



An  
Bord  
Pleanála

## Inspector's Report

### ABP-313473-22

#### Development

Protected Structure: (1) change of use of existing building to use as community facility incorporating staff facilities, co-working area and ancillary services to same, (2) construction of two storey building (3) associated site works including platform lift, steps and landscaping between the two buildings.

#### Location

House on the Brae, Bridge Street, Ramelton, Co. Donegal, F92 X3H3.

#### Planning Authority

Donegal County Council

#### Planning Authority Reg. Ref.

2250222

#### Applicant(s)

Ramelton Georgian Society.

#### Type of Application

Permission.

#### Planning Authority Decision

Grant

#### Type of Appeal

Third Party

#### Appellant(s)

Mary Olive Fullerton,  
Heidi Steigner, and

|                                |                             |
|--------------------------------|-----------------------------|
|                                | Cassandra Helm.             |
| <b>Observer(s)</b>             | None.                       |
| <b>Date of Site Inspection</b> | 25 <sup>th</sup> July 2022. |
| <b>Inspector</b>               | Barry O'Donnell             |

## 1.0 Site Location and Description

- 1.1. The subject site has a stated area of 0.027ha and is located at Bridge Street, Ramelton. It comprises a two-storey-over-basement house, known as the House on the Brae, and its attendant rear garden. The site is accessible from Bridge Street to the south, and Shore Road, to the north. The house is elevated above the level of Shore Road and its rear elevation and garden can be seen in close range views.
- 1.2. The House on the Brae is a Protected Structure (RPS Ref. 40800401) and is also identified on the National Inventory of Archaeological Heritage (NIAH Ref. 40800401).

## 2.0 Proposed Development

- 2.1. The proposed development entailed within the public notices comprises: -
  - 1) Change of use of existing building from a restaurant on lower ground floor and ground floor, with apartment on first and second floors, to use as a community facility incorporating staff facilities, co-working area and ancillary services, office accommodation, storage space and ancillary works.
  - 2) Construction of two-storey building facing Shore Road to provide exhibition space on ground floor and multi-purpose room on first floor.
  - 3) Associated site works including platform lift, steps and landscaping between the two buildings.

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1. The Planning Authority granted permission on 7<sup>th</sup> April 2022, subject to 8 No. conditions.

Condition 2(a) required the applicant to agree the implementation of a traffic and construction management plan, including details relating to construction compounds and hoarding, construction access, phasing, waste storage, traffic management and site restoration proposals.

Condition 2(b) required written agreement with the planning authority regarding 2(a) to be in place prior to the commencement of development.

Condition 8 required mitigation measures proposed in the architectural heritage impact assessment and on the application drawings to be implemented.

### 3.2. **Planning Authority Reports**

3.2.1. A planning report dated 6<sup>th</sup> April 2022 has been provided, which reflects the Planning Authority's decision to grant permission. The report welcomes the proposal, which is stated to make a positive contribution to the built heritage of the area and which will increase occupancy in Ramelton. The development is stated to not give rise to impacts on the character and setting of the existing structure or the wider streetscape. The report recommends that permission be granted subject to 8 No. conditions, which are consistent with those attached to the Planning Authority's decision.

3.2.2. A separate appropriate assessment screening report is appended to the planning report, which concludes that appropriate assessment is not required.

#### 3.2.3. Other Technical Reports

A **Roads Department** report dated 28<sup>th</sup> March 2022 has been provided, which does not express any concern regarding the proposal.

A **Water Services** Report dated 23<sup>rd</sup> March 2022 has been provided, which outlines no objection to the development.

A report from the **Conservation Officer** dated 25<sup>th</sup> March 2022 has been provided which recommends that permission be granted, subject to recommended conditions.

The planning report indicates that the **Building Control** department and the **Chief Fire Officer** were consulted but did not comment on the application.

### 3.3. **Prescribed Bodies**

3.3.1. Irish Water made a submission on 11<sup>th</sup> February 2022, which expressed no objection to the development subject to conditions.

