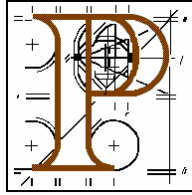


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2009

Kilkenny Borough

Planning Register Reference Number: 09/5

An Bord Pleanála Reference Number: PL 62.233867

APPEAL by Eugene Norton care of Ryan Design of White Lodge, Courtown Road, Gorey, County Wexford against the decision made on the 12th day of May, 2009 by Kilkenny Borough Council to grant subject to conditions a permission to Vincent and Catriona Quan care of Gittens Murray Architects Limited of 2 Patrick's Court, Patrick Street, Kilkenny in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Modifications and extension of premises at numbers 21 and 22 Rose Inn Street, Kilkenny which is a protected structure (RPS Reference Number PB 177). The works are summarised as: (1) extension of existing retail area into former bakery at ground floor (which requires the provision of new opening in the existing wall), which would include a material change of use of the former bakery at ground floor to retail area; (2) material change of use of first floor apartment area; (3) material change of use of second floor apartment area to office area and (4) removal and replacement of the existing roof structure to former bakery and all associated development works.

DECISION

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

Having regard to the historic central city location and the complete site coverage by the existing buildings within the site that are subject of the proposed development and the zoning objective “General Business”, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in terms of traffic and pedestrian safety and convenience and orderly development and would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be carried out in accordance with the plans and particulars lodged with the application, as amended by the further drawings and particulars received by the planning authority on the 16th day of April, 2009, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

2. The development shall be carried out in entirety under the direction of a person with a specialist expertise in building conservation and in accordance with the method statement submitted to the planning authority on the 9th day of April, 2009. All works shall be completed to the satisfaction of the planning authority prior to the occupation of the development.

Reason: To ensure the protection and preservation of historic building fabric in accordance with good building conservation practice.

3. The developer shall facilitate the planning authority in preserving, recording or otherwise protecting archaeological materials or features that may exist within the site. In this regard, the developer shall -
 - (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
 - (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
 - (c) provide satisfactory arrangements for the recording and removal of any archaeological material which may be considered appropriate to remove.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation of any remains which may exist within the site.

4. Prior to commencement of development the developer shall submit, and obtain the written agreement of the planning authority to, 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.

Reason: To provide for the appropriate management of waste and, in particular, recyclable materials, in the interest of protecting the environment.

5. Details of proposals for external signage, fixture and fittings and lighting shall be subject of a planning application.

Reason: In the interest of clarity.

6. 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. The contribution shall be paid prior to the 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 the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2009.