



An
Bord
Pleanála

Inspector's Report

ABP-315802-23

Development	Demolition of existing property (protected structure) and construction of 4 apartments
Location	Loughkent West, New Inn, Cashel, Co. Tipperary
Planning Authority	Tipperary County Council
Planning Authority Reg. Ref.	22105
Applicant	Mary Lacey O'Shea
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Patsy & Michael Downey Damien O'Mahoney
Observer(s)	None on file

Date of Site Inspection

30th June 2023

Inspector

Sarah Moran

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1.0 Site Location and Description

- 1.1. The site is a former Garda barracks located in the village of New Inn, Co. Tipperary, c. 9km south of Cashel. It has a total stated area 0.195 ha and comprises the former barracks building and associated outbuildings and grounds, enclosed within a boundary wall. The building is currently partially in residential use. It is a protected structure listed as Record of Protected Structures no. S344. The site is recorded on the National Inventory of Architectural Heritage (NIAH), ref. 22206913, where it is rated as of Regional importance under the categories of special architectural and social interest.
- 1.2. Extracts from the NIAH record for the subject site:

Description

Detached five-bay two-storey former constabulary barracks, built c. 1800, now disused, with projecting gable-fronted porch and having single-storey lean-to extension to much of rear. Pitched slate roof with cut limestone chimneystacks and cast-iron rainwater goods, dressed limestone eaves course and having cut-limestone coping to porch. Painted rendered walls. Square-headed window openings with tooled limestone sills, timber sliding sash six-over-six pane windows, with some replacement timber windows to rear. Square-headed door opening to porch with cut limestone block-and-start surround and limestone threshold, having replacement timber battened door and overlight. Square-headed door opening to north end of front façade with replacement timber battened door. Outbuildings with yard to rear having random rubble limestone walls and segmental arch carriage entrance. Cast-iron water pump with handle to rear of site. Rendered ruled-and-lined boundary wall with rendered coping and tooled limestone piers. Wrought-iron double-leaf and pedestrian gates to entrance. Stone pier to east of site with incised letter 'B' on east and south faces.

Appraisal

This former constabulary barracks served the Royal Irish Constabulary until 1926, after which time it was used by the Garda Síochána. Set back from the street the barrack building, outbuildings, yard, pump and boundary walls form an imposing complex that retains much of its original fabric, form and character. The symmetrical

barrack building, with its elegant balanced proportions, exhibits many attractive features and materials including a fine cut limestone entrance porch and timber sliding sash windows. Historically the building is associated with a murder investigation in the early 1940s in which a local man was tried, condemned and executed, the story retold in the book "Murder at Marlhill" by Marcus Bourke.

- 1.3. The Board is also referred to the detailed surveys, photographs and descriptions of the interior and exterior of the existing structure provided in the applicant's Architectural Heritage Impact Assessment (AHIA) on file dated February 2022, as submitted with the application and the supplementary Architectural Heritage Report dated December 2022, submitted to the planning authority as further information.

2.0 Proposed Development

- 2.1. Permission is sought to demolish existing single storey annexes to the rear of the structure, to construct two new two storey extensions to the rear and change the use of the structure to four no. residential units. The development is to connect to existing site services.
- 2.2. The applicant submitted further particulars to the planning authority as further information on 23rd December 2022, including a supplementary Architectural Heritage Report with updated photographic records, new drawings of outbuildings within the development site; existing and proposed detailed site layouts including proposals to provide private open space for apartments; details of existing site boundaries; cross sections as requested; details of emergency / refuse collection access and letter from Retirement Asset Holdings DAC permitting the applicant to apply for permission on the development site.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Tipperary County Council (TCC) issued a Request for Further information (RFI) on the matters set out in the planning report on file dated 22nd March 2022, as summarised below. TCC issued a notification of a decision to grant permission for the development on 24th January 2023, subject to nine conditions. Condition no. 2

states that all works to the protected structure, its curtilage and within its setting shall be under the supervision of a Conservation Architect and in accordance with the details provided in the submitted AHIA. Condition no. 3 requires a comprehensive record of all works undertaken at the site. The remaining conditions imposed do not require any significant changes to the development.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- First report of Area Planner, 22nd March 2022, recommends RFI for matters relating to proposals for the conservation and repair of outbuildings to the rear of the site; details of landscaping and surface treatment of car parking area; provision of private open space to the rear of the apartments; cross sections to include adjacent property; details of refuse/emergency vehicle access and circulation; consent of site owner where necessary.
- Second Area Planner report, 19th January 2023, notes submitted further information response and recommends permission subject to conditions.