3.3.2. The Department of Housing, Local Government and Heritage (DAU) made a submission on 16<sup>th</sup> March 2022, which recommended that a condition be attached requiring that archaeological monitoring be undertaken as part of the development.

### 3.4. **Third Party Observations**

3.4.1. A number of third-party submissions were received, the issues raised within which can be summarised as follows: -

- Absence of demonstrable need,
- Proposed design,
- Built heritage,
- Impact on adjacent building,
- Impact on future restoration plans,
- Parking/congestion,
- Overlooking and loss of light to adjacent property,
- Loss of privacy,
- Biodiversity,
- Vacancy levels within the town,
- Risk of failure of the proposal.

## 4.0 **Planning History**

4.1. I did not encounter any recent planning records pertaining to the site.

## 5.0 **Policy Context**

### 5.1. **Development Plan**

5.1.1. Chapter 2A of the Donegal County Development Plan 2018-2024 contains the Core Strategy and Table 2A.3 'Settlement Structure' identifies Ramelton as a Layer 2B

settlement, 'Strategic Towns', and it is described as a heritage town with significant built heritage resources.

5.1.2. Part C of the development plan contains interactive mapping in relation to the layer 2B settlements and the subject site is identified as falling within the settlement boundary of Ramelton.

5.1.3. Relevant policies include: -

**ED-P-2:** It is a policy of the Council that any economic development proposal that meets the locational policies set out hereunder (Policies ED-P-3 – ED-P-13) must also comply with the criteria set out in Policy ED-P-14 and be consistent with the proper planning and sustainable development of the area.

**ED-P-6:** Within designated Settlement Framework areas it is a policy of the Council to consider development proposals for Office use (Class 3), use as a call centre, or for research and development purposes:

(a) On land zoned for such use in this Plan or any future Local Area Plans or on an existing industrial/employment area, provided the proposal meets the following criteria:-

(i) It is compatible with any existing industrial/employment use and will not detract from its continuation or expansion;

(ii) It will not lead to significant loss of available industrial land locally or in the wider plan area.

Elsewhere within settlements, proposals for such uses will only be considered where it can be demonstrated that there is no available land nor buildings within any land zoned land for such use; or where there is no such designation/zoning, that the proposed site is centrally located; and where the proposal meets all other policies of this Plan and the criteria in Policy ED-P-14.

Development involving Class 3 business uses will not normally be permitted outside of the settlement boundary in the open countryside.

**BH-P-15:** It is a policy of the Council to preserve, protect and enhance the special built character and functions of the 'Heritage Towns' of Ardara, Ballyshannon, Merville, Ramelton and Raphoe.

## 5.2. Natural Heritage Designations

- 5.2.1. The subject site is not located within any designated European site. Lough Swilly SPA (Site Code 004075) and SAC (Site Code 002287) encroach to within c.10m of the site, on the opposite side of Shore Road.
- 5.2.2. Lough Swilly Including Big Isle, Blanket Nook & Inch Lake (Site Code 000166) is also designated as a proposed Natural Heritage Area and its designation reflects that of the European sites, in proximity to the site.

## 5.3. EIA Screening

- 5.3.1. Schedule 5 of Part 2 of the Planning and Development Regulations 2001-2022 contains prescribed classes of development for the purposes of Part 10 of the Planning and Development Act, 2000, as amended (Environmental Impact Assessment). The proposed development, which consists of works to and within the curtilage of a protected structure, is not referenced by Parts 1 and 2 of the Schedule. I am satisfied therefore that the development is not a prescribed project for the purposes of EIA.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

- 6.1.1. Third party appeals have been received from Mary Olive Fullerton, Heidi Steigner, and Cassandra Helm. The grounds of appeal are summarised separately below: -

