



An
Bord
Pleanála

Inspector's Report PL.10.247404.

Development

Permission for alterations and extensions to the Avalon Inn Hotel, (a protected structure) with all associated site development works.

Location

Avalon Inn Hotel, High Street, Castlecomer, Co Kilkenny.

Planning Authority

Kilkenny County Council.

Planning Authority Reg. Ref.

16/124.

Applicant(s)

Joseph Comerford.

Type of Application

Permission.

Planning Authority Decision

Grant permission subject to conditions.

Appellant(s)

Michelle Bourke, Dr Richard Frayne & Catherine Comerford.

Date of Site Inspection

17th January 2017

Inspector

Bríd Maxwell.

1.0 Site Location and Description

- 1.1. The appeal site which has a stated area of 0.362 hectares comprises the Avalon House Hotel located on High Street in Castlecomer, County Kilkenny. Castlecomer is located 16km north of Kilkenny City and 19km West of Carlow Town and is positioned at the meeting of the N68 and R694.
- 1.2. The appeal site is located on the northern side of High Street and is occupied by a hotel building with various outbuildings and extensions of varied age and design. The site is within the area of archaeological protection (RMP KK005-085 Historic Town) and within the Architectural Conservation Area for Castlecomer as defined in the Kilkenny County Development Plan. The site is within the zone of archaeological potential for Castlecomer as identified on the Urban Archaeological Survey for County Kilkenny. The building is listed on the Record of Protected structures for Kilkenny (C494) and on the NIAH Register (Ref 12301005).
- 1.3. The site is within the area of archaeological protection RMP KK055-082 Historic Town and within the Architectural Conservation Area for Castlecomer as defined in the Kilkenny County Development Plan 2014. The building is on the recorded of protected structures for Kilkenny (C494) and on the NIAH Ref 12301005. The NIAH record describes the structure as follows:

“Detached three bay three storey house c1800 possibly originally three bay two storey with two-bay two-storey wing to left. Now in use as hotel. Pitched slated roof (hipped and pitched to wing behind parapet) with clay ridge tiles, rendered chimney stacks over red brick irregular bond construction (red brick Running bond chimney stack to wing), and cast-iron rainwater goods on rendered eaves. Ivy clad unpainted roughcast walls with cut-limestone comping to parapet and wing. Square-headed window openings (in tripartite arrangement to ground and to first floors) with cut limestone sills, six-over six timber sash windows having two over two sidelights, and three over six timber sash windows to top floor. Round-headed door opening with cut granite Gibbsian surround, and timber panelled door having overlight. Interior with timber panelled shutters to window openings. Set back from line of road in own grounds with forecourt having wrought iron railings to perimeter on cut limestone plinth.”

Appraisal

A gracefully-appointed substantial house incorporating Classically-derived proportions together with distinctive attributes including elegant Wyatt-style window openings, and so on, thereby enhancing not only the architectural value of the composition but consequently the impression made on the formal quality of the streetscape. Despite a number of modifications to accommodate an alternative use the original form and massing survive substantially intact together with much more of the historic fabric both to the exterior and to the interior, thereby enhancing the character of the street scene. The house is of some additional importance in the locality for the historic associations with the Carraway (Garraway) family.”

2.0 Proposed Development

2.1 The application is set out in detail in documentation submitted with the application includes:

- Architectural Heritage Impact Assessment by Brian Dunlop Architects, Grade III Conservation Accredited Architects.
- Tree Assessment Report by Darwin Tree Specialists,
- Car and Bicycle Analysis by Brian Dunlop Architects

The works include

- Demolition of existing rear extensions and ancillary outbuildings
- Internal alterations and renovations to the existing historic hotel building
- Single storey double height bar side extension to the western gable.
- Rear extension to consist of three floors of bedroom accommodation over ground floor function room,
- New vehicular entrance from High Street and all associated car parking and site development works including new vehicular entrance and exit road serving hotel carpark incorporating 53 car parking spaces

- New landscaped courtyard to east of the rear extension.
- Connection to and realignment of the existing public drainage within the site and surface water attenuation
- Removal of one lime tree and realignment of the road kerbs to accommodate a new vehicular entrance.