3.2.2. Other Technical Reports

- AA Screening Reports, 22nd March 2022 and 20th January 2023. AA not required.
- Executive Engineer, 28th March 2022 and 16th January 2023, no comment on proposed development.

3.3. Prescribed Bodies

3.3.1. None on file.

3.4. Third Party Observations

3.4.1. There is a submission on file by the above named appellant Damien O'Mahoney, dated 14th March 2023, which makes the following main points:

- The subject site is entirely a protected structure, not just the front façade. The proposal to attach two extensions to the rear of the structure completely

undermines the shape of the original structure and detracts substantially from the nature of the original structure.

- There are extensive lands zoned for residential development at New Inn under the settlement plan in the current development plan, sufficient to cater for housing need in the settlement. The development of existing residentially zoned lands should also yield enough social / affordable housing via the Part V process. The site should not be subject to residential development unless no development has materialised at the residentially zoned lands within the development plan timeframe.
- The development does not provide any mix of unit types to provide diversity of housing.
- The applicant has not demonstrated what they intend to do with the completed development, if the units will be sold or let. Management arrangements for the complex should be clarified if it is to be let.
- The development is likely to generate additional parking than that provided for in the proposed site layout, resulting in overspill parking on the public road which would result in a traffic hazard at this location.
- The protected structure should be used for community or infrastructure purposes rather than as housing.
- The named applicant is not the owner of the property as she identifies a PRSA (a separate legal entity) as the owner. The folio submitted identifies Retirement Asset Holdings DAC as the legal owner.

The following additional points are noted from the second submission by Damien O'Mahoney, dated 13th January 2023, made on foot of the further information submission:

- The submitted supplementary Architectural Heritage Report has not been prepared by a fully qualified Conservation Architect.
- The development does not incorporate the outbuildings which are an essential element of the protected structure.

- The provision of car parking in front of the protected structure will have a negative impact on views from the road.
- The proposed emergency access is unsatisfactory and will result in a traffic hazard. The proposed layout does not provide any capacity for circulation and the development should be refused on this basis alone.
- The stated applicant was not the legal owner of the site when the application was lodged and the application should have been invalidated on this basis.

3.4.2. There is a submission on file by the above named appellants Patsy Downey and Michael Downey, dated 13th March 2022, also a second submission on foot of the further information submission, dated 9th January 2023, which both raise similar issues to those stated in the grounds of their appeal as summarised below.

3.4.3. The planning authority also received submissions from the owners of two adjacent properties, which objected to the development on grounds relating to the following:

- The former Garda barracks should not be used to provide more housing in the village. Housing should be provided on residentially zoned lands in more appropriate areas within walking distance of the village centre. This historic building should not be used as housing, there is sufficient zoned land for residential development.
- The building could serve a community function given its prominent location in the village, while retaining the existing residential unit. Alternatives to the proposed development should be explored given that the site is identified as part of the village centre under its current zoning objective.
- The building should not be increased in size as this would result in overdevelopment of the area.
- The applicant has not demonstrated that they have the right to access over the area in front of the site owned by the Council. The applicant has not established full legal ownership of the development site.
- The proposed layout indicates Building B, abutting the enclosure wall of the former barracks, partly on the Observer's property which adjoins the site to the south. The roof plan does not match photographs. The application does not provide details of Building B.

- Concerns about potential works affecting the boundary shared with the Observer's property, which acts as a retaining wall, also potential structural impacts associated with same. Concerns that the masonry wall bounding the development site may topple during construction. The submissions also object to any trees being cut on adjacent property.
- The development will result in overlooking of the observer's property to the south of the development site.
- The application provides insufficient drawings of the cell structure, an important element of the protected structure.
- The AHIA has not been carried out by a Conservation Architect accredited by the RIAI.
- The proposed works to the protected structure are too intrusive and extensive. They will only protect the front elevation and will change the rear elevation, existing internal features, courtyard spaces and cell structures. The proposed extensions are nearly the size of the main building rather than subordinate to it. The cell structure in particular should be preserved given its important role and social and historic significance. The works will completely change the character of the protected structure.