#### 6.1.2. Appeal by Mary Olive Fullerton

- Public consultation and engagement
  - There has been no active consultation on the proposed development and no communication with immediately adjoining neighbours.
  - The site is owned by the Ramelton Georgian Society and it is required to provide a use for the house that benefits the community.
- Proposed design

- The proposal is not in keeping with the architecture of the area, which is designated as an area of High Scenic Amenity.
- The proposal differs in design and character to adjacent buildings, including with reference to the proposed render and windows and the removal of a wall.
- The proposal does not retain building fabric and does not incorporate traditional construction methods and materials.
- Character
  - References to a previously existing building on the plot are not comparable. What is proposed is not a return to the pre-existing situation and comprises overdevelopment.
  - The existing glimpsed view of the protected structure from Shore Road will be obscured by the proposed building.
  - The terraced garden forms part of the protected structure and should be retained as a public garden.
- Adjacent property
  - The proposal builds onto the gable end of an adjacent cottage that is a protected structure and dates from the 1700s. It could damage the exterior of the building and may lead to structural damage or water ingress.
  - Garden boundary walls are also protected structures and are at risk from excavation work.
  - Access to the adjacent roof is required in order to build the proposed roof, but permission has not been sought.
  - A change in status from semi-detached to mid-terrace will affect the value of the adjacent house.
  - The proposal will overlook the adjacent garden and will block light. Internal areas of the proposal will also overlook the adjacent house and garden.`
- Parking
  - Existing parking issues in the town will increase over time and the proposal does not provide for parking.



- The proposed uses of the building do not justify this development. There are other, more appropriate options for future uses.

#### 6.1.3. Appeal by Heidi Steigner

- Risk
  - The applicant's work premises does not have sound foundations and is unstable. Its walls display the effects of stress over time.
  - The risk attached to building directly onto the east-facing gable wall is unacceptable.
    - The applicant did not undertake a risk assessment as part of the application.
- Business Plan
  - No business plan has been provided and it is unclear how maintenance, wages, etc will be funded.
  - A protected structure on The Quay was similarly renovated using public money and failed.
- Design
  - The proposed design is not sympathetic to the Georgian style.
  - Any proposal on the site should complement the scale and composition of the existing house and should not compromise its character. An objective assessment of the house should also be provided as part of any application.

#### 6.1.4. Appeal by Cassandra Helm

- The proposal to build a modern structure over a terrace that has been partially restored will destroy the garden and is contrary to objectives of the development plan.
  - References to the existence of a house in the garden previously are not comparable. The previous building did not cover the garden and did not encroach to the adjacent building.
- The proposed building will obscure the façade of the house facing Shore Road.
- Policies BH-P-18, BH-P-1 and BH-P-3

- The garden which has been temporarily gravelled due to restoration works is part of the property and should be restored.
- Policies BH-P-6 and BH-P-7
  - The proposed building will change the character of the main house in the view from Shore Road, will remove elements of the property and will obscure others.
  - No Georgian architecture is incorporated by the proposal.
  - The proposal will devalue property along Shore Road and will set a precedent for similar developments.
- The proposed use has been shown to fail in this area. There are other more suitable buildings for this proposed use.
- Other property owners on Shore Road have been refused permission for alterations to their properties.

## 6.2. Applicant Response

6.2.1. A submission on the appeals was received on 18<sup>th</sup> May 2018, prepared on behalf of the applicant by Dedalus Architecture. Its contents can be summarised as follows: -

- Appeal by Heidi Steigner
  - No new imposed loads are proposed for the existing adjacent structures. Proposed foundations will be designed by a structural engineer and such arrangements are commonplace.
  - Should any damage to the appellant's property arise, same will be redressed.
  - The applicant has prepared a full feasibility study, including a business plan. comparisons with other failed projects in the town are inappropriate, in view of the additional uses proposed.
  - There is little visual difference between the proposed building and other buildings on Shore Road, other than age. The proposed design follows the proportions of the buildings on either side and seeks to fit in in a sympathetic way.

