



An
Bord
Pleanála

Board Direction
PL.10.247404

The submissions on this file and the Inspector's report were considered at a Board meeting held on February 23rd 2017 and at a further Board meeting on May 19th 2017.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

Having regard to the zoning objective for the site, the central location, the design and form of the proposed development and the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the Kilkenny County Development Plan 2014-2020, the Castlecomer Local Area Plan 2009, and the Architectural Heritage Protection Guidelines for Planning Authorities published by the Department of Arts Heritage and the Gaeltacht 2011, would not seriously injure the amenities of adjacent residential property in the vicinity, would not be prejudicial to public and environmental health, would be acceptable in terms of traffic safety and convenience and would not have a significant adverse effect on the character of the protected structure or the architectural conservation area. The proposed development would therefore, be in accordance with the proper planning and sustainable development of the area.

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 the 19th day of August 2016 and by the further plans and particulars received by An Bord Pleanála on the 14th day of November 2016 and further plans and particulars on 3rd April 2017, except as may otherwise be required in order to comply with the following conditions. Where such conditions require points of detail to be agreed with the planning authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. The eastern elevation shall be amended in accordance with revised drawing 1563-O-101 (Site Layout and First Floor Plan) and Drawing No 1563-P200 Elevation East as received An Bord Pleanála on the 14th day of November 2016. Details shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

Reason: To prevent overlooking of the adjoining residential property.

3. The developer shall facilitate the preservation, recording and protection of 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, demolitions and other excavation works, and
- (c) undertake a phase of post demolition testing

(d) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove. In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

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

4 The remains of the demolished building, known as Feature 9 shall be fully archaeologically excavated according to best practice, in addition to all other features associated with this structure. The developer shall be prepared to fund the costs of the excavation and any necessary post excavation analyses that are required, including a final excavation report.

The archaeologist shall complete a programme of archaeological test excavation in those areas not previously tested due to issues of access and also in those areas where demolition is yet to take place. All trenches shall be excavated to the uppermost archaeological horizons – where they survive. All features shall be cleared by hand, fully recorded, photographed and planned in advance of their excavation.

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

5 (a) A conservation expert shall be employed to manage, monitor and implement the works on the site and to ensure adequate protection of the retained and historic fabric during the works. In this regard, all permitted works shall be designed to cause minimum interference to the retained buildings and facades and fabric.

(b) All repair works to the protected structures shall be carried out in accordance with best conservation practice as detailed in the application and the Architectural Heritage Protection Guidelines for Planning Authorities issued by the Department of Arts Heritage and the Gaeltacht 2011. The repair works shall retain the maximum amount of surviving historic fabric in situ, including structural elements, plasterwork (plain and decorative) and joinery and shall be designed to cause minimum interference to the building structure and or fabric. Items that have to be removed for

repair shall be recorded prior to removal, catalogued and numbered to allow for authentic re-instatement.

(c) All existing original features, including interior and exterior fittings / features, joinery plasterwork features (including cornices and ceiling mouldings) staircases including balusters, handrail and skirting boards, shall be protected during the course of refurbishment.

Reason: To ensure that the integrity of the retained structures is maintained and that the structures are protected from unnecessary damage or loss of fabric.

6. Prior to commencement of development, details of the materials, colours and textures including sample panels of all the external finishes to the proposed development shall be submitted to the planning authority for agreement.

Reason: In the interest of orderly development and the visual amenities of the area.

7. Water supply and drainage arrangements shall comply with the requirements of the Planning Authority for such works and services, and shall be agreed in writing with the Planning Authority prior to commencement of development.

Reason: In the interests of public health.

8. The extension shall not be occupied until permission has been granted for an overflow car parking area to serve the development.

Reason: To ensure that adequate parking facilities are available to serve the development and in the interest of traffic safety.

9. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths, kerbs, and access road shall be in accordance with the detailed standards of the planning authority for such works.

Reason: In the interest of public safety and the amenities of the development.

10. The road works associated with the proposed development including the setting out of entrance, paving and surface finishes, shall be carried out and completed in accordance with the requirements of the planning authority.

Reason: In the interest of traffic safety and orderly development.

11. A replacement semi mature lime tree at 30-35cm girth shall be provided in a well prepared tree pit at a location to be agreed in writing with the Planning Authority prior to the commencement of development.

Reason: In the interest of visual amenity.

12 A comprehensive boundary and landscaping scheme shall be submitted to and agreed in writing with the planning authority prior to the commencement of the development. The scheme shall include the following:

(a) Details of all proposed hard surface finishes, including samples of proposed paving slabs / materials for footpaths, kerbing and road surfaces within the development.

(b) Proposed location of trees and other landscaping planting in the development, including details of proposed species and settings;

(c) Details of proposed street furniture, including bollards, lighting fixtures and seating

(d) Details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes.

The boundary treatment and landscaping scheme shall be carried out in accordance with the agreed scheme.

Reason: In the interest of visual amenity.

13. 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. The 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.

Reason: In the interests of public safety and residential amenity.

14. No signage, advertising structures / advertisements, security shutters or other projecting elements, including flagpoles, shall be erected within the site and adjoining lands under the control of the applicant unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

15 (a) All entrance doors in the external envelope shall be tightly fitting and self-closing

(b) All windows and roof lights shall be double glazed and tightly fitting.

(c) Noise attenuators shall be fitted to any openings required for ventilation or air conditioning purposes.

Details indicating the proposed methods of compliance with the above requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To protect the residential amenities of property in the vicinity.

16 No further structures, plant or antennae shall be erected on the roofs of the buildings without a prior grant of planning permission.

Reason: In the interest of visual amenity.

17 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.

Board Member

Date: 19.05.17

Paul Hyde