

An
Bord
Pleanála

Board Order
ABP-310562-21

Planning and Development Acts 2000 to 2020

Planning Authority: Kilkenny County Council

Planning Register Reference Number: 21/85

Appeal by Edwina Gibbons and Others care of 12 The Avenue, Ayrfield, Granges Road, Kilkenny, County Kilkenny against the decision made on the 24th day of May, 2021 by Kilkenny County Council to grant subject to conditions a permission to P.M. Cantwell Limited care of MRC Design Limited of 1 City Wall, James Street, Kilkenny in accordance with plans and particulars lodged with the said Council:

Proposed Development: (a) Demolition of existing single storey vacant house on site, (b) the erection of a two-storey pitch roof building with four number own door two bedroom apartments with adjoining flat roofed single storey two number outhouses/bicycle stores, (c) parking and footpath adjustments to the front of the proposed building, (d) connection to all underground services together with all other associated site works all located on lands at 26 Lord Edward 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 provisions of the Kilkenny City and County Development Plan 2021 – 2027, including the zoning objective for the site ('Existing Residential'), which seeks to protect and enhance residential amenity in the area; and the nature, design and layout 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 visual or residential amenities of the area, or of property in the vicinity, would provide an acceptable standard of amenity for future residents, and be acceptable in terms of traffic safety. 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 28th day of April 2021, 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 car parking layout shall be modified so that at least one number space is provided for persons with impaired mobility. The spaces shall be located as close as possible to the building entrance in lieu of one of the proposed car parking spaces shown on the submitted car parking layout drawing. The layout, dimensions and markings for these spaces shall be in accordance with the guidance set out in the document "Building for Everyone - a Universal Design Approach" (National Disability Authority). 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: To ensure a satisfactory parking provision for the proposed development that is accessible to all users.

3. 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 all intended construction practice for the development, including measures for protection of existing development and boundary walls, construction traffic routing and management, construction parking, materials storage, site compound, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

4. 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] for each apartment unit 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: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

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

Reason: In the interest of visual amenity.

6. Prior to commencement of development, final finishes, construction makeup and detailing of the proposed footpath and the layout of the proposed car parking, junction kerbing, drainage, road markings, and signage, shall be submitted to and agreed in writing with the planning authority.

Reason: In the interests of public safety and residential amenity.

7. 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.

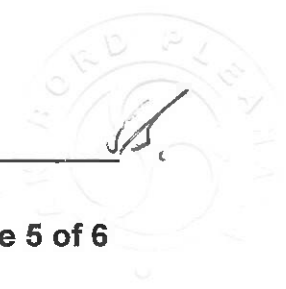
Reason: In order to safeguard the residential amenities of property in the vicinity.

8. Surface water drainage arrangements for the proposed development, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority.

Reason: In the interest of public health.


9. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

Reason: In the interest of public health.

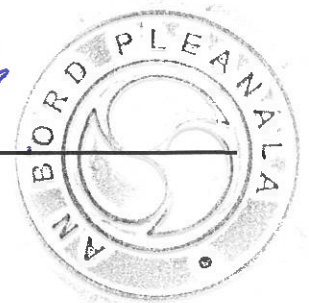


10. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefitting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of 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.



Stephen Bohan
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board



Dated this *14th* day of *December* 2021