- The applicant and agent have restored the existing building over the last 3 years and have a detailed knowledge of it and other buildings in the area.
- The arch headed window on the rear elevation of the house and the terraced garden are not original features. A limited amount of the original fabric is retained and the proposals are part of a sensitive restoration.
- There was no impact on the appellant's property during earlier phases of restoration and no impacts are envisaged arising from the proposal.
- Appeal by Cassandra Helm
  - The rear elevation of the house that the appellant references is largely a construct of the 1980s. The original rear elevation was less attractive and can be seen in the historical photographs.
  - The terraced garden dates to the 1980s and has been overgrown for the majority of this time. The garden walls including the wall onto Shore Road also date to the 1980s.
  - The rear garden and adjoining rear garden were previously covered by buildings and the garden and boundary wall were developed later.
  - The reinstatement of a smaller building to the rear of the site reflects what was present on the site throughout the nineteenth century and possibly up to the 1950s. Material finishes are intended to resemble those previously present.
  - No evidence is provided to substantiate claims that the proposal will devalue property in the area.
- Appeal by Mary Olive Fullerton
  - Public consultation took place as part of the Ramelton Action Plan. Proposals to renovate private buildings do not require public consultation.
  - The overall intention of the project is to restore the property and if the appeal is not successful, available funding may be lost.
  - References to the character of adjacent houses being defined by exposed stonework are misguided. Failing lime render was removed from these

buildings and the stonework was exposed because the owners think it is attractive but it exposes the buildings and is inefficient.

- The rear boundary wall is a modern addition and is of historic interest.
  - There is no consistency to the frontages along Shore Road.
  - There is no evidence that the development will devalue property and risks have been identified in the impact assessment and mitigation measures identified.
  - Details of necessary retaining structures can be shared with the adjoining owners in due course.
  - The claim that there was never a continuous frontage across the rear of the subject site is contradicted by earlier mapped records, which identifies a continuous frontage.
  - Visibility of the existing house will be obscured, but access to it will be retained. The view of other houses from Shore Road is similarly obscured by buildings along rear boundaries.
  - There will be no overshadowing or loss of light at the appellant's home, arising from the proposal. Overlooking from the existing house is longstanding. A loss of view is acknowledged.
  - The terraced garden dates to the 1980s and has been overgrown for the majority of this time.
- Regarding parking, there is adequate parking in the town. A suggestion that the site may provide parking is inappropriate.
  - A new use needs be found, to provide a long-term future for the site. A number of anchor tenants/uses are proposed and their existence is made viable by the provision of communal facilities within the proposed building.
  - The suggestion that residential use could be restored at upper levels is not open with the addition of other structures to the rear of the building. What is proposed is only what is necessary and equivalent to past development at the site.

### 6.3. **Planning Authority Response**

6.3.1. None received.

### 6.4. **Prescribed Bodies**

6.4.1. The appeal was circulated to The Arts Council, An Taisce, Failte Ireland and the Heritage Council. No responding submissions were received.

### 6.5. **Observations**

6.5.1. None.

### 6.6. **Further Responses**

6.6.1. None.

## 7.0 **Assessment**

7.1. Having inspected the site and considered the contents of the appeal in detail, I consider the main planning issues to be considered are:

- Principle of development;
- Built heritage
- Impact on neighbouring property;
- Other issues; and
- Appropriate assessment.

### 7.2. **Principle of Development**

7.2.1. The subject site is located within the settlement boundary of Ramelton and although the Donegal County Development Plan 2018-2024 does not provide land-use zonings for the lands within the boundary, I note that it is identified as a Layer 2B settlement and the development plan states that these settlements '*play a critical role in driving growth and development in the County.*' Section 2A.3.3 in particular states that in these settlements '*The prioritisation of regeneration, renewal and developmental objectives in these towns is a priority over the life of the Plan.*'

7.2.2. The proposed development comprises regeneration/revitalisation of a Protected Structure in a central part of Ramelton. I am satisfied that it is consistent with the development plan strategy for Ramelton, subject to consideration of other factors below.

