

An
Bord
Pleanála

Board Order
ABP – 311640-21

Planning and Development Acts 2000 to 2021

Planning Authority: Kilkenny County Council

Planning Register Reference Number: 21/367

Appeal by Sean Walsh care of Kearney Roche and McGuinn LLP of 9 The Parade, Kilkenny against the decision made on the 15th day of September, 2021 by Kilkenny County Council to grant subject to conditions a permission to Hansa Properties Limited care of Brian Dunlop Architects of 15 Patrick Street, Kilkenny in accordance with plans and particulars lodged with the said Council:

Proposed Development: Demolition of the upstanding remains of a former Hosiery Factory and the construction of four dwelling houses, on the former factory site, comprising: The renovation and extension of a derelict end of terrace cottage structure to a two bedroom, single-storey house; a four bedroom, two-storey, detached house; a five bedroom, two-storey, detached house; a five bedroom, three-storey, detached house; site access road; relocation of existing right of way access serving rear of adjoining property; a foul water below ground pumping station; six roadside parking spaces in addition to on-site parking for three houses; fencing to open green area and all associated site ancillary and landscaping works. The application is within an Architectural Conservation Area and within the curtilage of a Protected Structure. A Natura Impact Statement (NIS) has been prepared. All at Talbot's Inch Village, Freshford Road, County Kilkenny.

pm

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.

Reasons and Considerations

Having regard to the zoning objectives for the site, as set out in the Kilkenny City and County Development Plan 2021 - 2027, to the national and local policy objectives which support the redevelopment of brownfield/infill sites, to the pattern of development in the area and to the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable and would not seriously injure the character or setting of the Architectural Conservation Area of Talbot's Inch Village in which the site is located or the residential or visual amenities of the area, would not adversely impact upon the character and setting adjacent to the Protected Structures, and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

p.m

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by further plans and particulars received on the 19th day of August, 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. (a) Prior to commencement of development, details of the materials, colours and textures of all the external finishes to the proposed buildings, surface materials and public realm finishes shall be submitted to, and agreed in writing with, the planning authority.
- (b) Details of a plaque to be erected on/near the site detailing the past industrial use of the factory and its relationship to Talbot's Inch Village shall be subject to the written agreement of the planning authority prior to the commencement of development.

Reason: In the interest of the visual amenity of the Architectural Conservation Area and to acknowledge the site's historical industrial past.

pm

3. 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/materials for footpaths, kerbing and road surfaces within the development;
 - (b) Proposed locations of trees and other landscape planting in the development, including details of proposed species and settings;
 - (c) Details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes; and
 - (d) Details of the omission of the proposed four number formal parallel parking spaces adjacent to the open space.

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

Reason: In the interest of visual amenity.

4. Proposals for a naming scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Complete details (including design, size, configuration, specification and location) of the signage shall be submitted to, and agreed in writing with, the planning authority prior to being erected.

Reason: In the interests of visual amenity and orderly development.

pm

5. Prior to the commencement of development, the developer shall submit the following details for the written agreement of the planning authority:
- (a) Details of materials for the internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs shall comply with the planning authority requirements and the standards set out in the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in May 2019;
 - (b) Details of boundary treatment and finishes to the verge between the public road and proposed houses numbers three and four to ensure visibility from the private relocated right of way; and
 - (c) Details of public lighting.

Reason: In the interests of visual amenity and of pedestrian and traffic safety.

6. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interest of visual amenity.

7. Drainage arrangements, including the disposal and attenuation of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

p m

8. The applicant shall enter into water and/or wastewater connection agreement(s) with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

9. (a) The developer shall be responsible for the ongoing maintenance of shared areas and infrastructural services pending taking in charge of the development by the local authority.

(b) In the event of an application by the developer that the development is taken in charge by the local authority, the "Taking in Charge Protocol" as operated by Kilkenny County Council shall apply.

Reason: To ensure the development is satisfactorily completed.

10. 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] within each house plot 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.

f m

11. The construction and demolition 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 hours of work, noise and dust management measures, a Traffic Management Plan, details of disposal of construction/demolition waste. Site development, demolition and building works shall be carried out only between the hours of 0800 and 1900 from Mondays to Fridays inclusive, between the hours of 0800 and 1400 on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In the interests of public safety and to safeguard the residential amenities of the area.

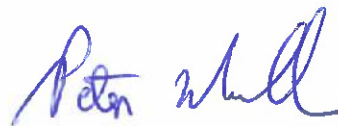
12. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection 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.

pm

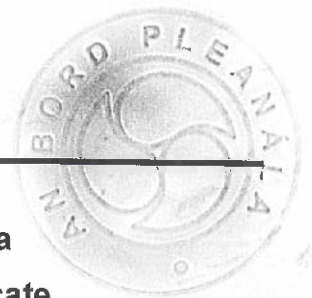
13. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the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



Peter Mullan

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



Dated this 13th day of February, 2023.