



An
Bord
Pleanála

Inspector's Report ABP-309303-21

Development	A free-standing two storey studio and music workshop
Location	River Cottage, Rathsnahadan, Inistioge, Co. Kilkenny
Planning Authority	Kilkenny County Council
Planning Authority Reg. Ref.	20/464
Applicant(s)	Maya Homburger & Barry Guy
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party v Grant of Permission
Appellant(s)	Stephen O'Hara
Observer(s)	None
Date of Site Inspection	09.06.2021
Inspector	Anthony Kelly

1.0 Site Location and Description

- 1.1. The proposed structure is to be located approx. 150 metres north east of Ballinagoth Quay and approx. 5.5km south east of Inistioge in south east Co. Kilkenny.
- 1.2. The site spans both sides of a narrow local road close to the cul-de-sac at Ballinagoth Quay on the River Nore. There is a two-storey detached house (River Cottage) on the east side of the road and a single-storey detached guest cottage on the west side of the road. Both structures are built close to the road. The guest cottage is in the north east corner of a field. There is substantial timber decking to the south/side and rear of the guest cottage. The area immediately around the cottage and along the public road has a significantly higher ground level than the field. There is a wooded area between the field and the River Nore which is west of the site. There is some other development on the local road closer to the quay. The site is at an elevated ground level compared to the river and other existing development.
- 1.3. The site has an area of 0.6 hectares.

2.0 Proposed Development

- 2.1. Permission is sought for a two storey studio and music workshop.
- 2.2. The proposed structure has a floor area of 208sqm with a maximum height of 11 metres. The ridge height is to match that of the guest cottage. External finishes are white render with a black slate roof. Access is by way of an entrance bridge from the decking adjacent to the guest cottage.
- 2.3. In addition to standard planning application plans and particulars the application was accompanied by a 'Planning Statement' and a walk-through video.
- 2.4. Further information was submitted in relation to a Visual Impact Assessment prepared by the applicants' agent dated 17.11.2020, a 'Stage 1 AA Screening Report' prepared by DixonBrosnan dated October 2020, confirmation that the proposed structure will not be used as a separate dwelling and a Noise Statement prepared by the applicants' agent dated September 2020.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Permission was granted by Kilkenny County Council for the proposed development subject to seven conditions including development contributions, restrictions on the use of the proposed structure, construction practices and conditions recommended by the Environment Section.

3.2. Planning Authority Reports

- 3.2.1. The first Planning Report prepared by an Executive Planner recommended a refusal of permission because (i) the proposed development, which is an ancillary use to the main house, does not form an integral part of the main house and would be contrary to Section 12.5.6 (Domestic Extension) of the Kilkenny County Development Plan 2014-2020, (ii) the proposed development constitutes a structure of excessive scale and height, would be injurious to the visual amenities of this upland area and would be contrary to Objective 8G of the Plan, and, (iii) the planning authority was not satisfied that the development would not adversely affect the integrity of the River Barrow and River Nore SAC. Notwithstanding this recommendation further information was sought.
- 3.2.2. The second Planning Report appears to have been prepared by a Senior Planner. The further information responses are briefly set out and a grant of permission recommended. The conclusion states that, having regard to the policies and objectives of the current Kilkenny County Development Plan and referral and third party submissions, the development for an ancillary music structure is acceptable, would not be prejudicial to public health or impact on the existing amenities of the area and is acceptable in terms of traffic safety and convenience.
- 3.2.3. **Other Technical Reports**

Environment Section – No objection subject to conditions including minimisation of waste production, stormwater discharge to soakaways and pre-development confirmation that the wastewater treatment system is in good working order and can take the additional loading.

3.3. Prescribed Bodies

Irish Water – No objection. Observations made.

3.4. Third Party Observations

3.4.1. Three observations were received by the planning authority.

3.4.2. Two observations were received from Stephen O'Hara, who has submitted the grounds of appeal, and Imelda Thorn, Ballinagoth Quay, Rathsnagadan. The issues raised are largely covered by the grounds of appeal with the exception of the following:

- If not correctly managed, the extra visitors the house will generate pose a significant threat to fish and wildlife.
- The size and scale is out of proportion and will dominate the cottage.
- The application states there is car parking on the quay. The river is tidal and at high tide the water comes up the roadway and no parking is available.
- The guest cottage is currently used as a studio.