### 7.3. **Built Heritage**

7.3.1. The House on the Brae is a Protected Structure under the development plan, RPS Ref. 40800401, and is described in the listing as a '*Terraced four-bay two-storey over basement house with dormer attic with steps up to platform in front of door, in use as restaurant and hall.*' It is also listed on the National Inventory of Architectural Heritage, NIAH Ref. 40800401, and is given a 'Regional' importance rating.

7.3.2. An Architectural Heritage Impact Assessment was submitted with the application and it describes the House on the Brae as one of a number of provincial Georgian buildings within the town centre of Ramelton and is held in trust for the community by Ramelton Georgian Society. It is stated to have been classified in 2018 as being 'at risk' due to vacancy and a requirement for maintenance and in the period leading up to the current application, the roof structure has been repaired and repairs have been carried out to windows, external doors and intermediate floors. These works have had the effect of limiting further deterioration in the short term.

7.3.3. The Impact Assessment categorises and assesses proposed works under the headings of (1) repairs to existing fabric, (2) demolitions/alterations and (3) new structures and siteworks. Of particular note, the Assessment states the removal of the modern stone wall on Shore Road and construction of the proposed 2-storey building reinstates a building on the building line and provides frontage with visual interest, which respects the form and style of the streetscape.

7.3.4. The appellants have raised a number of built heritage concerns in particular in relation to the new building along Shore Road. The concerns can be summarised as follows: the proposal is not in keeping with the architectural character of the area, that it comprises overdevelopment and will obscure views of the House on the Brae from Shore Road and that it may compromise adjacent protected structure buildings along Shore Road.

7.3.5. Regarding internal repair and upgrade works, the Architectural Heritage Impact Assessment states that all such works will be undertaken with adherence to best

conservation practice, with minimum intervention and use of like-for-like materials. I note that the Planning Authority's Conservation Officer commented on the application and did not object to these proposals, subject to works being supervised by an accredited conservation consultant and with a completion report to be provided on completion of works. I am satisfied that this recommended supervisory approach allows for the necessary expert oversight of the internal restoration and would recommend that, should the Board decide to grant permission, a similar condition be attached to the Order.

- 7.3.6. With reference to the removal of the boundary wall along Shore Road and construction of a 2-storey building on the building line, I note that the NIAH record of the site references the earlier existence of a 'large store or warehouse' in this area, which has now been demolished. The previously existing building is also identified in a historical photograph of the site on Page 10 of the Architectural Heritage Impact Assessment.
- 7.3.7. The boundary wall along Shore Road is a modern addition to the site and I do not object to its removal. I note that the applicant proposes that stone will be salvaged and reused elsewhere on the site.
- 7.3.8. Similarly, I see no reason to object to the reintroduction of a building along the Shore Road frontage of the site, based on the historical context and site layout. The proposal has a wider 2-storey width than the previously existing building and occupies the entire width of the site, but this is consistent with the immediate neighbouring properties and in my view does not affect or diminish the architectural character of the area.
- 7.3.9. The building will restrict the view towards the rear of the Protected Structure from Shore Road but I am satisfied that it will not affect the primary view and does not affect the setting. Indeed, I note that the applicant states that the rear elevation (with reference to dormer windows and the arch headed window in particular) and rear terraced garden are largely modern additions to the house and are not original features.
- 7.3.10. Appellants have also expressed concern that construction activity on the site may affect the structural stability of adjacent buildings. Subject to careful and considerate

construction methods, I am satisfied that there is no greater risk to adjacent buildings than arises with any typical urban construction project.

