



An
Bord
Pleanála

Inspector's Report ABP-300633-18

Development

Works to the fourth floor of hotel comprising an extension containing 6 no. hotel suites (318 sq m); the internal re-configuration of existing floorspace; revisions to the existing roof profile and elevational amendments, sitting area, ancillary plant area, all landscaping and ancillary site works.

Location

The Pembroke Hotel, Patrick Street, Kilkenny,

Planning Authority

Kilkenny County Council

Planning Authority Reg. Ref.

17/560

Applicant(s)

John Ryan

Type of Application

Permission

Planning Authority Decision

Grant Permission subject to Conditions

Type of Appeal

Third Party

Appellant(s)

John and Yvonne Dalton

Observer(s)

None.

Date of Site Inspection

21st July, 2018.

Inspector

Stephen Kay

1.0 Site Location and Description

- 1.1. The appeal site is located on Patrick Street in Kilkenny City close to the Castle Yard and a short distance from Kilkenny Castle. The site is currently occupied by a part three and part four storey hotel that has a stated floor area of 3,538 sq. metres. The main building fronting Patrick Street has a mansard roof profile and is adjoined to the south by a three storey building. To the rear of these structures is a courtyard area with an L shaped four storey flat roofed block located to the rear and connected to the main building fronting Patrick Street. The area of the site which is the subject of the proposed development is the fourth floor level of the main building fronting Patrick Street and the existing four storey building to the rear.
- 1.2. The existing hotel has its main frontage onto Patrick Street to the south. To the east, the hotel adjoins Butlers Court and further to the east Butler House. Butler Court comprises commercial space fronting Patrick Street with self-catering guest accommodation to the rear. At the end of the access into Butler Court is located a single storey dwelling which faces south away from the appeal site and addresses a courtyard.
- 1.3. The stated area of the site is 0.183 ha.

2.0 Proposed Development

- 2.1. The proposed development involves the provision of additional accommodation at fourth floor level that comprises a total of 6 no. new bedroom suites. The floor area of these suites ranges from 47 sq. metres to 115 sq. metres. .
- 2.2. The design of the proposed extension is such that the building line is proposed to be set back from the front building line to Patrick Street and also from the other boundaries with properties to the north, east and south.
- 2.3. To the Patrick Street frontage a setback of approximately 1 metre is proposed as per the revised plans submitted by way of further information. In the vicinity of the third party appellant's property to the south of the rear block, the setback proposed is approximately 1.4 metres. The revised proposals submitted as part of the further

information request indicate that access would be available to the terraced areas however access would be restricted to maintenance purposes.

3.0 **Planning Authority Decision**

3.1. **Decision**

The Planning Authority issued a Notification of Decision to Grant Permission subject to 8 no. conditions, the most notable of which are considered to be as follows:

- Condition No. 1 specifies that the development shall be undertaken in accordance with the revised plans submitted.
- Condition No.6 specifies that the proposed 6 no. French doors located along the west (Patrick Street) elevation shall not protrude beyond the existing roof line.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

The initial report of the planning officer notes the concerns on objectors and the conservation officer and recommends further information relating to the design, height and set back of the proposed extension, car parking provision, access to terraces created and planning status of the banner on the front of the building. Following submission of revised proposals, the design is considered to be acceptable. A grant of permission generally consistent with the Notification of Decision which issued is recommended.

3.2.2. Other Technical Reports

Conservation Officer – Initial report noted in report of the Planning Officer and recommends further information be requested. Second report subsequent to the further information response states that there remain issues of concern regarding the set back to the Patrick Street elevation and the lack of details of the proposed windows and roof area to the northern elevation.

Fire Officer – notes that a fire safety cert will be required.

3.3. **Third Party Observations**

A total of 5 no. observations were made to the Planning Authority, three of which were in support of the proposed development. The issues raised in the submissions in favour of the proposal can be summarised as:

- Visual completeness of the building by the development,
- Improvement over the previously permitted development incorporating a spa.
- The impact of the hotel business on the street and commercial activity in the area,

The main issues raised in the submissions against the proposed development can be summarised as follows:

- That some planting should be added to take away from the severity of the design.
- Where the additional car parking generated by the development would be accommodated,
- That previously permitted developments at roof level are not a justification for the current proposal that would generate parking demand.
- That the proposed planting of the southern gable wall is not feasible and should not be taken into account in the assessment.
- That it is unlikely that access to the terraces will be restricted and such access would result in overlooking and loss of privacy for surrounding properties and specifically the observer's property to the north.
- That the replacement of the existing established roof with a contemporary design is not necessary.