2.2 The existing overall floor area of the hotel is 828 sq.m with 9 bedrooms. The proposed overall new floor area of the development is 2,756 sq.m with 39 bedrooms. Following the issue of a request for additional information from the Council a number of alterations were made to the proposal including the omission of the fourth floor to minimise visual impact of the development on its environment and the original structure, associated re-designs to accommodate the revised bedroom provision and reduction in bedroom numbers from 39 to 38. I note that further amended designs were submitted to the Board on 14th November 2016 in the first party response to the appeal. Amendments provide for revised treatment of the eastern elevation of the extension to mitigate overlooking and provide alternative options in regard to hotel entrance.

3.0 Decision

3.1 By order dated 14th September 2016 Kilkenny County Council decided to grant permission subject to 16 conditions which included the following:

- Condition 2. Development Contribution of €39,255 in accordance with the Development Contribution Scheme.
- Condition 3. Archaeological excavation testing and monitoring. Remains of demolished building, known as feature no 9 to be fully archaeologically excavated
- Condition 4. Replacement lime tree at 30-35cm girth to be planted at location to be agreed.
- Condition 5. External finishes in accordance with the details submitted.

- Condition 6. Noise Air and Odour emissions.
- Condition 7. Waste management Plan
- Condition 8, Storm and Wastewater discharges.
- Condition 9. Bunding.
- Condition 10. Construction management plan.
- Condition 11. Public lighting scheme.
- Condition 12. Stage 3 Road safety audit.
- Condition 13. Parking provision.
- Condition 14. Irish Water Connection agreement.
- Condition 15. Hydrocarbon separators.
- Condition 16. Discharge licence for discharge to foul sewer network.

3.2 Planning Authority Reports

- Chief Fire Officer's report asserts that the proposal requires a fire safety certificate.
- Parks Department report notes that retention of the lime tree is preferable if there is absolutely no alternative the tree may be removed as it is only in medium to fair condition. A significant replacement tree would be required at 30-35cm girth in a well prepared tree pit at location to be agreed.
- Architectural Conservation Officer's report notes that the curved roof outbuilding, a protected structure by definition of its location within the curtilage of the Avalon Inn, is of special interest as is the old coach house building which is in separate ownership and outside the scope of the application. An alternative option for the car park design and location and an adjustment to the proposed hotel extension building is recommended to allow for the retention and reuse of the curved roof outbuilding which is pre 1840 in date and which retains substantial early

nineteenth century random rubble walls on three sides. The building could be converted to a new use. The proposed 4 storey structure should be reduced in height by one storey to sit more sensitively to the rear of the Avalon Inn building and mitigate impact on the character of the Architectural Conservation Area.

- Initial report of Environment Section seeks further information regarding stormwater attenuation and a noise impact assessment. Final report notes mitigation measures set out in respect of noise and indicates no objection subject to conditions.
- Initial Road design report notes future development lands to the rear of the site and substantial car parking shortfall. Access road should be increased to 5.5m in width in the event that this access is used to service future development lands. Further information is required including traffic impact assessment, traffic calming details and a stage 1/2 road safety audit. Final report indicates no objection subject to conditions including requirement for stage 3 road safety audit and provision for overflow hardstanding to the rear to cater for peak demand.
- The initial report of the area planner recommended seeking additional information to including revised design, archaeological assessment, revised stormwater attenuation proposal, review of parking shortfall, increased access road size, traffic management and movement proposals and a stage 1/2 road safety audit.
- Conservation Officer's report following request for additional information notes that the reduction from 4 storeys to 3 allows the protected structure to remain the dominant building from the public streetscape and notes replacement of mansard roof with a more pleasing detail of a metal parapet which contains standing seam zinc cladding. Response in respect of the curved roof barn structure is noted. It is asserted that curved roof barn structures have become part of the cultural landscape and their unique place in the landscape is often overlooked in favour of more obvious traditional materials. The heritage value of the structure lies in its presence on the curtilage of a protected structure, its modification from form the original building of 19th century date and also its distinctive barrel roof. The building is of sound condition and its inclusion in the proposed development should not be beyond the scope of the works. As a considerable amount of the

19th century fabric of the current main structure and outbuildings are to be demolished, the retention of this curved roof barn is an important link to the earlier 19th and 20th century workings of the site.