3.4.3. The observation received from Pat McCarthy and Mark McCall, Directors of The Stone Hamlet Company, Ballilogue, The Rower, Inistioge supports the proposed development and makes repeated positive reference to the applicants' architect.

4.0 Planning History

There have been a number of previous planning applications on site. Those specifically cited in the application are:

P.A. Reg. Ref. 05/1254 – Permission was granted in 2005 for a two-storey extension to the front and single-storey extension to the rear of River Cottage, convert outbuilding to guest bedroom (guest cottage) and new sewage treatment plant.

P.A. Reg. Ref. 08/641 – Retention permission was granted in 2008 for retention and completion of alterations to the guest cottage.

P.A. Reg. Ref. 10/408 – Permission was refused in 2010 for a rear extension and independent wastewater treatment plant at the Guest Cottage. The extension

comprised a ground floor living room and two lower ground floor bedrooms. It was also proposed to subdivide the overall plot to separate both residential units (River Cottage and the guest cottage). Refused because (i) it represents speculative sub-division of the parent site and creation of a separate residence and would contravene Condition 3 of 05/1254 and Condition 4 of 08/641 ('shall not be let, sold or otherwise disposed of separate from the main dwelling house') and (ii) would potentially endanger public safety by reason of traffic hazard because of the width and capacity of the road, access and car parking arrangements and sightlines.

5.0 Policy Context

5.1. Kilkenny County Development Plan 2014-2020

5.1.1. This is the Plan for the area. Chapter 8.2 (Natural Heritage) is relevant.

5.2. Natural Heritage Designations

5.2.1. The western site boundary is immediately adjacent to the River Barrow and River Nore SAC (Site Code 002162). A pNHA (Rathsnagadan Wood; Site Code 000409) is also present at that location. The proposed structure would be approx. 70 metres from the SAC.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal are submitted by Stephen O'Hara, Rathsnadagan, Inistioge. The main points made can be summarised as follows:

- Permission for the development of the cottage under 05/1254 was solely as a guest cottage. An application to extend the cottage under 10/408 was refused. The proposed development is a sizable addition to the cottage and is not in keeping with the rural nature of the area.

- It is close to the River Nore in an area designated as high amenity. The proposed extension will be very visible and intrusive to the aesthetics of the area when viewed from the river. The area between the road and the river has been designated as a green belt area and no planning is to be allowed close to the river to preserve the integrity of the area. The proposed house will be plainly visible from the river and the quay which is the only public famine quay between Inistioge and New Ross and has significant heritage value. It will appear like an industrial unit and is not in keeping with any of the other houses in the area.
- The application is likened to Ormond Mills in Kilkenny. They are traditional stonework and not intrusive industrial white concrete. It is also compared to the cluster of new buildings at the quay. This resulted from the demolition of a cottage without permission and required an application for retention of unauthorised development. Two wrongs do not make a right.
- The owners are not residents and only spend a few weeks per year at the house. The extension appears to be another example of non-residents imposing their preferences in total disregard of local opinion.
- The appellant lives on the road. There has been an increase of more than 100% of occupied houses and consequent traffic in the last three years. It is a small country lane and there are very areas where traffic can pass. There is a lot of reversing and it is a hazard to road users. There are two particularly dangerous bends. Visitors to the quay, unaware of the hazards, are liable to cause an accident. Granting permission will significantly increase the likelihood of a serious accident.
- The appellant objects in principle to further development on the river side of the road. Granting permission to further extend the house will set a precedent.
- The appellant feels the initial observation was not given due consideration.

6.2. Applicants' Response

The main points made can be summarised as follows:

- A number of planning applications were made by the previous owner to turn the guest cottage into an independent house. A 2008 permission conditioned that

the property could not be separated from River Cottage. 10/408 was refused because it included separate services and independent wastewater treatment system to create the independent house, not because of the rear extension as stated. The applicant can find no involvement of An Bord Pleanála in that permission as referred to by the appellant.