3.4. **Further Information**

Prior to the issuing of a notification of decision the Planning Authority requested further information on the following issues:

- The excessive visual impact on Patrick Street and the ACA and proposals for an increased set back, reduced height and alterations to the proposed canopy.
- Revise the set back on the east facing elevation to Butler Court such that it is c.2.0 metres rather than the 1.8 proposed.
- That 6 no. car parking spaces are required and clarification as to where these will be provided. It is noted that there is an existing car park in Jacob Street and the layout and allocation of spaces in this car park should be detailed.
- Clarification sought as to whether the roof space surrounding the fourth floor would be accessible to the public.
- Noted that two windows in the eastern gable of the hotel are part of an application that is currently the subject of appeal.
- Noted that there is a banner on the front elevation.

The following is a summary of the main alterations / information submitted in response to the request for further information:

- The set back and design proposed is amended to reflect something that is close to the layout that was permitted in 2009. A dormer window and gable wall have been added.
- The set back to the eastern elevation and the elevation to Butler Court is increased such that it 2 metres. The roof profile has also been revised and made slimmer.
- Stated that the applicant wishes to address the issue of car parking within the Kilkenny City mobility plan.
- Stated that there will be no access to the roof areas by patrons of the hotel.
- Clarified that the two windows in the eastern gable of the hotel do not form part of the application.

- That the banners do not form part of the application and will be dealt with as a compliance matter.

4.0 Planning History

There is a significant planning history relating to the appeal site that is summarised in the report of the Planning Officer and which can be summarised as follows:

Appeal Site

Kilkenny County Council Ref. 17/208; ABP Ref. PL10.248684 - Permission granted by the Planning Authority and application subsequently withdrawn by the applicant for the addition of 6 no. windows to the south facing elevation of the Pembroke Hotel, Patrick Street, Kilkenny.

Kilkenny County Council Ref. 09/064; ABP Ref. PL62.236329 – Permission granted by the Planning Authority and decision upheld on appeal for the extension of the Pembroke Hotel by development on the fourth floor comprising a spa with treatment rooms, gym, relaxation area, sauna, steam room, and all associated services over an area of 264 sq. metres. This permission was the subject of an extension of duration permission (Ref. 14/366).

Kilkenny County Council Ref. 09/091 – Permission granted for a new elevational treatment to the hotel at ground floor level facing onto the courtyard at No.11 Patrick Street. This permission was extended under Ref. P.15/150.

Kilkenny County Council Ref. 09/050 – Permission granted by the Planning Authority for the amendments to planning permission granted under Ref. 08/051 for the construction of the fourth floor roofspace permitted under Ref. 04/134 to five bedrooms. The amendments permitted related to related to French windows and roof lights.

Kilkenny County Council Ref. 08/051 – Permission granted by the Planning Authority for the conversion of the attic space permitted at the time of the parent permission (Ref. 04/134) for the provision of 5 no. bedrooms. This permission was never implemented.

Kilkenny County Council Ref. 04/134 – Permission granted by the Planning Authority for the construction of a 76 no. bedroom hotel on the appeal site.

Site at Jacob Street

An Bord Pleanála Refs. PL10.241739, 244136, 246226 – Applications for the retention of surface car parking use associated with the Pembroke Hotel refused permission by the Board for reason related to the location of the site in a residential area and the undesirable nature of the use in a town centre location and such that it would conflict with the timely redevelopment of this brownfield site for a more appropriate use.

5.0 Policy Context

5.1. Development Plan

The site is located in an area zoned 'general business' in the *Kilkenny City and Environs Development Plan, 2014-2020*.

The site is located within the boundary of the Patrick Street Architectural Conservation Area (ACA).

The building on the site is not included on the record of protected structures.

Table 10.5 of the Plan sets out car parking standards and states that 1 space per bedroom plus 1 space per 10 sq. metres of function room and hotel bar would be provided.

5.2. Natural Heritage Designations

The site is located approximately 150 metres from the River Nore SAC.