- Report of Senior Executive Planner in relation to the issue of potential for retention of curved roof barn structure, notes that from the documentation submitted by Arc Architectural Consultants (W.H. Hastings Grade 1 accredited Conservation Architect) and the best fit overlay produced shows that the current building on the OS map and that of the 1899 Ordnance map are essentially different buildings although they may share some fabric, particularly in the north western corner. The structure was constructed mainly in rubble stone and the stonework was not executed consistently with many later additions such as the I-beam and concrete blocks to support a lintel over the window. Photographs produced show various stonework patterns which would suggest that the stonework was undertaken by separate developers at different times. Thus affecting the historical integrity of the building. The modern beam seems to have been included as an integral part of the structure over the entrance and the brickwork at the top of the roof also seems to suggest that the roof was not part of the original structure but a later addition. Notably the current building differs significantly in scale and form from that shown on the 1899 Ordnance Map and on this basis it is considered that the building may be of far less significance than originally thought with its most redeeming feature being its barrel roof, which seems to have been a 20th century addition. The report acknowledges that the structure falls within the curtilage of a protected structure Avalon House. Given that Avalon house is from a different era 1790-1910 and lack of evidence to suggest that the survey to list the house had any regard to the outbuildings as being of significance. It is asserted that there are tenuous grounds for the structure's protection. This is weighed against the imperative to have the Avalon House restored and brought back into use. It is acknowledged that it would be prohibitive to include such an ad hoc constructed rubble stone building into a modern building without compromising its integrity. It is concluded that the retention of this structure is not warranted.
- Final Planner's report recommends permission subject to conditions.

3.3 Other Technical Reports

- Irish Water report indicates no objection subject to conditions.
- Inland Fisheries Ireland submission no objection subject to adequate sewage treatment, discharge licence, provision of fat, oil and grease traps, hydrocarbon separators, prevention of discharge of cementous materials. Construction management, bunding.
- An Taisce submission outlines opposition to the proposal due to height scale bulk and mass design and specification, intrusive impact on views from the High Street and its impact on the streetscape.
- Initial submission from the Department of Arts, Heritage and the Gaeltacht recommended that archaeological impact assessment based on archaeological testing be prepared to assess the potential impacts and this should be submitted as further information. Following further information submission, the report notes substantial sub surface remains of a demolished building – possibly removed during the 1798 rebellion in the South East portion of the site and evidence for yard surfaces, a garden feature and outbuildings also surviving. The Department concurs with the archaeological mitigation strategy outlined in the Archaeological Impact Assessment and recommends archaeological excavation, testing and monitoring be included as a condition of permission. It is further recommended that the remains of demolished building, known as feature no 9 be fully archaeologically excavated.

3.4 Third Party Observations

- Submissions by Larkin Associates Architects on behalf of Dr Richard Frayne owner of the dwellinghouse immediately to the east of Nurses Cottage and two doors away from the proposed development object to the development. Proposed four storied mass will be viewed from the west end of the Square and from the entrance road to Castlecomer from the east and will destroy the historic quality of the town. Visual impact on immediate neighbours, overlooking, traffic, noise and disturbance

to neighbouring dwellings. Drainage inadequate. Alternative options for development should be explored.

- Dr R J Frayne objection on grounds of scale and size impact on historic character in a conservation area. Traffic noises, drainage, archaeology. Alternative proposals should be explored.
- Submissions from Mrs Catherine Comerford, 31 The Square objects to the proposal noting proximity of smoking area to neighbouring dwellings, overlooking and scale inappropriate.
- Catherine Masterson, 5 Dolmen Gardens Carlow, objects to the development on grounds of size, scale, traffic and impact on residential amenity. Notices are inadequate as not specific. Question entitlement to remove lime trees which are at the core of the heritage conservation of the town and should be retained.

4 Planning History

- 04/1350 Permission granted in January 2005 for construction of a two storey extension to the side of the existing structure to provide for new dwellinghouse, construction of 5 houses to rear (three storey terraces of 4 houses and a three storey freestanding dwelling). Demolition of extensions and outbuildings to rear (including barrel roofed structure). Refurbishment and modification of the retained streetside structure to accommodate the retained public bar use and to provide restaurant and guest bedroom accommodation.
- 10/37 Permission refused for extension of duration to 04/1350. It was deemed that substantial works had not been completed at the time of the application for extension of duration.
- 95/210 Application for permission to construct new bar and function room deemed withdrawn on basis of absence of site notice. May 1995.
- 94/66 Permission to retain extension to the rear of the Avalon Inn consisting of living room laundry and bathroom. May 1994.
- 87/805 Retention of bars and function room and provision of a car parking area.

