



Planning and Development Acts 2000 to 2018

Planning Authority: Kilkenny County Council

Planning Register Reference Number: 17/560

Appeal by John and Yvonne Dalton care of Peter Thomson Planning Solutions of 4 Priory Grove, Kells, County Kilkenny against the decision made on the 5th day of December, 2017 by Kilkenny County Council to grant subject to conditions a permission to John Ryan care of Dalton and O'Donnell Architects of The Butterslip, Kilkenny in accordance with plans and particulars lodged with the said Council.

Proposed Development: Development consisting of works to the fourth floor only, comprising an extension (318 square metres); the internal re-configuration of existing floor space; revisions to the existing roof profile and elevational amendments, resulting in the provision of six number hotel suites, sitting area and ancillary plant area. The development will also include all landscaping and ancillary site works at The Pembroke Hotel, Patrick Street, Kilkenny.

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 General Business zoning objective for the area and to the pattern of development in the area, it is considered that, subject to compliance with conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not have a significant adverse impact on the special character of the Patrick Street Architectural Conservation Area and would be acceptable in terms of traffic safety and convenience. 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 on the 9th day of November, 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 proposed development shall be amended as follows:
 - (a) No planting shall be placed on the external terrace area outside Suite Number 406.
 - (b) The fenestration to Suite Number 406 shall be amended such that the minimum cill height shall be 900 millimetres.
 - (c) The set back of Suite Number 406 from the parapet edge at the southern elevation of the building shall be a minimum of 1.8 metres over the length of that unit.
 - (d) The window to the stair core adjoining Suite Number 406 shall be fitted with obscure glazing.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual and residential amenity.

3. The following details shall be complied with in the development:
 - (a) Details of the external finishes of the proposed extension to include window materials, roofing and balustrade shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
 - (b) The proposed six number French doors along the front (Patrick Street) elevation shall not protrude beyond the existing roofline in this location. A detailed elevation and cross section of one of these windows demonstrating compliance with this requirement shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual amenity and protection of the character of the Architectural Conservation Area.

4. Site development and building works shall be carried out only between the hours of 0800 and 1800 Mondays to Fridays inclusive, between 0800 and 1500 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.

Reason: In order to safeguard the residential amenities of property in the vicinity.

5. Construction and demolition waste shall be managed in accordance with a 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 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.

Reason: In the interest of sustainable waste management.

6. Prior to the opening of the development, a Mobility Management Strategy shall be submitted to, and agreed in writing with, the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and car-pooling by staff employed in the development and measures to reduce and accommodate the extent of visitor parking. Details to be agreed with the planning authority shall include the provision of centralised facilities within the development for bicycle parking, procedures for the accommodation of set down traffic and coaches and provision of staff and visitor parking.

Reason: In the interests of encouraging the use of sustainable modes of transport and accommodation of parking demand generated by the development.

7. 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.

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.

Terry Ó Niadh

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this day of 2018.