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**Planning and Development Acts 2000 to 2020**

**Planning Authority: Kilkenny County Council**

**Planning Register Reference Number: 19/724**

**Appeal** by Bryan O'Dwyer, Sorcha Dalton and Others care of 19 Vicar Street, Kilkenny and by Others against the decision made on the 18<sup>th</sup> day of November, 2020 by Kilkenny County Council to grant subject to conditions a permission to Auburn Ventures Limited care of RW Nowlan of 37 Baggot Street Lower, Dublin in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Extension of the existing Kilkenny Inn Hotel building by providing a four-storey plus penthouse building with frontage onto Saint Canice's Place. The development includes a café with outdoor covered terrace area setback from the street at ground floor, 75 proposed rooms across ground, first, second and third floors and a co-working lounge on the penthouse level. The proposed extension is to be connected to the existing hotel accommodation at first, second and third floor levels, includes an adjustment of existing car parking spaces, a landscaped central courtyard, a rooftop plant enclosure, set down area at front of the proposed building on Saint Canice's Place and relocation of ESB substation from rear of existing site to the new proposed building facing Saint Canice's Place, including all

associated site development works at the Kilkenny Inn Hotel, Vicar Street, (and Saint Canice's Place), Kilkenny. The proposed development was revised by further public notices received by the planning authority on the 23<sup>rd</sup> day of October, 2020).

## **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 land use zoning objectives of the site as set out in the Kilkenny City and Environs Development Plan 2014-2020, as varied, the existing hotel use on the site, the nature and pattern of development in the area, and the design and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, and would constitute an appropriate land use at this location. 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 significant further information plans and particulars submitted to the planning authority on the 23<sup>rd</sup> day of October 2020, 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.

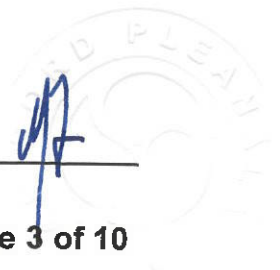
**Reason:** In the interest of clarity.

2. Details of the materials, colours and textures of all the external finishes to the proposed development shall be as submitted with the application, unless otherwise agreed in writing with the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

3. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health.



4. (a) Prior to commencement of development, the developer shall enter into water and/ or wastewater connection agreement(s) with Irish Water.
- (b) As part of the connection agreement with Irish Water, the developer shall, at their own expense, extend the existing watermain in Vicar Street for a required distance as necessary to the proposed hotel entrance and implement any measures required by Irish Water to protect and ensure the integrity of the watermain.

**Reason:** In the interest of public health.

5. 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, and
  - (b) undertake in full the mitigation measures included in Section 8.2 of the Archaeological Assessment Report submitted to the planning authority as significant further information on the 23<sup>rd</sup> day of October 2020.

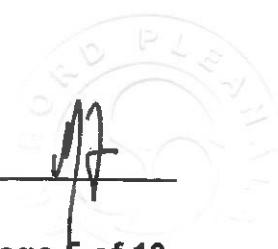
**Reason:** In order to conserve the archaeological heritage of the site and to secure the preservation (in-situ and/ or by record) and protection of any remains that may exist within the site.

6. 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. This plan shall provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction/ demolition waste.

**Reason:** In the interest of public safety and amenity.

7. 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.



8. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 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 amenities of properties in the vicinity.

9. No additional development, to that indicated and hereby permitted within the proposed plant enclosure area, shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

**Reason:** To protect the visual amenities of the area.

10. Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority the following:
- (a) a Construction Traffic Management Plan,
  - (b) a Mobility Management Plan, and
  - (c) final design, construction, and operation details of the set down area inclusive of footpath and cycle path.

**Reason:** In the interest of amenity, sustainable transportation, and traffic and pedestrian safety.

11. (a) The car parking spaces shall be provided as indicated in the plans and particulars submitted to the planning authority as significant further information on the 23<sup>rd</sup> day of October 2020, unless otherwise agreed in writing with the planning authority,
- (b) the provision of bicycle spaces shall be increased and shall be sheltered and secure. Details in this regard shall be submitted to and agreed in writing with the planning authority, and
- (c) the car and bicycle parking spaces shall be clearly demarcated and reserved solely to serve the proposed development and shall not be sold or sublet for any other purpose.

**Reason:** In the interest of orderly development.

12. (a) During the operational phase of the proposed development, the noise level arising from the development, as measured at the nearest noise sensitive location shall not exceed:
- (i) An Leq,1h value of 55 dB(A) during the period 0800 to 2200 hours from Monday to Saturday inclusive.
- (ii) An Leq,15 min value of 45 dB(A) at any other time. The noise at such time shall not contain a tonal component.
- (b) All sound measurement shall be carried out in accordance with ISO Recommendation 1996:2007: Acoustics - Description and Measurement of Environmental Noise.

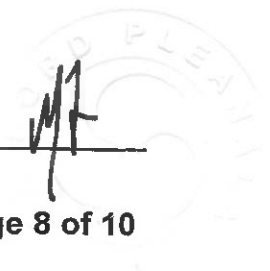
**Reason:** To protect the amenities of property in the vicinity of the site.

13. Measures for the control of air (including light overspill) and odour emissions from the premises (including the courtyard, café and terrace area) shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of public health and to protect the amenities of the area.

14. A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:-
- (a) details of all proposed hard surface finishes, including samples of proposed paving slabs for the terrace area, materials for footpaths, kerbing and road surfaces within the development,
  - (b) proposed locations of trees, other landscape planting (including the green wall planting on the eastern gable elevation) 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 wall/ fence heights, materials and finishes.

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





If any tree or plant dies or is otherwise lost within a period of five years, it shall be replaced with a tree or plant of the same species, variety and size within the planting season following such loss.

**Reason:** In the interest of visual amenity.

15. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. All existing over ground cables shall be relocated underground as part of the site development works.

**Reason:** In the interests of visual amenity.

16. 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 shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

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

17. No signage, advertising structures/ advertisements, security shutters, or other projecting elements, including flagpoles, shall be erected within the site unless authorised by a further grant of planning permission.

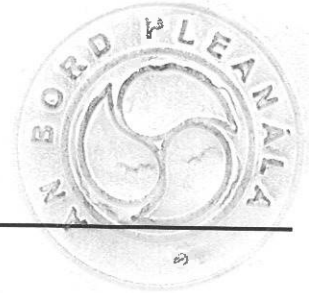
**Reason:** To protect the visual amenities of the area.

18. 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.



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



Dated this 22<sup>nd</sup> day of November 2021.