- The applicants briefly outline the planning history of the house by the quay as referred to (P.A. Reg. Refs. 16/841 and 18/476).
- The five or six new houses on the road have increased the amount of traffic. The proposed studio will not increase occupancy of River Cottage and there will be no increase in traffic.
- The new building positioned close to the cottage will form a cluster with existing buildings, materials will match existing buildings and it does not exceed the ridge height of the cottage. The DixonBrosnan screening report concludes it does not impact adversely on this area of high amenity. There is dense woodland between the river and the property so the applicants do not think the observation that the building will be visible from the river is correct. It will be visible from the quay. The view from the quay is dominated by an extension to the Thorn house. Set some distance behind, the building is unlikely to have any visual impact on the quay. The brief for the building is very different to a house. The emphasis is on views, volume and control of natural light rather than room and window arrangements. The Nore, Barrow and Suir have a rich heritage of tall, small windowed buildings used as mills, distilleries and grain stores. Referring to these typologies helps to avoid a contemporary appearance and allows the building sit comfortably.
- The applicants' background in music in Ireland is outlined and their connections to music and art in the area is set out. They spend time at River Cottage ten to twelve times a year and intend to retire to Ireland.

6.3. Planning Authority Response

None.

6.4. Observations

None.

6.5. Further Responses

None sought.

7.0 Assessment

The main issues are those raised in the grounds of appeal and the Planning Reports, 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:

- Design & Visual Impact
- Traffic
- Appropriate Assessment (AA)

7.1. Design & Visual Impact

- 7.1.1. These issues are a significant basis of the grounds of appeal. The appellant refers to, inter alia, the size of the structure on the river side of the road, considers the design is out of keeping with the rural nature of the area and considers the extension, when viewed from the river and quay, will be very visible and intrusive.
- 7.1.2. The applicants submitted a 'Planning Statement' with their application to Kilkenny County Council which supports the design and external form of the proposed structure. This was also addressed in the applicants' response to the grounds of appeal. The applicants are musicians and Barry Guy is also a composer. Their involvement in these areas, both in Ireland and abroad, is set out in the application. The rationale for the proposed development is that they play both individually and together and they 'would like to create a multi-functional space for music practice as well as a space specifically designed to inspire music composition'. Inspiration is drawn from the river valley, natural light, the seasons and contemporary Irish art and sculpture. The

building location allows views over the meadow to the quay, woodland and valley but would be 'largely concealed from view by the hedgerow and by the Guest Cottage'. The building is two-storeys with a split-level arrangement to suit the slope of the land. It is composed of four linked structures around a central atrium. The architecture of former industrial buildings along the rivers of the south east forms a precedent for the proposed workshop. A Noise Statement was submitted as part of a further information response. Inter alia, this states that neither applicant amplifies their music (Baroque violins and chamber bass). 'Chamber music usually has a maximum sound level of 70 dB ... the noise level of music performed at 70 dB inside the building would reduce to 30 dB outside the building'. The conclusion of the Noise Statement is that a sound of up to 70 dB will have no impact on the ambient sound in the woodland, by the river or at any neighbouring house. Music practice currently takes place in the guest cottage and a superior acoustic construction to that of the cottage is proposed.

7.1.3. I note initially that the application is for a stand-alone studio and music workshop. It is not a separate house or an extension to the guest cottage. The proposed structure is relatively large with a floor area of 208sqm and a maximum height of 11 metres. The ridge height is to match that of the guest cottage. External finishes are white render with a black slate roof. Access is by way of an entrance bridge from the decking adjacent to the guest cottage. The applicants state that the proposed structure would form a cluster with the existing buildings with matching materials and a ridge height not exceeding that of the guest cottage and reflects the industrial architectural typology of mills, distilleries and grain stores along the Nore, Barrow and Suir rivers. I consider that the external design of the proposed structure is acceptable.