4.0 Planning History

4.1. Reg. Ref. 201403

- 4.1.1. Permission sought by the current applicant to (i) to demolish existing single storey annexes to the rear of the existing former garda station; (ii) change of use of the existing former Garda Station to four no. apartments and extend same; (iii) change the use of an existing outbuilding to two no. apartments and extend same (iv) demolish an existing outbuilding (v) construct a new building containing two no. apartments and all associated site development works. This application was withdrawn on 26th October 2021.

5.0 Policy Context

5.1. South Tipperary County Development Plan 2009 (as varied and extended)

- 5.1.1. The South Tipperary County Development Plan 2009 remains in force at the time of writing. The site is within the settlement of New Inn and has the zoning objective 'town/village centre', with the following stated objective:

To provide and enhance the service base of the town through the provision of mixed use development inc. retail, office service and community facilities.

The development plan states the following specific objectives for the settlement of New Inn:

GO 1: To facilitate low density development proposals to meet local housing demands together with the provision of local and community services / facilities and local employment opportunities within the village / settlement boundary in accordance with the principles of proper planning and sustainable development.

SO 1: To support the preparation of an Enhancement Scheme for New Inn which includes a focus on enhancement of entry points to the village and also definition of village core area by way of paving, street lighting, street furniture, etc, subject to resources being available.

SO 2: To support the provision of a public amenity area in the village centre subject to resources being available.

SO 3: To facilitate the carrying out of streetscape enhancement works subject to resources being available.

- 5.1.2. New Inn is identified as a Local Service Centre at the fifth tier of the county settlement strategy. Development plan section 3.3.2 states in relation to the role of local service centres:

Local Service Centres are settlements which act as local residential and community centres and will accommodate an appropriate level of development, including housing and community services i.e. childcare, primary level education, recreation, convenience retailing etc. The Council will seek to maintain the existing range of rural services in place in these settlements in view of their role in reducing unnecessary travelling by rural communities in order to avail of basic services.

The following related development plan policy applies:

Policy SC4: Residential Development in Rural Settlements

It is the policy of the Council to ensure that the scale of residential development is appropriate to the scale, character and infrastructural capacity of rural settlements. The Council will consider residential schemes in accordance with the requirement set out below:

- (a) Up to 10% of the amount of land zoned for 'new residential' development in each rural settlement may be developed over the lifetime of this Plan (as varied). Where 10% or more of land zoned for 'new residential' development is already committed to development and/or where construction has commenced, any further development will only be permitted if it is demonstrated, by the submission of a DIS, that the development is required, appropriate in scale and design and the services are in place/or will be developed to accommodate the residential scheme.*
- (b) Serviced sites on lands zoned for 'new residential' development will be facilitated, subject to the provisions set out above and subject to the proposal meeting the development management standards for serviced sites set out in development management standards set out in Chapter 10.*
- (c) Small cluster housing developments (i) in line with Specific Objective SO4-3, on unzoned lands outside of, and directly adjoining the village boundary may be considered where it is demonstrated to the satisfaction of the Council that suitably zoned lands have not been released for development within the village boundary, the development is of a high quality and can link effectively with and contribute positively to the village form. A DIS shall be submitted in support of any such proposal.*

5.1.3. The following development plan policy on protected structures applies:

Policy LH13: Protected Structures

It is the policy of the Council to encourage the sympathetic restoration, re-use and maintenance of protected structures thereby ensuring their conservation and protection. In considering proposals for development, the Council will have regard to the Architectural Heritage Protection Guidelines for Planning Authorities, (DAHG

2011) or any amendment thereof, and proposals that will have an unacceptable impact on the character and integrity of a protected structure or adjoining protected structure will not be permitted.

5.2. Natural Heritage Designations

- 5.2.1. The site is c. 5 km from the Lower River Suir SAC (site code 002137) and c. 13 km from the Galtee Mountains SAC (site code 000646).