#### **7.4. Impact on Neighbouring Property**

- 7.4.1. There are no alterations proposed to the north-facing (rear) façade of the Protected Structure, which might give rise to overlooking of neighbouring property.
- 7.4.2. The proposed 2-storey building contains limited openings at first floor level but a single west-facing window within the multi-purpose room and the external stairwell appear to allow for direct overlooking of adjoining property. In addition, the proposed platform lift appears to be a primarily glazed structure and whilst drawing No. PL02 identifies that it would have a 'green wall' on its west side, no further details have been provided. In view of the location of the lift, adjacent to the site boundary, it may allow for direct overlooking of the neighbouring garden.
- 7.4.3. To protect the privacy of neighbouring occupiers I recommend that, should the Board decide to grant permission, a condition be attached requiring the applicant to submit proposals for enclosure/screening of the platform lift and external stairwell.

#### **7.5. Other Issues**

- 7.5.1. Regarding concerns that the development would devalue adjacent property, I have assessed the merits of the proposal and consider that the development would not give rise to any unacceptable overlooking and overshadowing impacts and will not affect built heritage in the area. I therefore see no basis for concerns regarding devaluation of property.
- 7.5.2. The Board will note that the Department of Housing, Local Government and Heritage (DAU) made a submission to the Planning Authority, requesting that archaeological monitoring be undertaken as part of the development if permission is granted.

#### **7.6. Appropriate Assessment**

##### Appropriate Assessment Screening

##### *Compliance with Article 6(3) of the Habitats Directive*

- 7.6.1. The requirements of Article 6(3) 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*

- 7.6.2. A screening report for Appropriate Assessment was not submitted with this appeal case. Therefore, this screening assessment has been carried de-novo.

### *Screening for Appropriate Assessment- Test of likely significant effects*

- 7.6.3. 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).
- 7.6.4. The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (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*

- 7.6.5. The development is described at Section 2 of this Report. In summary, permission is sought for (1) change of use of existing building from a restaurant on lower ground floor and ground floor, with apartment on first and second floors, to use as a community facility incorporating staff facilities, co-working area and ancillary services, office accommodation, storage space and ancillary works; (2) construction of two-storey building facing Shore Road to provide exhibition space on ground floor and multi-purpose room on first floor; and (3) associated site works including platform lift, steps and landscaping between the two buildings, on a site with a stated area of 0.027ha. Foul and surface water are proposed to drain to the public network.

### Submissions and Observations

- 7.6.6. The submissions from the appellant, applicant and Planning Authority are summarised as Section 6 of my Report.

### European Sites

- 7.6.7. The subject site is located adjacent to Lough Swilly SAC (Site Code 002287) and SPA (Site Code 004075), which encroach to the south side of Shore Road.
- 7.6.8. There are other European sites within a 15km search zone, however; in view of the smallscale nature of the development, I am satisfied that there is no possibility of

significant effects arising at any European site other than those in the immediate vicinity of the site.

7.6.9. Summaries of Lough Swilly SAC and Lough Swilly SPA are presented in the table below.

| <b>European Site (code)</b>         | <b>List of Qualifying interest /Special conservation Interest</b>   | <b>Distance from proposed development (Km)</b> |
|-------------------------------------|---|--|
| <u>SAC</u>                          |   |  |
| Lough Swilly SAC (Site Code 002287) | Estuaries, Coastal lagoons, Atlantic salt meadows, Molinia meadows on calcareous, peaty or clayey-silt-laden soils, Old sessile oak woods with Ilex and Blechnum in the British Isles, Otter  | Adjacent                                       |
| <u>SPA</u>                          |   |  |
| Lough Swilly SPA (Site Code 004075) | Great Crested Grebe, Grey Heron, Whooper Swan, Greylag Goose, Shelduck, Wigeon, Teal, Mallard, Shoveler, Scaup, Goldeneye, Red-breasted Merganser, Coot, Oystercatcher, Knot, Dunlin, Curlew, Redshank, Greenshank, Black-headed Gull, Common Gull, Sandwich Tern, Common Tern, Greenland White-fronted Goose, Wetland and Waterbirds | Adjacent                                       |

#### Evaluation of Potential Significant Effects

7.6.10. The subject site, whilst adjacent to the SAC/SPA complex, is separated from it by a barrier in the form of a low-level wall that runs along the length of Shore Road. There is also a surface water gully on the opposite side of Shore Road.

