



An  
Bord  
Pleanála

Board Order  
ABP-308929-20

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**Planning and Development Acts 2000 to 2020**

**Planning Authority: Kilkenny County Council**

**Planning Register Reference Number: 20/304**

**Appeal** by William Queally of The Square, Johnstown, County Kilkenny against the decision made on the 23<sup>rd</sup> day of November, 2020 by Kilkenny County Council to grant subject to conditions a permission to Walsh and Sheehan Investments Limited care of MDP and Partners of 2/3 Colbeck Street, Waterford in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** The change of use from commercial to residential comprising four number one-bedroom apartments and two number two bedroom, two-storey detached houses. Works will comprise of select demolition works and reconfiguration of the existing structures with modification to existing facades, landscape and all associated ancillary site works at The Ouncel, The Square, Johnstown, County Kilkenny (a protected structure, reference C178, Johnstown Architectural Conservation Area).

## **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**

It is considered, subject to compliance with the conditions set out below, that the upgrade and reuse of a vacant Protected Structure in this prominent location within the centre of Johnstown Village, and within the Johnstown Architectural Conservation Area, would make a positive contribution to the regeneration of the town centre and to the Architectural Conservation Area. It is considered that the proposed development would not adversely affect the character and setting of the Protected Structure, would provide a satisfactory level of amenity for future occupants, notwithstanding the absence of in-curtilage parking, would not seriously injure the visual or residential amenities of the 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 in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 28<sup>th</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. All works to the protected structure, shall be carried out under the supervision of a qualified professional with specialised conservation expertise.

**Reason:** To secure the authentic preservation of this protected structure and to ensure that the proposed works are carried out in accordance with best conservation practice.

3. A method statement and a schedule of samples of all materials to be used in the internal and external treatment of the development to include plasterwork, joinery, roofing materials, windows and doors shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In order to facilitate the conservation, preservation and/or recording of the architectural heritage of the site.

4. Proposals for a development name and numbering scheme shall be submitted to, and agreed in writing with, the planning authority prior to commencement of the development.

**Reason:** In the interest of urban legibility.

5. 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.

6. The developer shall enter into water and wastewater connection agreements with Irish Water prior to commencement of development.

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

7. (a) Site development and building works shall be carried out only between the hours of 0800 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.
- (b) 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, traffic management measures and off-site disposal of construction/demolition waste.

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

8. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To ensure the satisfactory completion and maintenance of this development.

9. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

All plantings shall be adequately protected from damage until established. Any plants which die, are removed, or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

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

10. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** To ensure the satisfactory completion of the development

11. The developer shall pay to the planning authority a financial contribution of €10,900 (ten thousand nine hundred euro) in respect of the shortfall in car parking spaces 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. The application of any indexation required by this condition 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.

**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.

*DR. Maria FitzGerald*

**Maria FitzGerald**

**Member of An Bord Pleanála**

**duly authorised to authenticate**

**the seal of the Board.**

Dated this *9<sup>th</sup>* day of *June* 2021.

