percolation area and all associated works refused for 3 reasons. Briefly, the se related to (i) roads matters (design of entrance), (ii) Impact on High Amenity Area along river valley and (iii) lack of evidence of sufficient legal interest in the entire site.

Reg. Ref. 10/347 – Application for outline planning permission or a new house, entrance, wastewater treatment system etc. withdrawn.

5.0 Policy Context

5.1. Ferrybank Belview Local Area Plan 2017. ('the Development Plan').

5.1.1. The site of the proposed development is located within an area zoned 'RE'. The stated objective of this zoning is to 'Protect and enhance existing Residential Amenity'.

5.1.2. A dwelling house is 'permitted in principle' within this zoning objective.

5.1.3. The existing roofless cottage on the site is included on the Development Plan schedule of Protected Structures.

5.2. National Inventory of Architectural Heritage (NIAH)

5.2.1. The exiting roofless cottage on the site is included on the NIAH (Item No. 12404309 refers).

5.2.2. The Appraisal of the listing for this structure states 'A farmhouse identified as an important component of the vernacular heritage of south Co. Kilkenny by such attributes as the alignment perpendicular to the road, the lobby plan form, the construction of unrefined fieldstone displaying a battered silhouette.....'

5.3. Natural Heritage Designations

5.3.1. The Lower River Suir Special Area of Conservation (SAC) (Site Code 002137) runs c. 10 m. from the southern boundary of the site.

5.3.2. The River Barrow and River Nore SAC (Site Code 002162) is c. 14 km. to the east of the site.

5.4. **EIA Screening**

5.4.1. Having regard to the nature and scale of the proposed development and the nature of the receiving environment there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

The submitted grounds of appeal include:

- The grounds of objection set out by the appellant in Observations to the planning authority should be considered together with the contents of the appeal submission.
- Reasons for refusal given by the planning authority in previous reason for refusal have not been overcome in the current application, particularly in relation to concerns over foundation construction given the steeply sloping nature of the site. The current proposal will necessitate substantial filling of the site.
- The application should have been invalidated by the planning authority for procedural matters (wrong EIRCODE stated). The response to the planning authority request for further information was 'significant' and should have been advertised by way of fresh public notices.
- The proposed development is clearly for two stand alone dwellings (despite claims by the applicant to the contrary). Thus, the proposed development will generate intensification of vehicle turning movements via a vehicular entrance that is substandard in terms of sight lines (does not comply with the National

Roads Authority - Design Manual for Roads & Bridges). The sewage treatment system has been designed for a single dwelling unit. It will be under designed to cater for both houses and, therefore, substandard.

- The applicant clearly does not comply with the planning authority rural housing policy as set out in Kilkenny County Council Development Plan 2014-2020 for a dwelling in 'Area Under Strong Urban Influence'.
- The design of the proposed development is not suitable in an Area of High Amenity.
- The building on the site is a Protected Structure and listed on the National Inventory on Architectural Heritage (NIAH) has been allowed to fall into has been allowed to reduce to rubble.
- Any favourable consideration of the proposed development should be subject to a requirement that the Protected Structure be restored. Any reconstruction should be in keeping with the materials and techniques of the era.

6.2. Applicant's Response

6.2.1. A submission from the applicant per letter dated 30th, July 2019 includes:

- Previous application assessed (and refused) by the planning authority have no bearing on the current (separate) proposal.
- The site has a steep gradient which falls in the direction of the River Suir. This topography will allow for surface water drainage from the site to the river.
- Two retaining walls will be introduced onto the site to allow the site to accommodate a split-level dwelling. Raised decking levels are raised towards the south to allow for permeable surfaces and minimal impact on the natural topography. A full certified Structural Engineer will be engaged to provide for structural design, specification and structural computations.
- The appeal site does not have an Eircode assigned to it. The public notice were provided in accordance with the requirements of the *Planning & Development Regulations, 2001*.