- 1/3/262 Warning notice issued re unauthorised development associated with commercial activities at the Avalon Inn and Jasper's Nite Club. November 1987

5.0 Policy Context

5.1 Development Plan

5.1.1 The Kilkenny County Development Plan 2014- 2020 and Castlecomer Local Area Plan 2009 (extended to 2020) refer. Castlecomer LAP (2017-2023) Review is currently underway.

- Within the LAP, the site is zoned General Business, the objective is to allow a flexible approach to development that supports the vitality and viability of the town centre.
- The site is within the High Street Architectural Conservation Area.

Relevant Extracts are appended to the report.

5.2 National Policy

5.2.1 The National Guidance in respect of the protection of the architectural heritage is contained in the "Architectural Heritage Protection Guidelines for Planning Authorities", issued by the Department of Arts Heritage and the Gaeltacht 2011. These replaced an earlier document of the same title issued by the Department of the Environment, Heritage and Local Government in 2004. The new document issued following transfer of functions (SI No 192 of 2011) and changes to the title of Minister and Department (SI NO 220 of 2011) the Minister for Art Heritage and the Gealtacht is responsible for issuing guidelines on architectural heritage protection under Part IV of the Planning and Development Act 2000 as amended.

5.2.2 Architectural Heritage Protection, Guidelines for Planning Authorities 2004 provides guidance and criteria for assessing proposals to Protected Structures and within an Architectural Conservation Areas (ACA). The guidelines stress the paramount importance of the design quality of new structures. Where there is an existing

mixture of styles, a high standard of contemporary design that respects the character of the area should be encouraged. The scale of new structures should be appropriate to the general scale of the area and not its biggest buildings. The palette of materials and typical details for facades and other surfaces should generally reinforce the area's character.

6.0 Natural Heritage Designations

6.1 The River Barrow and River Nore SAC. (Site Code 002162).

7.0 The Appeal

7.1 Grounds of Appeal

7.1.1 The appeal is submitted by Larkin Associates, Architects on behalf of Michelle Bourke, Nurses Cottage, The Square Castlecomer, Dr Richard Frayne, Coolbaun, Castlecomer and Catherine Comerford, 31 The Square, Castlecomer. The grounds of appeal are summarised as follows:

- Development will have significant negative impact on Nurse's Cottage located immediately to the east by reference to function room within 14.7m of home bedroom window and overlooking the garden by up to 18 hotel bedrooms and glazed staircase giving rise to serious disruption and injury to residential amenity.
- Development will result in residents being forced to vacate their home and loss of town properties to residential use.
- Parking under provision will result in traffic congestion and hazard.
- Noise arising from function room is likely to be significant and concern arises regarding the practicality of maintaining egress from function room on the east side of the development to escape only.
- Noise and other disturbance from crowd congregations outside the hotel.
- Architectural Heritage Impact Assessment report on Avalon Hotel cannot be taken in isolation from its context in the planned town of Castlecomer. Large extension will

destroy the historic quality of this planned town and will be the only new building visible from the square.

- The visual impact from immediate neighbours will be considerable
- Note Council Conservation Officer's recommendation to retain the barn structure was overruled by senior planner.
- Permission contains no conditions regarding tree planting.
- Significant Impact of the development on archaeology with a minimum of 9 features subject to direct impact. Potential for further archaeological remains.
- As the applicant owns substantial land it is considered that Avalon House could be restored to its original state and a small extension provided. Various uses such as function room could be relocated elsewhere.
- Proposed development will result in considerable disadvantage to the town and negative impact on the proper planning and sustainable development of the area.

7.2 Planning Authority Response

The Planning Authority did not respond to the appeal.

7.3 First Party Response

7.3.1 The response by John Spain Associates accompanied by enclosures by Kilgallen and Partners Consulting Engineers regarding removal of Lime tree, submission by Brian Dunlop Architects outlining the design evolution and ethos for the development and a submission from Arc Architectural Consultants in respect of architectural conservation on behalf of the first party is summarised as below. I note that the submission also includes a number of design option drawings illustrating possible alternative solutions to issues raised in the appeal.

- In relation to conservation of the curved roof barn structure the findings of the report by Arc Consulting Grade 1 conservation architects, based on analysis of the interior

in comparison with mapping details, were that the structure has been heavily modified overtime and the structure was not ancillary to the hotel.