5.3. EIA Screening

- 5.3.1. Having regard to the modest scale and nature of the proposed development being four no. residential units within an existing building, I consider that the requirement for submission of an EIAR and carrying out of an EIA may be discounted at a preliminary stage.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. Appeal of Damien O'Mahoney

The following points are noted from the grounds of appeal, in addition to those made by the appellant in his previous submissions to the planning authority as summarised above:

- The applicant ignored the planning authority request in the RFI to incorporate the ancillary structures to the rear of the site into the proposed development. This is unsatisfactory as it will result in further deterioration of the protected structure. The owner of the site has a legal obligation to maintain the protected structure irrespective of whether planning permission is granted or not.
- The development is significantly higher than the residential property to the south of the site and the first floor kitchen window of the proposed extension will overlook the adjacent residential property to the south.
- The applicant's proposals for refuse collection and emergency vehicle access are not satisfactory.

- The named applicant was not the legal owner of the site when the application was made and the legal owner was not adequately identified in the application. The planning authority validated the application even though the site was owned by Retirement Asset Holdings (whether holding in trust or not), this is not the same as the current owner and the application should not have been validated. The planning authority may have acted *ultra vires* in validating the application when they should have been aware that the details regarding ownership were incorrect.

6.1.2. Appeal of Patsy Downey and Michael Downey

The following points are noted from the grounds of appeal:

- The appellants welcome the development in principle, however they do not consider that the proposed development is appropriate to the protected structure.
- It would be more appropriate to develop the structure as a single occupancy dwelling. The proposed development does not consider other options for the use of this historic building.
- The importance of the protected structure lies in as much in its setting as its design and construction. The internal layout is also of historic importance. Both will be adversely affected by the proposed development.
- The proposed extensions will detract from the simple lines and classic construction of the building.
- The proposed car parking area in front of the building will require the removal of an existing grassed area, which will detract from the setting of the building.
- The proposed internal alterations will detract from the historic status of the building and will compromise understanding of its previous uses.
- It is unclear how fire emergency access can be gained to the rear of the site. This matter should be addressed in the planning process. The drawings on file do not adequately address this issue.
- Conditions are recommended in the event that the Board decides to grant permission, relating to maintenance of the external curtilage, also landscaping and surfacing to a high standard.

6.2. Applicant Response

6.2.1. None on file.

6.3. Planning Authority Response

6.3.1. None on file.

6.4. Observations

6.4.1. None on file.

6.5. Further Responses

6.5.1. None on file.

7.0 Assessment

7.1. I have read through the file documentation and the relevant provisions of the South Tipperary County Development Plan 2009 (as varied and extended), including the specific provisions for the settlement of New Inn, and have carried out a site inspection. The main issues are those raised in the grounds of the third party appeals. Overall, I am satisfied that no other substantive issues arise. The development is not located within a flood zone. It is to connect to existing site services and the Area Engineer states no objection. I consider that the relevant issues can therefore be dealt with under the following headings:

- Principle of Residential Development
- Impacts on the Protected Structure
- Impacts on Adjacent Residential Amenities
- Roads and Parking Layout
- Appropriate Assessment

These issues may be considered separately as follows.

7.2. **Note 1:** I inspected the interior and exterior of the protected structure and its curtilage during my site visit on 30th June 2023. The interior of the structure and the

grounds have been subdivided such that I was not able to gain access to all of the interior or to part of the rear grounds and outbuildings. However, having viewed the site and its surroundings from a variety of vantage points in the area and with regard to the detailed site surveys and photographs provided in the Architectural Heritage Impact Assessment on file dated February 2022 and the supplementary photographs and survey information provided in the additional Architectural Heritage Report dated December 2022, as well as the submitted detailed drawings and cross sections, I consider that there is sufficient information available to enable an informed assessment of potential impacts of the development on the protected structure.

7.3. **Note 2:** I separately note the comments of third parties regarding the ownership of the site and potential ownership issues at site boundaries. The applicant has submitted correspondence from the site owner stating permission to lodge an application relating to the subject site. With regard to potential works on lands owned by other parties, I note Section 5.1 of the Development Management Guidelines, which states that '[t]he planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land; these are ultimately matters for resolution in the Courts' and refers to section 34(13) of the 2000 Act which states that a person is not entitled solely by reason of a permission to carry out any development.