- The content of the further information submission to the planning authority did not include significant new issues and, therefore, there was no requirement for fresh public notices.
- The proposed development is for a single dwelling unit. The design concept seeks to retain the traditional character of the traditional cottage (to be restored) rather than compromise its integrity by attaching an extension to it. The single living units will function around a courtyard between the new structure and the restored cottage. It is not intended that the restored cottage will be used for commercial purposes (as required by condition attached by the planning authority).
- The sightlines have been designed in accordance with the design requirements of the National Roads Authority manual for roads and bridges.
- The proposed development will be fully compliant with the EPA Code of Practice in terms of the design and installation of the proposed wastewater treatment unit.
- Details of the applicant's 'intrinsic' links to the area provided.

Third Party Observation:

6.2.2. A submission from the applicant per letter dated 30th, July 2019 in response to the Third Party Observation (from the adjoining land owner) received by the Board acknowledges that an error occurred in the mapping of the site (as outlined in red) in the documentation submitted with the application to the planning authority. The applicant has enclosed a corrected version indicating the correct site and requests that the application/appeal be considered by the Board on the basis of this amended documents.

6.3. Planning Authority Responses

6.3.1. A submission from the planning authority per letter dated 12th, August 2019 states that the comments made in the Planner's Report still apply.

6.3.2. A further response from the planning authority per letter dated 19th, September 2019 (addressing the concerns of the Third Party Observation received by the Board) states that should the Board find issue in relation to the applicant demonstrating

sufficient legal interest in the land the location for the proposed waste water percolation are could be relocated on site to lands under the applicant's control and submitted for agreement with the planning authority.

- 6.3.3. A further response from the planning authority per letter dated 7th, October 2019 addresses the matter of the revised site boundaries indicated by the applicant in his letter dated 30th, July 2017 states that the revised site boundaries are acceptable to the planning authority provided the percolation area is relocated to the lawn area and consideration given to the installation of a sand polishing filter that complies with EPA 2009 Code of Practice in relation to single dwellings.

6.4. **Observations**

- 6.4.1. A submission per letter dated 29th, July 2019 on behalf of Mr. Bob Murphy stated that the latter is the owner of land adjoining the application site. It is stated that a portion of the application site is in the ownership of Mr, Murphy.(this portion of land is being used to achieve the required separation distance for percolation areas.

6.5. **Further Responses**

- 6.5.1. A submission from the appellant per letter dated 23rd, September 2019 states that the revisions to the site boundaries indicated in the submission rom the applicant dated 30th, July 2019 further underline the fact that the application lodged with the planning authority should have been invalidated and that the site (now reduced in size) is unsuitable to accommodate the proposed development and effluent treatment unit.

7.0 **Assessment**

- 7.1.1. The main issues of this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. The issue of Appropriate Assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Procedural Matters
- Rural Housing Policy

- Conservation
- Access & Roads
- Wastewater Treatment
- Appropriate Assessment

7.2. Procedural Matters

- 7.2.1. The submitted grounds of appeal argue that the application to the planning authority should have been invalidated on the basis that an incorrect Eircode was given. The appellant also submits that further information submitted by the applicant to the planning authority was 'significant' in its nature and these matters should have been the subject of fresh public notices.
- 7.2.2. I consider that any issue in relation to the specification (or otherwise) of a correct Eircode for the proposed development is de minimus in its nature in the context of the current application and appeal. I am satisfied that the submitted public notices service to adequately inform the public in relation to the nature of the proposed development in accordance with the requirements of the *Planning & Development Regulations, 2001*. No evidence has been submitted that any party has been prejudiced or misinformed in relation to the proposed development as a consequence of this issue/
- 7.2.3. In response to the matter raised in the Third Party Observation received by the Board from the adjoining property owner (boundary dispute) the applicant has acknowledged that an error was made in the mapping of the site (as outlined in red) on the documentation submitted with the application to the planning authority. The applicant has submitted a revised site layout map indicating the correct site boundary and addressing the concerns of the third party observer. The planning authority have indicated that they have no objection to planning permission being granted on the revised site.
- 7.2.4. The appellant argues that the error made in the mapping of the site serves to confirm that the application to the planning authority should have been invalidated.
- 7.2.5. On balance, I consider that no party has been prejudiced by the mapping error which has now been rectified in the course of this appeal. The area of the appeal site has been reduced only marginally as a consequence of this rectification. Accordingly, I

do not consider that this matter provides an impediment to the Board granting planning permission for the proposed development (based on the revised site boundary) if they see fit to do so.