7.1.4. The site is in an area designated as 'H – Nore Valley South' / 'D – Brandon Hill', both identified as 'Highly Scenic / Visually Pleasing' areas, in Figure 8.2 (Landscape character assessment), of the Kilkenny County Development Plan 2014-2020. A number of Development Management Standards are set out in Section 8.2.10.6 (Views and Prospects) relating to, inter alia, protection of the landscape character, visual impact assessment, facilitating appropriate development and ensuring development is not disproportionate or dominating. A Visual Impact Assessment (VIA) was submitted by way of further information. These 3D images had been initially submitted with the original planning application. These images clearly show that the proposed development would be visible in the environment, as would any built

intervention. The VIA concludes that the development would not be harmful to the surrounding rural views and 'should make a contribution to the visual amenity of the area'.

- 7.1.5. Notwithstanding the site location in a 'Highly Scenic / Visually Pleasing' area, I do not consider it to be a particularly exposed site given the presence of the guest cottage immediately adjacent, the finished floor level below the cottage and the public road, the line of trees along the field boundary immediately north of the proposed structure and the number of trees and vegetation in the wider area. The proposed structure is likely to be intermittently visible from the river and lower ground areas to the south and south west and will be clearly visible in the more localised areas. However, given the built fabric in the area, and more particularly the extent of tree coverage and hedgerows, I do not consider that the proposed development would be visually incongruous or obtrusive such that it would have a significant adverse impact on the amenity of the area.
- 7.1.6. Having regard to the foregoing, I consider that the proposed development would be acceptable in terms of its design and visual impact at this location. I consider that a similar condition to that imposed by the planning authority would be reasonable and appropriate in terms of the use and occupation of the proposed structure.

7.2. Traffic

- 7.2.1. The grounds of appeal refer to the substandard nature of the road network serving the site. There are few safe passing opportunities and the grounds of appeal consider that granting permission will significantly increase the likelihood of a serious accident.
- 7.2.2. The applicants' response to the grounds of appeal in this regard considers that as the proposed workshop will not increase the occupancy of River Cottage there will be no increase in traffic as a result.
- 7.2.3. I note that the cul-de-sac road serving the site, approx. 1.6km in length from its junction with the local road to the north east of the site to Ballinagoth Quay, is very narrow and there are passing issues along certain stretches of the road. Notwithstanding, the application documentation outlines the rationale for the proposed development, and I consider that, after the construction phase is complete, the proposed structure for the use of the applicants would not, in itself, generate traffic. I do not consider it reasonable

to refuse permission because of any concern over short-term construction traffic using a public road.

- 7.2.4. Therefore, I consider that the proposed development would be acceptable in terms of traffic.

7.3. **Appropriate Assessment (AA)**

Compliance with Article 6(3) of the Habitats Directive

- 7.3.1. The requirements of Article 6(3) of the Habitats Directive, as related to screening the need for appropriate assessment of a project under Part XAB, Section 177U of the Planning and Development Act, 2000 (as amended) are considered fully in this section.

Background on the Application

- 7.3.2. The applicants submitted a Stage 1 AA Screening Report as part of a further information response. This document is titled 'Stage 1 AA Screening Report' and was prepared by DixonBrosnan dated October 2020.
- 7.3.3. The report provides information on and assesses the potential for the proposed development to impact on any Natura 2000 sites within its zone of influence. A site inspection was carried out on 10.10.2020.
- 7.3.4. The applicants AA Screening Report concluded that the proposed development 'either alone or in-combination with other plans and/or projects, does not have the potential to significantly affect any European site, in light of their conservation objectives. Therefore, a Stage 2 Appropriate Assessment is not deemed to be required'.
- 7.3.5. Having reviewed the documents, I am satisfied that the information allows for a complete examination and identification of any potential significant effects of the development, alone, or in combination with other plans and projects, on European sites.

Screening for Appropriate Assessment – Test of Likely Significant Effects

- 7.3.6. The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on a European Site(s).

- 7.3.7. The proposed development is examined in relation to any possible interaction with European sites designated Special Areas of Conservation (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European site.