7.4. **Principle of Residential Development**

7.4.1. The site is subject to the 'town/village centre' zoning objective, within the settlement of New Inn, under the current development plan. The stated objective for this zone is to provide and enhance the service base of the settlement through the provision of mixed use development including retail, office service and community facilities. Residential development is also acceptable in principle under this zoning objective. While I note the comments of third parties that residential development should primarily occur on residentially zoned lands within New Inn, I consider that the proposed infill development of renovation and change of use of an existing unoccupied structure is acceptable in principle with regard to national and local planning policies to consolidate existing urban settlements and to achieve housing targets. I also note the specific development plan objective GO 1 for New Inn, which is to facilitate low density development proposals to meet local housing demands together with the provision of local and community services / facilities and local

employment opportunities within the village / settlement boundary in accordance with the principles of proper planning and sustainable development. I consider that the proposed development would support this objective. The development is also considered to be generally consistent with development plan Policy SC4: Residential Development in Rural Settlements, which seeks to ensure that the scale of residential development is appropriate to the scale, character and infrastructural capacity of rural settlements.

7.4.2. I also note third party comments that a single occupancy dwelling or a community or amenity use would be desirable at this location, also questions regarding the tenure of the proposed residential units. However, I consider that the proposed development may be assessed on its merits given that it is acceptable in principle under the development plan. The consideration of other potential uses of the building is outside the scope of this appeal.

7.4.3. The proposed residential apartments are generally in accordance with the standards set out in the section 28 Sustainable Urban Housing Design Standards for New Apartments Guidelines for Planning Authorities (2022) and are considered satisfactory. I accept that the upper units do not include provision of private open space, however this is considered acceptable given that the development includes communal open space to the rear and that there is an amenity space owned by the Council directly in front of the site.

7.5. Impacts on the Protected Structure

7.5.1. The following assessment is based on the site visit carried out on 30th June 2023, the submitted Architectural Heritage Impact Assessment dated February 2022 and the supplementary Architectural Heritage Report dated December 2022. I note third party comments that these reports were not prepared by a qualified or accredited Conservation Architect. However, I note that the author of both documents has a qualification in Heritage Conservation and I consider that the reports provide sufficient detailed historic information on the subject site as well as extensive photographic survey information, to inform an adequate assessment of potential impacts on the protected structure and its setting, along with the site inspection and the other information on file.

7.5.2. The protected structure comprises the main two storey building, also outbuildings to the rear, surrounding grounds and site boundaries. As per the historic information on file, the existing structure at the site originally dates to the late 18th or early 19th century when it was constructed as a British army barracks and ordinance ground. It was since used as a Royal Irish Constabulary barracks until 1926 and subsequently by An Garda Siochana. The proposed development involves works to the interior and the exterior of the protected structure and within its overall curtilage as follows (including additional details submitted to the planning authority as further information):

- The primary change to the front elevation is the removal of an existing door opening and replacement with a sash window. The secondary door is stated to date to the early 20th century and is therefore a later alteration to the original structure. The main elements of the elevation, i.e. front door and porch, lime render, limestone window sills, cast iron rainwater goods, limestone chimney stacks, stone parapet and slate roof are to be retained and repaired and new timber sliding sash windows are to be installed to replicate the originals.
- Changes to the northern gable elevation comprising infill of two existing windows dating to the 1920s and replacement of a door from the same era with a new timber frame sliding sash window.
- Changes to the rear elevation including demolition of an existing single storey lean to extension (a later addition dating to the late 19th century) and its replacement with two no. modern two storey extensions, also changes to fenestration and a new timber door.
- Changes to the internal layout including removal of two staircases (not original and probably dating to the 1920s) and replacement with a single central staircase and new connections to the two storey extensions to the rear.
- New parking area to the front of the building, finished in sandstone chippings, with the existing access gate and pedestrian gate to be retained. New surface to existing rear courtyard to serve as communal open space, also provision of a bin storage area to the rear. Existing outbuildings are to be retained and restored but will not be developed. The development does not appear to include any works to

the masonry walls at site boundaries other than removal of vegetation and repair. Existing trees at the site are to be retained.