- Given the questionable status of this building, the fact that sustainable development will be facilitated through its demolition, the approach as set out in report of Senior Executive Planner is warranted. The conservation works and extension of the Avalon Inn will provide for the long term protection, viability and maintenance of the protected structure. Notably the demolition of the barn structure was also previously approved under the Kilkenny County Council Planning ref 04/1350
- Best conservation practice is dependent on the structure being in active use.
- Notably no objection to the demolition by the Department or An Taisce.
- Oblique views of the proposed rear extension from the public realm are likely to have substantially less impact than the positive and sustainable impacts associated with the restoration of the Avalon Inn itself.
- Design ethos for the project is a desire to retain and repair the elements of the existing house which are of historical value coupled with the development of a sustainable hotel business which is predominantly located in a new rear extension.
- Development will maintain Avalon House as a key part of the strong visual streetscape.
- In relation to the parking shortfall refer to condition 13 imposed by the Council. Stage 1/2 road safety audit recommendations implemented and development will be subject to a stage 3 roads safety audit.
- As regards impact on residential amenity the hotel use is well established on this site. The 14.7m separation distance, referenced in the appeal is from ancillary entrance doors and lobby at ground floor level (not the main entrance) and at first and second floor these areas are for circulation from the stair and lift. Separation distance from proposed hotel accommodation is greater than 14.7m.
- Tree planting will provide additional screening mitigating potential overlooking.

- If the Board is of the opinion that overlooking is a concern, additional drawings are submitted as part of the appeal response providing for additional screening by means of angled window openings which face to the north on the office and first two bedrooms on first and second floors. In addition, a metal screen would be placed on the glazed circulation area to reduce any perceived overlooking.
- It should be noted that the proposal to relocate the existing hotel vehicular access from the east to the west will improve the amenities of the dwelling to the east.
- Potential for noise from function room has been assessed and appropriately mitigated. Acoustic grade windows and doors are specified in addition to an acoustic lobby.
- Ongoing noise minimisation plan will be provided for.
- Should the Board consider the layout to be unsatisfactory for reason of noise an alternative internal ground floor plan provides for new main entrance from the west. The courtyard and ancillary entrance to the east would then be used solely as an emergency exit and as an amenity area for guests. This should remove noise concerns.
- Archaeological impact fully assessed and mitigated.
- Proposed development will bring positive benefits to the town and wider area.
- Removal of lime tree and its replacement with a semi mature tree will ensure the protection of the character of the ACA as the long term preservation and maintenance of the protected structure.

7.4 Further response of Appellant to First Party Response to Appeal.

The submission by Larkin Associates Architects is summarised as follows:

- Appellants not of the view that a smaller development would be more acceptable.
- The applicant has sufficient land to resolve all issues raised in the objection by moving the extension to a more appropriate location.

- In relation to conservation of the barn structure, the report of ARC Architectural Consultants does not recommend its demolition.
- Question the legality of the Council allowing the development of a carpark of 46 spaces without the benefit of a planning application.
- Photographs submitted with the appeal demonstrating congestion are a typical representation of the parking situation.
- Condition 13 is not effective. Assertion that the development will not give rise to adverse traffic safety issues is incorrect and not sustainable.
- Issues of noise disturbance to residential amenity cannot be resolved by way of architectural redesign.
- Whilst mitigation measures in relation to noise may be effective if it could be guaranteed that access to the Eastern section of the site described as a courtyard garden could be prevented, this can only be done if there is no access to this area from the hotel. Even with this proviso, there is a problem of people congregating outside the hotel late at night.
- Fact that a noise mitigation plan has to be reviewed annually demonstrates an issue of implementation which is not acceptable to the occupants of the adjacent houses. Contradiction regarding proposed restriction of escape route and use of courtyard as an amenity area for guests.
- Protection of the line of lime trees in Castlecomer is as important as the architectural structures to the character of the town.

8.0 Assessment

8.1 I propose to consider the key issues in determining this appeal under the following broad headings:

- Principle of Development

- Visual Impact and Urban Design, Archaeological and Architectural Heritage Impact
- Impact on the amenities of adjoining and adjacent properties
- Car Parking, traffic management and circulation
- Other matters

8.2 Principle of Development

8.2.1 The submissions on behalf of the first party outline the context of the proposed development. The planning application as amplified by further information response includes an array of reports and documents which address the archaeological and architectural evolution of the site and the advancement of the proposed design and outline the proposed works in some detail. The requirement for renovation and repair of the Avalon Inn is not questioned by the third party appellant on conservation or architectural heritage grounds indeed the principle is welcome. It is rather the scale and nature of the proposed extension which is the subject of the third party objection. I consider that the renovation, repair alterations and extension if the building is appropriately set out and justified and in terms of providing for modern standards of accommodation and facilitating an economically viable use within the protected structure. On the basis that the proposal complies with a number of key local area plan objectives including those to support the reuse of land and buildings particularly through backland development, to facilitate sustainable economic development through support for tourism development the principle of development is acceptable subject to detailed matters.