6.0 The Appeal

6.1. Grounds of Appeal

The following is a summary of the main issues raised in the third party grounds of appeal:

- That the appellant's property is a single aspect dwelling backing onto the application property to the north.
- That the measures / changes to address the over dominance of the development on the ACA were limited to changes to the window detailing on the Patrick Street elevation and are not sufficient to alter the negative impact on the ACA.
- That the development was set back a further 20cm from the southern elevation which is considered immaterial and no changes were proposed to the eastern elevation as stipulated in the FI request.
- That no details of car parking were provided as requested. It is understood that there is no up to date mobility management plan (MMP).
- While the changes to the west elevation by way of fenestration changes are an improvement, the scale is excessive and has a negative impact on the ACA.
- The roof top storey is not sub ordinate to the main building and would impact negatively on the ACA.
- That the permission granted by the Board under Ref. PL62.236329 was on the basis that the overall intensity of use of the site would not be increased.
- The original permission in 2004 omitted the fourth floor on the basis of the impact on the ACA. There have subsequently been a series of piecemeal applications for alterations.
- The fourth floor design remains unchanged and should be refused.
- That there are ongoing issues regarding parking and the impact of the hotel on surrounding areas and the appellants property in particular. This will be exacerbated if the permission is granted.

- That at the time of the original hotel permission car parking was addressed by the option of either a contribution (that wasn't paid) or alternative off street parking. There was an arrangement that parking would be provided in the Ormond multi storey car park but this has now ceased.
- That alternative parking at a site on Jacob Street has been provided and this unauthorised site has been refused retention permission three times by An Bord Pleanala.
- That the Planning Authority was incorrect to permit additional development that depends on an unauthorised car park. No further hotel development should be permitted until the issue of shortfall in hotel parking is resolved.
- That previous efforts to grow something up the southern gable of the hotel building have failed and there is no basis to suggest that this will change. The before and after views of the hotel submitted with the application are unrealistic.
- Were the Board minded to grant permission it should be on the basis that no planting would be undertaken.
- That proposed room 406 faces the appellant's property and the proposed planting to the terrace outside this room and balustrade would act to block views over the city centre from this room. If the landscaping to this area was omitted then it would mean that there would be no reason to access the terrace and no potential overlooking of the appellants dwelling.
- Requested that landscaping be omitted outside Room 406, that the windows be amended so that there is a cill height of 900mm, that the design facilitates the cleaning of the windows from inside and that the fourth floor stair and landing window on the southern elevation be fitted with obscure glass.
- Restated that no public access to the roof terraces should be permitted as required by the Board under Ref. 09/064; PL62.236329. Despite previous commitments, public are routinely permitted to access the roof and look down on the appellants property.

6.2. Applicant Response

The following is a summary of the main issues raised in the

- That the appeal includes irrelevant information relating to intensification, detailed design of windows and the established principle of development established by previous board decisions.
- That the Jacob Street car park does not form part of the current application and its status was confirmed by a district court decision. The legal status of this car park is of no relevance to the determination of the subject appeal.
- That the appeal submission misrepresents the planning history of the site.
- It is not accepted that the hotel contributes to congestion and parking issues in the vicinity. The hotel has an existing set down area.
- That no adverse impacts on the ACA would arise on foot of the proposed development. This view is supported by an assessment by Rob Goodbody Historic Buildings Consultant enclosed with the appeal submission.
- That as part of the FI response, significant changes were made to the design and the design essentially reverted back to that permitted under Ref. 09/064 with some minor changes to make the Patrick Street elevation more symmetrical.
- That the previous grant of permission by the Board for a SPA on the fourth floor level (Ref. PL62.236329) incorporated a similar design to that currently proposed and it was determined by the Board inspector and by the Conservation Officer in that case that there would not be an adverse impact on the ACA.
- That the beneficial impacts of the planting of the south facing elevation of the hotel were accepted by the Board inspector in the case of PL62.236329 (proposed spa development). It is acknowledged that a previous planting scheme in this area of the site failed and the applicant has retained Roger Goodwillie (ecologist) to advise regarding a successful planting scheme. His recommendations are attached with the appeal response and the applicant is

happy to accept a condition requiring compliance with these recommendations.

- That it has clearly been stated in the application that there would be no public access to the terrace areas by members of the public / hotel patrons. The applicant is happy that this would be enshrined in a separate consideration if deemed necessary by the Board.