- 7.5.3. It is submitted that the proposed two storey extensions have been designed to be legible modern additions to the protected structure and that the overall development will have a positive impact on the structure as it involves the repair and improvement of the historic fabric including historic chimneys, roof and rainwater goods, as well as bringing the structure back into use. I consider that the proposed works overall represent reasonably sensitive interventions to the structure and will not result in the significant loss of historic fabric, noting that the structures to be removed, including the rear extension and doors and windows to the side and front elevations, as well as the internal staircases, are not original. The works will retain most of the internal walls and will not have any significant impact on the front façade view from the public realm. I consider that the modern rear extensions, while correctly reading as later additions to the original structure, could have been more sensitively designed in terms of echoing the proportions, fenestration and materiality of the existing building. However, they will not be visible from the front and therefore, on balance, are not considered to have a significant adverse impacts on the setting of the structure and are considered acceptable in the context of the overall works to restore and improve the remaining protected structure. I consider that the proposed new parking area in front of the structure is generally acceptable and would not have a significant adverse visual impact given that the existing boundaries and gates are to be retained. However, this is subject to the use of a satisfactory high quality finish rather than the proposed sandstone chippings, an issue which may be resolved by condition. I note third party comments regarding the ongoing management of the residential development. A condition requiring the establishment of a management company for areas not to be taken in charge may be imposed if permission is granted, in order to ensure the ongoing maintenance of the development.
- 7.5.4. I note the comments of third parties regarding the cell structure and other outbuildings and, while it would be desirable if these structures were incorporated into the development, the proposed works are not considered to have any significant adverse impacts on them and, as detailed in the supplementary Architectural Heritage Report, involve the removal of vegetation and their repair and refurbishment. This is acceptable. Third parties have stated concerns about potential

structural impacts at site boundaries, however, the development does not appear to include any works to same. I recommend standard condition recommending that all works to the protected structure are overseen by a conservation expert.

- 7.5.5. The proposed works to the protected structure are therefore considered acceptable overall, will not have any significant adverse impacts on the character or integrity of the protected structure and are also considered to be in accordance with national policy on works to protected structures as set out in the section 28 Architectural Heritage Protection Guidelines for Planning Authorities and development plan Policy LH13: Protected Structures, as set out above, subject to the use of acceptable materials and finishes and to satisfactory conservation construction methodology, which may be required by conditions.

7.6. Impacts on Adjacent Residential Amenities

- 7.6.1. The adjacent property owner to the south states concerns that the development will overlook their property. I note that the first floor windows in the southern side elevation of the rear extension are high level windows that are the secondary source of sunlight/daylight to the kitchen. I do not consider that they will result in any significant overlooking of the adjacent residential property. Having regard to the scale of the proposed development, to the cross sections submitted, to the orientation of the site and to the intervening distances to site boundaries, I do not consider that the development will have any significant adverse impacts on residential amenities by way of overshadowing or overbearing visual impacts. I note concerns about structural impacts at site boundaries, I do not consider that significant issues should arise in this regard given that the development does not involve significant works at site boundaries and subject to the implementation of conservation methodology as set out in the AHIA and which also may be required by condition. I note in particular that the development will not involve any structural alterations to the outbuilding at the southern site boundary shared with the adjoining residential property. In addition, the details and implementation of landscaping and tree protection measures may also be required by condition.

7.7. Roads and Parking Layout

- 7.7.1. The applicant has clarified that the development will be accessed by emergency vehicles reversing into the site, due to limited circulation space within the front area.

Third parties submit that this will result in a traffic hazard. I consider this arrangement to be acceptable given that there is no scope to increase the circulation space without removing site boundaries that are part of the protected structure and noting that the Area Engineer does not state any concerns. Refuse bins will be moved to the public road for collection given that the site layout does not have scope for access by refuse collection vehicles. This is considered acceptable given that there are only four residential units within the development. I do not consider that these issues warrant refusal of permission.

- 7.7.2. The development provides adequate car parking in accordance with development plan standards and the proposed car parking provision is therefore satisfactory.

7.8. Appropriate Assessment

- 7.8.1. The site is c. 5 km from the Lower River Suir SAC (site code 002137) and c. 13 km from the Galtee Mountains SAC (site code 000646). Having regard to the nature and scale of the proposed development comprising redevelopment of an existing building at a zoned and serviced site within an established settlement, and the separation distances between the European sites and the subject site, I do not consider that the proposal would be likely to significantly impact the qualifying interests of the European Sites during either the construction or operational phases of development. As such, I consider that no Appropriate Assessment issues arise. In conclusion, I do not consider 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. Having read the appeal and submissions on file, had due regard to the provisions of the South Tipperary County Development Plan 2009 (as varied and extended), including the specific provisions and objectives for the settlement of New Inn, carried out a site visit and all other matters arising. I recommend that permission is granted for the proposed development subject to the conditions set out below.