7.3. Rural Housing Policy

- 7.3.1. The submitted grounds of appeal argue that the applicant does not comply with the planning authority rural housing policy for a development at this location. The applicant, in his submission in response to the submitted grounds of appeal provides details of his connections to the area. However, the site is zoned residential in the Ferrybank/Belview Local Area Plan 2017. Accordingly, given this zoning (and the nature of the proposed development which includes the restoration of a structure last used for residential purposes) I consider that the matter of compliance with rural housing policy does not arise.

7.4. Conservation

- 7.4.1. The submitted grounds of appeal raise concerns in relation to the fact that the Protected Structure on the site has been allowed to fall into such a serious state of dilapidation and disrepair. The Appellant is also of the opinion that the design of the proposed dwelling is inappropriate for the site and believes that the development will function as two houses instead of a single dwelling unit (with implications in terms of the capacity of the on-site effluent treatment and disposal unit and the intensity of traffic turning movements into and out of the site generated).
- 7.4.2. The appellant in his original objection to the proposed to the planning authority (which he requests the Board to take into consideration as part of his appeal grounds) stated that no planning permission should be granted without a Conservation/Heritage report first being prepared in order to provide for the satisfactory restoration of the restoration of the Protected Structure. The planning authority sought and received Heritage Impact Assessment (HIA) from the applicant. This HIA has informed the planning authority decision to grant planning permission in this instance. This document concludes the Protected Structure, which is already in a serious state of dilapidation, is liable to significant further deterioration and decay if left in its current state (with walls and interiors exposed to the elements). Despite the dilapidated state of the structure (doors and windows beyond recovery) the proposed

development will provide for sensitive restoration for the preservation of in-tact features.

- 7.4.3. On balance, I consider that the proposed development has merit in the interests of the restoration and conservation (of the remains and character) of a dwelling of heritage value. The restoration of the cottage alone would not provide a dwelling suitable for modern family living. In this regard, I consider that the overall scheme of development being proposed is reasonable insofar as it provides for the restoration of the cottage of heritage value physically separated from the new dwelling structure and thus provides for a more complete appreciation of the restored Protected Structure. The applicant, in his response to the submitted grounds of appeal, has explained the rationale behind the overall design scheme including the desire to avoid attempting to attach new build to the Protected Structure. Furthermore, the applicant has clearly stated that the proposed development is intended as a single family dwelling and that (contrary to the appellant's concerns in this regard) no attempt is being made to provide for two separate dwellings on the site. I see no grounds for doubting the applicant's assurance in this matter.
- 7.4.4. I consider that the proposed development is to a high quality design appropriate to this riverside location of high amenity value. The proposed structure will present as a modest single storey structure when viewed from the public road. The two-storey component will be visible only from distant vantage points on the opposite side of the River Suir and, in my opinion, would not be visually intrusive in the riverscape or impact negatively on the visual amenity of the area.
- 7.4.5. Finally, I see no reason to prohibit the use of the proposed development in terms of activities such as Bed and Breakfast in accordance with normal statutory exemptions under the planning code or for AirBnB in accordance with the provisions of current or future legislation in relation to such use. However, I think that it would be appropriate to attach a condition to any grant of planning permission that may issue from the Board (in the interests of clarity) to confirm that the proposed development should be occupied as a single dwelling only and that no part of the proposed development shall be sold on or sublet (under a lease or tenancy agreement) without the benefit of a prior grant of planning permission.