6.3. **Planning Authority Response**

Submission received by the Board stating that the Planning Authority has no further comments to make.

6.4. **Referrals**

The appeal was referred by the Board to the following prescribed bodies for comment:

- Bord Failte
- The Heritage Council
- An Chomhairle Ealaíon
- Department of Culture Heritage and the Gaeltacht

No response to these referrals was received within the time period specified.

6.5. **Further Submissions**

The following is a summary of the main issues raised in the third party response to the first party response submission:

- That all of the issues raised in the appeal are considered to be of relevance to the determination of the case.
- That the starting point for intensification of use is the existing development and not what previously had permission. In any event, the previous permission was for 65 double bedrooms whereas the current proposal is for 6 no. suites with a total of 14 bedrooms.

- That the development will generate significantly more traffic as a result. There is also an issue with mini busses / busses who stop at the hotel entrance when the set down area is full.
- That there is no access available to maintain the proposed Virginia creeper on the southern elevation of the building.
- That the car parking area on Jacob Street has been refused by the Planning authority and the Board and the court proceedings referred to mean that it is immune from enforcement proceedings rather than permitted. Submitted that regard should still be had to the fact that the hotel has no permitted car parking and the existing use of Jacob Street should not be sanctioned by a grant of permission.
- That the issue of parking provision was raised in the FI request issued but was ignored by the applicant who makes reference to parking being addressed in the Kilkenny city mobility plan.
- It is noted that the comments of the conservation officer have not been incorporated into the revised design submitted. The changes to the design are negligible.
- That the report of Rob Goodbody submitted with the first party response notes DM Standard PSACA2 which relates to the enhancement of the character of Ormond Road but concludes that none of the standards are applicable to the appeal site. Views down Ormonde Road towards the site would however clearly be impacted by the proposed development. The setting back of the top floor significantly would improve this situation.
- Were the development at roof level to be permitted it is also considered that a set back to the side and rear would improve the appearance of the development from Castle Yard.
- That it is unclear where the Virginia creeper plants proposed are to be planted on site. It would appear that the only location is the narrow gap between the southern elevation of the hotel and the boundary with the appellant's property (photographs submitted) however this area is not suitable for planting as evidenced by the failure of the previous wall hung planters.

- A report from a landscape architect (Ron Dool) is attached which concludes that the proposed planting is unlikely to be successful.
- Restates the objection to external access to the terraces.

7.0 Assessment

The following are considered to be the main issues arising in the assessment of this appeal:

- Principle of Development
- Design, Visual Impact and Impact on ACA,
- Traffic, Parking and Access,
- Impact on Amenity of Adjoining Properties,
- Other Issues
- Appropriate Assessment

7.1. Principle of Development

- 7.1.1. The site is located on lands that are zoned '*general business*' in the Kilkenny City and Environs Development Plan, 2014-2020. The existing hotel use is a permissible use on lands so zoned and the proposed extension of the existing permitted hotel use would therefore be consistent with the zoning of the site.
- 7.1.2. I note that section 11.8 of the Plan sets out recommended maximum plot ratio and site coverage standards for city centre areas of 2.0 and 85% respectively with plot ratio standards being relaxed in cases where exceptional standards of design are achieved. In the case of the subject site, based on the figures cited in the application form, the existing plot ratio is c.1.93. The proposed additional floorspace would increase this to c.2.1. While this is slightly in excess of the general maximum of 2.0, I consider that the acceptability of the scale of development proposed has to be considered in the context of the visual impact of the proposed development, the

potential impact on the ACA and impacts on amenity and car parking that may also arise. These issues are addressed in the following sections.