9.0 Reasons and Considerations

9.1. Having regard to the provisions of the South Tipperary County Development Plan 2009 (as varied and extended), to the town/village centre land use zoning of the site, to the nature of the proposed development and to the pattern of development in the surrounds, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would not have significant adverse impact on the character or integrity of the protected structure, would not result in traffic hazard and would constitute an acceptable form of development at this location. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the Further Information submitted 23rd December 2022, 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>Reason: In the interest of clarity.</p>
2.	<p>Prior to commencement of development, the developer shall provide for the following:-</p> <p>(a) The appointment of a conservation expert, who shall manage, monitor and implement works on the site and ensure adequate protection of the historic fabric during those works.</p> <p>(b) The submission of details of all finishes and of all existing original features to be retained and reused where possible, including interior and exterior fittings/features, joinery, fenestration, plasterwork, features</p>

	<p>(cornices and ceiling mouldings), roofs, staircases including balusters, handrail and skirting boards.</p> <p>All repair/restoration works shall be carried out in accordance with best conservation practice as detailed in the application and the “Architectural Heritage Protection Guidelines for Planning Authorities” (Department of Arts, Heritage and the Gaeltacht, 2011). The repair/restoration works shall retain the maximum amount possible of surviving historic fabric in-situ including structural elements, plasterwork and joinery and shall be designed to cause minimum interference to the building structure and/or fabric.</p> <p>Reason: To ensure that the integrity of the historic structures is maintained and that the structures are protected from unnecessary damage or loss of fabric</p>
3.	<p>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.</p> <p>Reason: In the interest of visual amenity.</p>
4.	<p>The areas of communal open space shown on the lodged plans shall be landscaped in accordance with a landscape scheme which shall be agreed in writing with the planning authority prior to the commencement of development, unless otherwise agreed in writing with the planning authority. The landscape scheme shall be implemented fully in the first planting season following completion of the development, and any trees or shrubs which die or are removed within three years of planting shall be replaced in the first planting season thereafter. This work shall be completed before any of the dwellings are made available for occupation.</p> <p>Reason: In order to ensure the satisfactory development of the open space areas, and their continued use for this purpose.</p>
5.	<p>Final details of all proposed site boundary treatments and details of tree protection measures for trees at adjoining sites (where necessary) shall be agreed in writing with the planning authority prior to the commencement of development.</p>

	<p>Reason: To protect trees and planting during the construction period in the interest of visual amenity.</p>
6.	<p>Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
7.	<p>The developer shall enter into water supply and wastewater connection agreements with Irish Water, prior to commencement of development.</p> <p>Reason: In the interest of public health.</p>
8.	<p>The management and maintenance of the proposed development following its completion (save for areas that are to be taken in charge) shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development.</p> <p>Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.</p>
9.	<p>A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities for each unit shall be submitted to, and agreed in writing with, the planning authority not later than six months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.</p> <p>Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.</p>
10.	<p>Public lighting shall be provided in accordance with a final scheme to reflect the indicative details in the submitted Public Lighting Report, details of which shall be submitted to, and agreed in writing with, the planning</p>

	<p>authority prior to commencement of development/installation of lighting. Such lighting shall be provided prior to the making available for occupation of any house.</p> <p>Reason: In the interests of amenity and public safety.</p>
11.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.</p> <p>Reason: In the interests of visual and residential amenity.</p>
12.	<p>All car parking spaces shall be provided with functioning electric vehicle charging stations/points. Where proposals relating to the installation of electric vehicle ducting and charging stations/points have not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the planning authority prior to the occupation of the development.</p> <p>Reason: To facilitate the use of electric vehicles.</p>
13.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of all intended construction practice for the development, including measures for protection of existing development and boundary walls, construction traffic routing and management, construction parking, materials storage, site compound, noise management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
14.	<p>Construction and demolition waste shall be managed in accordance with a final 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</p>

	<p>Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.</p> <p>Reason: In the interest of sustainable waste management.</p>
15.	<p>Site development and building works shall be carried only out between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 hours 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>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
16.	<p>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.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the</p>

	Development Contribution Scheme made under section 48 of the Act be applied to the permission.
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I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Sarah Moran
Senior Planning Inspector

26th July 2023