8.3 Visual impact and urban design, Archaeological and Architectural Heritage Impact.

8.3.1 The character of Castlecomer is defined to a large extent by its crossroads setting, its formal layout, with the broad lime tree lined High Street and the generously dimensioned public space Market Square, fine surviving townhouses and other

buildings of significant architectural merit and its positioning relative to The Dinin River and Castelcomer Demesne. This unique character is recognised within the local area plan which provides that new developments be designed to compliment the existing architecture, townscape and character. The location of the appeal site within the town core, designation of the protected structure and location within an Architectural Conservation Area demands a high quality of design and workmanship.

8.3.2 In terms of the works proposed to the existing protected structure, I note that the works proposed are set out in some detail and I am satisfied that the interventions have been justified and will not compromise the special interest of the protected structure. As regards the extension the proposal, as revised in the response to the request for additional information, provides for a three storey structure to the rear of the protected structure, which allows for the protected structure to remain as the dominant building in the public streetscape. Having visited the site, I would concur with the submissions of Arc Architectural Consultants that views of the extension from the public realm are limited largely to a limited largely via the gap to the west of the site. The proposal provides for contrasting elements within the design and form and proposes mixed materials including coloured render, selected cut stone and standing seam zinc cladding. I consider that the proposed new works are justifiable and visually differentiated from the fabric of the existing building. I accept the assertion of the first party that the proposals represent an acceptable alteration in the context of the reinvigoration of the historic building with a new function.

8.3.3 On the question of demolition of the curved roof barn structure I note that the Architectural Heritage Protection Guidelines, provides that where it is proposed to demolish a structure that contributes to the character of an Architectural Conservation Area or to demolished behind a retained façade, the onus should be on the applicant to make a case for demolition. The Planning Authority should consider the effect both on the character of the area and on any adjacent protected structure. When it is proposed to demolish an undistinguished building in an Architectural Conservation Area the proposed replacement should not be of lesser quality or interest than the existing one and should not adversely affect the character of the area.

8.3.4 I note the observations of the Council's Conservation Officer that the barn structure is part of the cultural landscape and contributes to the character of the area on the basis of its presence within the curtilage of the protected structure, its modification from the original building of 19th century date and also its distinctive barrel roof. The conservation officer recommends the incorporation of this structure into the proposed development. I note the documentation submitted by Arc Architectural Consultants which provides detailed analysis of the interior the structure and concludes that the structure has been heavily modified overtime thereby impacting the historical integrity of the building. Having considered the documentation, I would tend to concur with the Senior Executive Planner that whilst the structure is of some architectural merit, its retention is not imperative on architectural conservation grounds and its demolition will not significantly impact the character of the area or of the protected structure. On balance I consider that its demolition has been justified. I further note that demolition of the structure was previously permitted 04/1350.

8.3.5 On the issue of archaeological impact, I note the submission of the Department of Ares Heritage Regional Rural and Gaeltacht Affairs dated 7/9/2016 which recommends additional testing, monitoring and recording. It is appropriate that this matter be addressed by condition.

8.4 Impact on the amenities of adjoining and adjacent properties.

8.4.1 This is a key issue in the appeal. The third party appellant's express concerns regarding overlooking, and impact of noise and general disturbance arising from the hotel use. Having regard to the character of the existing local area, and the established amenities, I note that an appropriate balance needs to be achieved between protecting the established residential and other amenities of the area and providing for an appropriate level of advancement that will enable a viable use and sustainable development. Having regard to the urban location of the site and to the established hotel use, I consider that it would be unreasonable for the third party appellants to expect stagnation, and a completely open aspect to the backlands to remain.

8.4.2 In terms of overlooking of the established dwelling to the east, I note the proposed revisions to the design as submitted in the response to the appeal which provide for angled window openings facing northwards to office and to the first two bedrooms on first and second floors to mitigate overlooking of the dwelling to the east. In my view the proposed revisions provide suitable and appropriate protection of residential amenity and this can be addressed by condition.

