



An  
Bord  
Pleanála

## Board Order ABP- 312672-22

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**Planning and Development Acts 2000 to 2021**

**Planning Authority: Carlow County Council**

**Planning Register Reference Number: 21/155**

**Appeal** by Orlaith Brennan care of PDS and Associates of Lismard House, Tullow Street, Carlow against the decision made on the 13<sup>th</sup> day of January, 2022 by Carlow County Council to grant permission subject to conditions to Catherine Fitzgerald care of Dean Design of The Mill House, Dunleckney, Bagenalstown, County Carlow in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Permission sought for the change of use of existing retail premises for use as residential, retaining a portion of the original ground floor for use as retail, full planning permission is sought to construct one number apartment at ground floor level with associated stairwell access to upper and lower level, two number apartments at first floor level and two number duplex style apartments at second floor level, to carry out alterations at basement level to accommodate facilities/services associated with the proposed development, to carry out elevational alterations to accommodate same, all ancillary site works and services 62-64 Dublin Street, Carlow. The building is located within an Architectural Conservation Area. The proposed development was revised by further public notices received by the planning authority on the 9<sup>th</sup> day of December, 2021 as follows: revised floor plans, eliminating apartment at ground floor level and revising layout at second floor to accommodate one duplex apartment and one number one bedroomed apartment.

## 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 provisions of the Carlow County Development Plan 2022-2028, to the location of the site on lands zoned Town Centre within a designated Architectural Conservation Area and to the nature, form, scale and design of the development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the conservation, residential or visual amenities of the area 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.

## 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 4<sup>th</sup> day of November 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. This grant of permission provides for the retention of one number retail unit on the ground floor level, two number apartment units on the first floor level (as indicated in the plans and particulars received by the planning authority on the 4<sup>th</sup> day of November, 2021) and one number apartment unit on second floor level which shall be provided by the amalgamation of apartment numbers 3 and 4 (as indicated in the plans and particulars received by the planning authority on the 4<sup>th</sup> day of November, 2021). The use of the third floor/attic level for residential use, including the extension and balcony at third floor level (as indicated in the plans and particulars received by the planning authority on the 4<sup>th</sup> day of November, 2021) shall not be permitted. The basement level shall be used for ancillary storage purposes only. Prior to the commencement of development, the applicant shall submit to, and agree in writing with, the planning authority amended plans, sections and elevations at a scale of not less than 1:100 indicating compliance with the requirements of this condition.

**Reason:** In the interest of the proper planning and sustainable development and in the interest of clarity.

3. (a) Any works to the external elements of these structures including the shopfront, windows and doors, roofs, guttering, downpipes, chimneys and external walls shall be carried out to best conservation practice as outlined in Architectural Heritage Protection – Guidelines for Planning Authorities (2011).
- (b) The applicant shall engage appropriately qualified and competent conservation professionals, as necessary, to specify the works and oversee their correct completion on site. A written report confirming same shall be submitted to the planning authority within three months of completion.
- (c) The works shall be undertaken by skilled and experienced conservation contractors and specialists with relevant experience of historic materials and techniques.

(d) The street clock with the inscription "Bramleys Jewellers" on the Dublin Street façade shall be returned to working order and retained in situ unless otherwise agreed in writing with the planning authority.

**Reason:** In the interest of the Architectural Integrity of the Architectural Conservation Area and in the interest of the proper planning and sustainable development of the area.

4. (a) Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

(b) Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreements with Uisce Eireann.

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

5. The construction of the development shall be managed in accordance with a Site Traffic and Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Alternative arrangements shall be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works.

**Reason:** In the interests of amenities, public health and safety.

6. The communal open space at second floor level 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.

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

7. Site development and building works shall be carried out between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or 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 order to safeguard the residential amenities of property in the vicinity.

8. 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 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.

  
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**Tom Rabbette**

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

Dated this  day of  2023