7.5. Access & Roads

- 7.5.1. The submitted grounds of appeal argue that the proposed development should be refused on the grounds that the vehicular access arrangements are not in compliance with the requirements of the National Roads Authority Design Manual for Roads and Bridges.
- 7.5.2. The applicant, in response, highlights the fact that the proposed access arrangements have been deemed to be acceptable to the planning authority Roads Department.
- 7.5.3. I note that 90 m. sight lines in each direction are required at this location. In considering the application the planning authority sought further information in relation to how this requirement might be achieved. It is clear from the further information received by the planning authority that sight lines of 63 m. only can be achieved in an easterly direction due to the obstruction arising as a consequence of the existing Protected Structure. In these circumstances, the planning authority are prepared to accept a reduced sightline in an easterly direction from the proposed access.
- 7.5.4. I note that the site is served by an existing vehicular entrance from the public road. As has been pointed out by the planning authority It seems reasonable to conclude that this entrance is currently infrequently used in light of the current vacant state of the site. Nonetheless, more intensive use of the entrance can be reactivated at any time. The planning authority Roads Department have highlighted the fact that the proposed entrance (albeit with slightly substandard sight lines in an easterly direction) will in fact be less substandard than the existing entrance. Thus, in this light, the proposed access arrangements involve a degree of planning gain. I agree with this analysis and consider that the proposed access arrangements are acceptable. In my opinion, any requirement to remove (rather than restore) the remains of the Protected Structure in order to facilitate development on the site would be highly undesirable in the interests of the protection of heritage.

7.6. **Wastewater Treatment**

- 7.6.1. The submitted grounds of appeal argue that the proposed proprietary wastewater treatment unit cannot be accommodated on site in accordance with the EPA Code of Practice for Wastewater Treatment systems for single houses.

- 7.6.2. A Site Characterisation Report prepared by Mark Kelly Architectural and Building Surveying Ltd. formed part of the documentation lodged with the application to the planning authority indicates that the site is suitable to accommodate the proposed on-site effluent treatment system.
- 7.6.3. The planning authority Environment Section have raised no objection to the proposed effluent treatment and disposal arrangements (subject to conditions).
- 7.6.4. I note that an issue has arisen in relation to the effluent treatment and disposal arrangements insofar as the area of the site has been clarified as being smaller than that originally indicated in the documentation lodged with the application to the planning authority. The planning authority have indicated in correspondence submitted to the Board that they do not consider that the marginal reduction in sight area would alter their earlier findings in relation to the acceptability of the proposed effluent treatment and disposal arrangement (subject to a condition requiring a polishing filter in the event that it is necessary to relocate the proposed percolation area).
- 7.6.5. I consider that the requirements outlined above in relation to effluent treatment and disposal can be achieved by way of the attachment of a suitably worded condition to any grant of planning permission that may issue from the Board.
- 7.6.6. As a related consideration in this matter, I note that any proposal to restore the existing Protected Structure on site would be highly likely to receive favourable consideration. Indeed, it is likely that the previous residential use could be re-established by carrying out works that would constitute exempted development pursuant to the provisions of the *Planning and Development Act, 2000* and the *Planning and Development Regulations, 2001*. If the previous residential use of the site were to be revived in either of these ways, there would be a clear need to provide for a suitable on-site effluent treatment and disposal system.

7.7. **Appropriate Assessment**

- 7.7.1. Two SACs are located within a 15 km, radius of the site.
- 7.7.2. The River Barrow and River Nore SAC (Site Code 002162) is located c. 14 km to the east of the site (beyond Waterford City). Given the separation distance and lack of

hydrological connection between the appeal site and this SAC, I consider that the need for Stage 2 Appropriate Assessment does not arise in relation to this SAC.

- 7.7.3. The Lower River Suir Special Area of Conservation (SAC) (Site Code 002137) runs c. 5 m. from the southern boundary of the site. The zone of construction works within the site is c. 18 m. from the sac boundary.
- 7.7.4. The most likely impact of the proposed development on the SAC is from is as a consequence of the escape of sediment and particles during the construction of the dwelling and associated works.
- 7.7.5. The intervening area between the proposed construction works and the SAC is characterised by estuarine river bank vegetation (trees and other vegetation). The sited bounds the estuary of the River Suir. This is a deposition area of the river (and SAC) characterised by slow moving water and mudflats. Few, if any, of the qualifying interests of the SAC are likely to be present in this fluvial deposition zone. Furthermore, the presence of riverbank vegetation will act as a natural filter between the site and the SAC.
- 7.7.6. Thus, having regard to the nature and scale of development proposed and to the nature of the receiving environment, no appropriate assessment issues arise and it is not considered that the proposed development would 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. I recommend that planning permission for the proposed development be granted for the reasons and considerations and subject to the conditions as set out below.