Brief Description of the Development

- 7.3.8. The applicants provide a description of the project on Pages 10-12 of the Screening Report. In summary, the development comprises a two-storey studio and music workshop with a split-level arrangement to follow the slope of the land.
- 7.3.9. The development site is described on Page 10 of the Screening Report. It comprises 'a small meadow of approximately 0.45 hectares leading down to woodland next to the river'. The proposed structure will be located to the south of the one bedroom guest cottage.
- 7.3.10. Taking account of the characteristics of the proposed development in terms of its location and the scale of works, the following issues are considered for examination in the AA Screening Report in terms of implications for likely significant effects on European sites:
- Potential impacts from habitat loss
 - Potential impacts from noise and disturbance
 - Potential impacts on water quality during construction and operation
 - Spread of invasive species
 - Cumulative impacts.

Submissions and Observations

- 7.3.11. None directly relate to impact on Natura 2000 sites.

European Sites

- 7.3.12. The development site is located immediately adjacent to the River Barrow and River Nore SAC (Site Code 002162).
- 7.3.13. A summary of European sites that occur within 15km of the proposed development is set out in Table 1 of the Screening Report. There are five sites: River Barrow and River Nore SAC, River Nore SPA (Site Code 004233) approx. 2.1km to the north west,

Blackstairs Mountains SAC (Site Code 000770) approx. 10.1km to the north east, Thomastown Quarry SAC (Site Code 002252) approx. 13.1km to the north west and Hugginstown Fen SAC (Site Code 000404) approx. 14.1km to the west. The report excludes these four sites by reason of the absence of pathways for impact and distances. I consider the exclusion of these four Natura 2000 sites is reasonable.

7.3.14. Therefore, the only Natura 2000 site within a possible Zone of Influence is presented in the table below.

Summary of European Sites within a possible zone of influence of the development

European site (code)	List of qualifying interest/Special conservation interest	Distance from proposed development (Km)	Connections (source, pathway, receptor)	Considered further in screening? Y/N
River Barrow and River Nore SAC (002162)	<p>Estuaries [1130]</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Reefs [1170]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows [1330]</p> <p>Mediterranean salt meadows [1410]</p> <p>Water courses of plain to montane levels with the Ranunculion</p>	Adjacent	Proximity	Y

	<p>fluitantis and Callitricho-Batrachion vegetation [3260]</p> <p>European dry heaths [4030]</p> <p>Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels [6430]</p> <p>Petrifying springs with tufa formation [7220]</p> <p>Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</p> <p>Alluvial forests with Alnus glutinosa and Fraxinus excelsior [91E0]</p> <p>Desmoulin's Whorl Snail [1016]</p> <p>Freshwater Peal Mussel [1029]</p> <p>White-clawed Crayfish [1092]</p> <p>Sea Lamprey [1095]</p> <p>Brook Lamprey [1096]</p> <p>River Lamprey [1099]</p>			
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	Twaiite Shad [1103] Salmon [1106] Otter [1355] Killarney Fern [1421] Nore Pearl Mussel [1990]			
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Identification of Likely Effects

- 7.3.40. The conservation objectives of the site are set out in the ‘Conservation Objectives River Barrow and River Nore SAC 002162’ document published by the National Parks and Wildlife Service (NPWS) and on Pages 20-21 of the applicants’ Screening Report. They are primarily to maintain or restore favourable conservation condition. I also note that, while reefs [1170] is set out as qualifying interests on the NPWS website, it is not included in the Conservation Objectives document.
- 7.3.41. Section 5.4 (Status of qualifying species for the River Nore and River Barrow SAC) of the Screening Report considers each species in the context of the proposed development. The woodland adjacent to the west ‘comes within the category of Alluvial Woodland as it consists of gallery woodland dominated by willow’. Section 5.4.13 outlines the habitats and species of the SAC that could theoretically be potentially impacted.
- 7.3.42. Potential impacts from habitat loss – The site supports common habitats which are not of high value in the context of the Natura 2000 designation. The development will not result in any loss or deterioration of habitat within the Natura 2000 site.
- 7.3.43. Potential impacts from noise and disturbance – Potential impact could arise to otters as a result of increased noise and activity during site works. Apart from breeding and resting, otter is not considered to be sensitive to noise and light during daylight and their occurrence in urban areas suggests the species is habituated to human activity. The significance of effects depends on daily programming and duration of construction activity. No sign of otter was noted during the site survey. Increase in noise and disturbance will not be significant given the small scale of the works. A noise statement predicts that noise from music will be negligible in the woodland and river habitats

