



An
Bord
Pleanála

**Board Order
PL 10.248661**

Planning and Development Acts 2000 to 2017

Planning Authority: Kilkenny County Council

Planning Register Reference Number: 16/582

Appeal by Maria Cosgrave Lyons of 88 Kilkenny Street, Castlecomer, County Kilkenny against the decision made on the 15th day of May, 2017 by Kilkenny County Council to grant subject to conditions a permission to Richard and Monica O'Shea of The Vaults, 89 Kilkenny Street, Castlecomer, County Kilkenny in accordance with plans and particulars lodged with the said Council:

Proposed Development: Retention for (1) the use of an external courtyard and bar area as part of the public house, (2) the erection of a metal canopy over courtyard, erection of doors to courtyard area together with all associated fixtures and fittings, and (3) changes to the south-facing building façade of the premises together with all other associated works, all at The Vaults Public House, 89 Kilkenny Street, Castlecomer, County Kilkenny (a Protected Structure).

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 nature of the proposed development, its location within the town centre area, the historical use of the site, the nature and pattern of uses in the vicinity, and the provisions of the current Castlecomer Local Area Plan, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of property in the vicinity or the residential amenities of the area and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The grant of permission is for a retention of permission and to carry out works submitted in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 20th 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. Amplified sound shall not be carried out or take place in the courtyard area after 2300 hours on any night.

Reason: In the interest of protection of the amenities of the area and safeguarding residential amenities.

3. Within three months of the date of this order the applicant shall submit to, and agree with the planning authority, a comprehensive management and mitigation plan in relation to noise and odour emissions arising from the site. Details relating to ongoing monitoring and review of the agreed mitigation measures shall form part of this plan.

Reason: In the interest of the protection of the amenities of the area and safeguarding residential amenities.

4. The elevational changes to the front façade shall be limited solely to the replacement of the gates with double doors. Details relating to the finishes of these doors shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any works.

Reason: In the interest of visual amenity.