8.4.3 On the issue of operational noise and other disturbance to residential amenity I note the noise assessment report by Damian Brosnan Acoustics and the revisions provided for within the request for additional information which seek to mitigate the potential impacts arising. I consider that subject to the mitigation measures as set out and good management, there is no reason to believe that the proposed development will have an undue impact on residential amenity in terms of noise and general disturbance. As regards the alternative to provide for entrance to the hotel from the west, as provided as an option in response to the appeal I consider that this is unnecessary. I consider that the proposed development will contribute positively to the amenities of the vicinity and the town of Castlecomer and is in the interest of the proper planning and sustainable development of the area.

8.5 Car Parking, Traffic Management and Circulation.

8.5.1 On the issue of perceived traffic problems and congestion I note condition 13 imposed by Kilkenny County Council which requires the provision of an overflow car parking area within the landholding adjacent to the appeal site. I would concur with the third party appellant that as the proposed overflow parking area is outside the boundaries of the appeal site the provision of this overflow car park cannot be dealt with as part of this appeal. I consider that in this regard it is appropriate that a condition apply that the building would not be occupied pending resolution of parking issue by way of a further application and grant of permission.

8.5.2 As regards the assertion that the development will give to traffic congestion. I note that whilst some level of occasional congestion may arise, this should not be seen as a barrier to development of a sustainable hotel business on the site. As regards the

removal of the mature Lime tree to facilitate the proposed new entrance I note the report by Darwin Tree Specialist which notes that the tree is of moderate condition (with no significant problems other than poor pruning techniques) and the submissions of Parks Department of the Council which acknowledges that ongoing replacement of trees will be necessary. It is proposed to provide a semi mature replacement tree to ensure the continuity of tree cover. I consider it appropriate that this be provided for by condition to ensure the protection of a key feature of the streetscape is protected. Having considered the application documentation, I consider that the proposed development is acceptable from a traffic safety perspective.

8.6 Other Matters - Appropriate Assessment Screening

8.6.1 The adjacent to Dinin River is designated as part of the River Barrow and River Nore SAC (Site Code 002162). The site synopsis lists the qualifying interests of the River Barrow and River Nore site in terms of Annex I habitats and Annex II species listed in the EU Habitats Directive. The habitats are alluvial wet woodlands and petrifying springs (both priority habitats), old oak woodlands, floating river vegetation, estuary, tidal mudflats, Salicornia mudflats, Atlantic salt meadows, Mediterranean salt meadows, dry heath and eutrophic tall herbs. The species are sea lamprey, river lamprey, brook lamprey, freshwater pearl mussel, Nore freshwater pearl mussel, freshwater crayfish, twaite shad, Atlantic salmon, otter, the snail *Vertigo moulinsiana* and the plant Killarney fern. The Conservation Objectives for the River Barrow and River Nore SAC, Version 1.0 19th July 2011 set out site specific objectives for the overall objective which is to maintain Annex I habitats for which the site has been selected at favourable conservation status and to maintain the Annex II species for which the site has been selected at favourable conservation status.

8.6.2 Having regard to the limited nature and scale of the development and the fully serviced nature of the site it is reasonable in my view to conclude that the proposed development individually or in combination with other plans and projects would not be likely to have a significant effect on the River Barrow and River Nore SAC or any other European Site in

view of the site's conservation objectives and a stage 2 appropriate assessment is not therefore required.

9.0 Recommendation

9.1 I recommend that planning permission should be granted, subject to conditions, as set out below.

Reasons and Considerations

Having regard to the zoning objective for the site, the central location, the design and form of the proposed development and the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the Kilkenny County Development Plan 2014-2020, the Castlecomer Local Area Plan 2009, and the Architectural Heritage Protection Guidelines for Planning Authorities published by the Department of Arts Heritage and the Gaeltacht 2011, would not seriously injure the amenities of adjacent residential property in the vicinity, would not be prejudicial to public and environmental health, would be acceptable in terms of traffic safety and convenience and would not have a significant adverse effect on the character of the protected structure or the architectural conservation area. 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 the 19th day of August 2016 and by the further plans and particulars received by An Bord Pleanála on the 14th day of November 2016, except as may otherwise be required in order to comply with the following conditions. Where such conditions require points of detail to be agreed with the planning authority, these matters shall be the subject of

written agreement and shall be implemented in accordance with the agreed particulars. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. The eastern elevation shall be amended in accordance with revised drawing 1563-O-101 (Site Layout and First Floor Plan) and Drawing No 1563-P200 Elevation East as received An Bord Pleanála on the 14th day of November 2016. Details shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

Reason: To prevent overlooking of the adjoining residential property.