therefore no noise is predicted in the operational phase. Given the small scale and temporary nature of the construction works no impact on otter is predicted during construction or operational phases.

7.3.44. Potential impacts on water quality during construction and operation – This could include increased silt levels in surface water run-off, cement, or inadvertent spills of hydrocarbons or chemical substances which could affect the SAC. In relation to wastewater there will be no increase in characteristics and it will be treated in the existing on-site treatment plant. The main River Nore channel is approx. 87 metres south west of the development site. (This is the distance from the edge of the site boundary to the main channel. The distance from the proposed structure itself to the main Nore channel is approx. 150 metres). Topography means surface water run-off from the construction is likely to flow toward the river. However, given the large grassland area 'potentially silt laden run-off will be absorbed within existing green areas before reaching either the River Nore or the adjacent alluvial woodland habitat'. Given the limited scope of construction works and the available grassland filtration no impact on water quality is predicted to occur.

7.3.45. Spread of invasive species – No high-risk invasive species were recorded in the works area therefore no impact on the qualifying interests and conservation objectives of the SAC from invasive species will occur.

7.3.46. Cumulative impacts – Table 7 of the Screening Report references a number of plans and projects affecting the SAC, including various plans from Inland Fisheries Ireland, Irish Water and NPWS. There have been no other applications in the townland in the last twenty four months according to the October 2020 report and, further to an inspection of the Council's website, this remains the case. The report considers that, 'in the absence of any significant impact associated with this project no cumulative impacts on water quality have been identified. Similarly, no significant cumulative impacts in relation to noise and disturbance have been identified'.

Mitigation Measures

7.3.47. Though not expressly stated in the submitted Screening Report it is clear that no measures designed or intended to avoid or reduce any harmful effects of the project on a European Site have been relied upon in this screening exercise.

Screening Determination

7.3.48. Finding of no likely significant effect

The proposed development was considered in light of the requirements of section 177U of the Planning & Development Act, 2000 (as amended). Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project individually or in combination with other plans or projects would not be likely to give rise to significant effects on European Site No. 002162, or any other European site, in view of the site's Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.

This determination is based on the following:

- The site is not part of any Natura 2000 site, and it does not require any resources from, or interaction with, any Natura 2000 site.
- A full and detailed assessment of all aspects of the proposed project.
- Detailed assessment of in-combination effects with other plans and projects.
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of River Barrow and River Nore SAC.

8.0 Recommendation

I recommend that planning permission should be granted subject to conditions, for the reasons and considerations as set out below.

9.0 Reasons and Considerations

Having regard to the provisions of the Kilkenny County Development Plan 2014-2020, and the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the natural heritage or visual amenity of the area and would be

acceptable in terms of traffic impact. The proposed development would, therefore, 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 8th day of December, 2020, 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 development 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. Prior to commencement of development a letter from a suitably qualified individual confirming that the existing wastewater treatment plant and percolation area is in good working order and can accommodate any additional loading from the proposed development, shall be submitted for the written approval of the planning authority. This letter shall be accompanied by evidence of Professional Indemnity Insurance for the said individual.

Reason: In the interest of public health.

4. (a) The proposed studio and music workshop shall only be used for the purposes as indicated in the relevant plans and particulars.

(b) The structure shall not be sold/leased or otherwise disposed of separate from the main dwelling property and shall not be used as a dwelling either on a short-term or long-term basis.

Reason: To clarify the development authorised by this permission.

5. Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

6. 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.

7. 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.

Anthony Kelly
Planning Inspector
29.06.2021