7.6.11. There is adequate space within the site to store construction and demolition materials during the construction phase. In the unlikely event of run-off containing suspended solids being discharged from the site, there is a barrier to direct discharge to the European sites and run-off will instead drain to the public drainage network along Shore Road. I am satisfied, in view of this, that significant effects on the SAC or SPA arising during construction are unlikely and the issue can be excluded at this stage.

7.6.12. Construction activity may also give rise to disturbance of Species of Conservation Interest within the SPA but any SCI in the area of the site will be habituated to noise associated with daily activity within the town. The proposal is smallscale in nature and will involve standard construction methods. I am satisfied, in view of this, that significant effects on the SAC or SPA arising during construction are unlikely and the issue can therefore be excluded at this stage.

7.6.13. The proposed development was considered in light of the requirements of Section 177U of the Planning and 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 for any other European site, in view of the site's Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.

7.6.14. This determination is based on the following:

- The presence of a surface water drain on Shore Road that will intercept any surface water discharges from the site during construction,
- The smallscale nature of the development and its location within an urban area, where noise levels arising will be of a similar level and nature to daily activity.

## 8.0 Recommendation

8.1. I recommend that permission for the proposed development be granted, subject to conditions as set out below.

## 9.0 Reasons and Considerations

Having regard to the site's location within an urban area, together with the nature and scale of the development proposed and supports provided within the Donegal County Development Plan 2018-2024, it is considered that the proposed development would allow for the restoration and preservation of a Protected Structure, would not have any detrimental impact on the character and setting of the Protected Structure or other built heritage assets in the area, and would thus be in keeping with the proper planning and sustainable development of the area,

## 10.0 Conditions

|    |   |
|----|---|
| 1. | <p>The development shall be carried out in accordance with the plans and particulars lodged with the application, 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.</p> <p><b>Reason:</b> In the interest of clarity</p>     |
| 2. | <p>The developer shall facilitate supervision of the proposed development by a conservation architect or other suitably qualified professional and details of such appointment shall be provided to the Planning Authority for its agreement prior to the commencement of development.</p> <p><b>Reason:</b> In order to protect and conserve the architectural character of the Protected Structure on the site.</p>   |
| 3. | <p>The construction of the development shall be managed in accordance with a Construction 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 provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.</p> <p><b>Reason:</b> In the interests of public safety and to protect the ecological potential of the area.</p> |
| 4. | <p>Prior to the commencement of development the applicant shall submit for the written agreement of the Planning Authority, proposals for enclosure/screening of the platform lift and external stairwell, which should be adequate to prevent overlooking of neighbouring residential property.</p> <p><b>Reason:</b> In the interest of residential amenity.</p>  |

|    |   |
|----|---|
| 5. | <p>Foul and surface water drainage arrangements shall comply with the requirements of the planning authority for such works and services, details of which shall be agreed in writing prior to the commencement of development.</p> <p><b>Reason:</b> In the interest of public health.</p>   |
| 6. | <p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p><b>Reason:</b> In order to safeguard the residential amenities of property in the vicinity.</p>   |
| 7. | <p>Signage associated with the proposed development shall be in a form agreed with the Planning Authority prior to occupation of the development.</p> <p><b>Reason:</b> In the interests of orderly development.</p>  |
| 8. | <p>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:</p> <p>(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation relating to the proposed development, and</p> <p>(b) 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:</p> <p>(i) the nature and location of archaeological material on the site, and</p> <p>(ii) the impact of the proposed development on such archaeological material.</p> <p>A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall</p> |

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|  | <p>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.</p> <p><b>Reason:</b> 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.</p> |
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.Barry O'Donnell  
Planning Inspector

5<sup>th</sup> October 2022