3. 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,
 - (b) employ a suitably-qualified archaeologist who shall monitor all site investigations, demolitions and other excavation works, and
 - (c) undertake a phase of post demolition testing
 - (d) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove. In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

- 4 The remains of the demolished building, known as Feature 9 shall be fully archaeologically excavated according to best practice, in addition to all other features associated with this structure. The developer shall be prepared to fund the costs of the excavation and any necessary post excavation analyses that are required, including a final excavation report.

The archaeologist shall complete a programme of archaeological test excavation in those areas not previously tested due to issues of access and also in those areas where demolition is yet to take place. All trenches shall be excavated to the uppermost archaeological horizons – where they survive. All features shall be cleared by hand, fully recorded, photographed and planned in advance of their excavation.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

- 5 (a) A conservation expert shall be employed to manage, monitor and implement the works on the site and to ensure adequate protection of the retained and historic fabric during the works. In this regard, all permitted works shall be designed to cause minimum interference to the retained buildings and facades and fabric.

(b) All repair works to the protected structures shall be carried out in accordance with best conservation practice as detailed in the application and the Architectural Heritage Protection Guidelines for Planning Authorities issued by the Department of Arts Heritage and the Gaeltacht 2011. The repair works shall retain the maximum amount of surviving historic fabric in situ, including structural elements, plasterwork (plain and decorative) and joinery and shall be designed to cause minimum interference to the building structure

and or fabric. Items that have to be removed for repair shall be recorded prior to removal, catalogued and numbered to allow for authentic re-instatement.

(c) All existing original features, including interior and exterior fittings / features, joinery plasterwork features (including cornices and ceiling mouldings) staircases including balusters, handrail and skirting boards, shall be protected during the course of refurbishment.

Reason: To ensure that the integrity of the retained structures is maintained and that the structures are protected from unnecessary damage or loss of fabric.

6. Prior to commencement of development, details of the materials, colours and textures including sample panels of all the external finishes to the proposed development shall be submitted to the planning authority for agreement.

Reason: In the interest of orderly development and the visual amenities of the area.

7. Water supply and drainage arrangements shall comply with the requirements of the Planning Authority for such works and services, and shall be agreed in writing with the Planning Authority prior to commencement of development.

Reason: In the interests of public health.

8. The extension shall not be occupied until permission has been granted for an overflow car parking area to serve the development.

Reason: To ensure that adequate parking facilities are available to serve the development and in the interest of traffic safety.

9. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths, kerbs, and access road shall be in accordance with the detailed standards of the planning authority for such works.

Reason: In the interest of public safety and the amenities of the development.

10. The road works associated with the proposed development including the setting out of entrance, paving and surface finishes, shall be carried out and completed in accordance with the requirements of the planning authority.

Reason: In the interest of traffic safety and orderly development.

11. A replacement semi mature lime tree at 30-35cm girth shall be provided in a well prepared tree pit at a location to be agreed in writing with the Planning Authority prior to the commencement of development.

Reason: In the interest of visual amenity.

12. A comprehensive boundary and landscaping scheme shall be submitted to and agreed in writing with the planning authority prior to the commencement of the development. The 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 location of trees and other landscaping planting in the development, including details of proposed species and settings;

(c) Details of proposed street furniture, including bollards, lighting fixtures and seating

(d) Details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes.

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

Reason: In the interest of visual amenity.

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

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

14. No signage, advertising structures / advertisements, security shutters or other projecting elements, including flagpoles, shall be erected within the site and adjoining lands under the control of the applicant unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

- 15 (a) All entrance doors in the external envelope shall be tightly fitting and self-closing
(b) All windows and roof lights shall be double glazed and tightly fitting.
(c) Noise attenuators shall be fitted to any openings required for ventilation or air conditioning purposes.

Details indicating the proposed methods of compliance with the above requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To protect the residential amenities of property in the vicinity.

- 16 No further structures, plant or antennae shall be erected on the roofs of the buildings without a prior grant of planning permission.

Reason: In the interest of visual amenity.

- 17 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. 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 the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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.

Brid Maxwell

Planning Inspector

10th February 2016