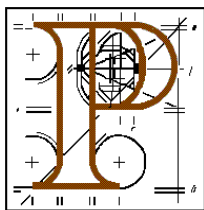


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

Kilkenny County

Planning Register Reference Number: 16/124

An Bord Pleanála Reference Number: PL 10.247404

APPEAL by Michelle Bourke and others care of Larkin Associates of Main Street, Bennettsbridge, Kilkenny against the decision made on the 14th day of September, 2016 by Kilkenny County Council to grant subject to conditions a permission to Joseph Comerford care of Brian Dunlop Architects of Patricks Court, Patrick Street, Kilkenny in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Alternations and extensions to Avalon Inn Hotel, High Street, Castlecomer, County Kilkenny. The alterations and extensions will include: demolition of existing rear extensions and ancillary outbuildings, internal alterations and renovations to the existing historic hotel building, single storey, double height side extension to the western gable, rear extension to consist of three floors of bedroom accommodation over ground floor function room, new vehicular entrance from High Street and all associated car parking and site development works. The proposed new accommodation will include: (a) new ground floor function room with ancillary stores and function room bar, (b) new single storey and double-height bar extension to the side of the existing two storey hotel, (c) single storey office accommodation extension, (d) three floors of bedroom and associated ancillary accommodation and (e) new hotel kitchen and staff facilities. The proposed works within the existing retained hotel building will include: (a) adaption of the existing ground floor bar and lounge area, (b) conversion of first floor bedrooms to new restaurant and dining area and (c) conversion of the second floor bedrooms to office accommodation. The proposed site development works will include: (a) new vehicular entrance and exit road serving hotel carpark incorporating 53 number car parking spaces, (b) new landscaped courtyard to east of the rear extension, (c) removal of one lime tree and realignment of the road kerbs to accommodate the new vehicular

entrance and (d) connection to and re-alignment of existing public drainage within the site and surface new water attenuation. The existing overall floor area of the hotel is 828 square metres with nine number bedrooms. The proposed overall new floor of the development is 2,756 square metres with 39 number bedrooms. All works are to take place to the Avalon Inn Hotel, which is listed on the Record of Protected Structures for Kilkenny (C494) and on the NIAH Register (Reference 12301005). The site lies within the area of archaeological protection (RMP KK005-082 Historic Town) and within the Architectural Conservation Area for Castlecomer as defined in the Kilkenny County Council Development Plan. The site is within the Zone of Archaeological Potential for Castlecomer as identified on the Urban Archaeological Survey for County Kilkenny. (As amended by the further public notice received by the planning authority on the 19th day of August, 2016).

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 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 the 3rd day of April 2017, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The eastern elevation shall be amended in accordance with revised drawing number 1563-P-101 (Site Layout and First Floor Plan) and drawing number 1563-P-200 (Elevation – East) as received by 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,
 - (c) undertake a phase of post demolition testing, and
 - (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 façades 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 30-35 centimetres 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; and

- (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, as amended. 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 An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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

Dated this day of 2017.