9.0 Reasons and Considerations

Having regard to the residential zoning of the site in the Ferrybank Belview Local Area Plan 2017, to the previous residential use of the site, to the design, nature (including the restoration of a Protected Structure) and scale of the proposed development and to the established character and pattern of development in the vicinity of the site it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or

other amenities of the area, would be acceptable in terms of traffic safety and convenience, would not be prejudicial to public health, would be acceptable in terms of conservation and heritage and would be in accordance with the proper planning and sustainable development of the area.

10.0 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 submitted on the 23rd, day of May 2019, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

- (2) 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.

- (3) The site boundaries shall be as indicated in the documentation showing a revision to the eastern boundary of the site received by An Bord Planeála 23rd, September 2019.

Reason: In the interest of clarity and orderly development.

- (4) The proposed development, including the restored cottage (Protected Structure) shall be used and occupied solely as a single dwelling unit. The restored cottage shall not be sub-divided from the remainder of the site or sold on or sub-let under the terms of any tenancy agreement without a prior grant of planning permission.
- (5) Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works

Reason: In the interest of public health and to ensure a proper standard of development.

(6) (a) A proprietary effluent treatment and disposal system shall be provided. This shall be designed, constructed and maintained in accordance with the requirements of the planning authority. Details of the system to be used, and arrangements in relation to the ongoing maintenance of the system, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

(b) Treated effluent shall be discharged to a raised percolation area which shall be provided in accordance with the requirements of the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2009.

(c) Within three months of the first occupation of the dwelling, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner and that the raised percolation area is constructed in accordance with the standards set out in the EPA document.

Reason: In the interest of public health.

(7) Details of the colour and texture of all external finishes to the proposed development shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interests of visual amenity

(8) All works to the protected structure, shall be carried out under the supervision of a qualified professional with specialised conservation expertise.

Reason: To secure the authentic preservation of this [protected] structure and to ensure that the proposed works are carried out in accordance with best conservation practice.

(9) The developer shall comply with the following requirements in relation to the proposed restoration of the protected structure, which shall be carried out in accordance with the document: "Architectural Heritage Protection – Guidelines for Planning Authorities" (Department of Arts, Heritage and the Gaeltacht, 2011):

(a) the one over one timber sash window located on the east elevation

of the cottage shall be repaired. All other new windows shall use this window as a design template. Submission of dimensional drawings and design details of windows proposed shall be submitted to the planning authority for agreement prior to the commencement of works,

- (b) Full details of the proposed thatch roof covering of the protected structure and method statement shall be submitted for approval of the planning authority. This should include details on material and vernacular detailing.
- (c) A detailed method statement by a conservation professional for the retention and repair of the chimney breast shall be submitted to the planning authority for agreement prior to the commencement of works. The applicant shall source a suitable qualified engineer to submit a detailed method statement of the repair work to the wall tops and reconstruction of the chimney breast. The concrete ring beam as proposed by the Architectural Heritage Impact Assessment shall be omitted.
- (d) All slates from the lean-to outbuilding shall be re-used in the conversion of that building. Samples of supplementary slates for this re-roofing shall be submitted to the planning authority for agreement prior of the commencement of development.

Reason: In order to ensure an appropriate standard of restoration works for this protected structure.

- (10) (a) Prior to commencement of development, all trees, groups of trees, hedging and shrubs which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum a radius of two metres from the trunk of the tree or the centre of the shrub, and to a distance of two metres on each side of the hedge for its full length, and shall be maintained until the development has been completed.
- (b) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work is shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage

compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.

Reason: To protect trees and planting during the construction period in the interest of visual amenity.

- (11) 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, including any materials containing asbestos materials in the existing structures to be demolished, in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

Note:

Paddy Keogh
Planning Inspector

19th, December 2019