7.2. Design, Visual Impact and Impact on ACA,

- 7.2.1. The site is located within the boundary of the Patrick Street Architectural Conservation Area (ACA). The building on the site is not included on the record of protected structures. Section 7.4.6 of the Plan relates to ACAs and sets out objectives and general development management guidance for all ACAs. Section 7.4.7.5 specifically relates to the Patrick Street ACA within which the appeal site is located. Specific development management standards identified for this ACA include the enhancement of the character of Ormonde Road and College Road as approaches to the city centre (PSACA2).
- 7.2.2. On foot of a request for further information the proposed design of the fourth floor was the subject of some revisions. Specifically, fronting Patrick Street, the revised design is essentially the same scale as the existing roof and the design now incorporates a series of dormer windows which is of very similar design to that previously permitted by the Board under Ref. PL62.236329. The appellants contend that the design proposed is not sub ordinate to the overall building as required in ACAs and that the development would have an overall negative impact on the ACA. I would not however agree with the third party in this regard and consider that the impact on the ACA when viewed from Patrick Street is acceptable and not such as to be visually dominant or incongruous in this ACA.
- 7.2.3. With regard to the impact of the rest of the design on the ACA, the north, south and east elevations are not such that they have a prominent visual impact within the ACA. The basic form and design of these elevations is similar to that previously permitted and I do not consider that they are such as would detract from the architectural or visual amenities of the area.

7.2.4. I note that the third party makes specific reference to the compatibility of the proposed development with DM standard PSACA2 and the potential impact on the character of Ormonde Road and College Road. As identified by the appellants, the appeal site would be visually prominent when viewed from Ormonde Road however for the reasons set out above, I do not consider that the impact on the character and visual amenity of the ACA would be adversely impacted by the proposed development as amended by way of further information. In any event, it would appear to me that the wording of DM policy PSACA2 is such that it relates as much or more to development on Ormonde and College Roads than to views from these locations.

7.2.5. To the rear (east) of the development, the proposed additional storey, design and set back is in my opinion such that the visual appearance of the existing hotel development from the Castle Yard would be improved. Views from the north and south are addressed below under the heading of amenity.

7.3. Impact on Amenity of Adjoining Properties,

7.3.1. The main issue raised in the third party appeal relates to the potential impact of the proposed development on the residential amenity of their property located to the immediate south of the site. The property in this area comprises self-catering residential accommodation on Butler Court which is primarily sited on the southern side of the laneway and the appellants dwelling which is a single storey L shaped house which faces south over a courtyard. The appellants contend that the design of the proposed development in the area of the rear block would result in overlooking of their private amenity space and that the design should be such that there is no public access possible to this area to ensure that overlooking is not feasible.

7.3.2. The existing elevation to the hotel facing the appellant's property is a black façade which has a parapet railing at roof height and such that there is already a visually dominant and imposing aspect to the existing hotel building. The addition of a setback fourth storey on this part of the hotel building would not in my opinion in principle make this visual impact any more significant as the setback would minimise the visual impact of the structure and the existing railing would be replaced with a parapet. The issue in my opinion, therefore relates to the access to the terrace area

that would be created with the development of any set back fourth floor accommodation.

- 7.3.3. The first party state that it is not the intention that there would be any public access to the terraced areas except for maintenance and that they are willing for a specific condition to this effect to be attached to any grant of permission. In response, the appellants have highlighted instances of public access to the existing roof area, that this access has been publicised by the hotel (advertisement for rooftop tours attached with appeal submission) and that this access contravenes the commitment given the first party in previous planning permissions and demonstrates that the assurances of the first party cannot be relied upon. The previous public access to the rooftop area is clearly unhelpful however given that previous permissions for development at roof level were not implemented, it is not directly related to any previous permission and so as such it does not appear that the first party has contravened any conditions. In the circumstances of the proposed development however I do consider that it is appropriate that access to outside areas would be strictly controlled and I would consider it appropriate that this would extend to planting outside this area being omitted so as to minimise the need for maintenance access and also that the fenestration in this area would be amended. In this regard, the suggestion of the third party that the cill height of windows to Unit 4.6 would be a minimum of 900mm would appear reasonable. I would also agree with the third party that it is appropriate that the landing window on the southern elevation be fitted with obscure glass.
- 7.3.4. I note the fact that the setback distances from the parapet indicated in the drawings submitted as part of the response to further information do not appear to correspond with the stated scales on the floor plan drawings and also that the set back on the southern elevation in the vicinity of proposed unit 406 would appear to scale to less than the c.1.7 metres shown in the section on Drg. P.350-A. In the event of a grant of permission it is recommended that specific reference to a minimum set back of 1.8 metres from the parapet edge on the southern boundary would be included by way of condition.
- 7.3.5. The appellants also raise concerns with regard to the viability of the proposed planting of the blank south facing elevation which addresses the appellant's property and the implications in terms of maintenance and access to this planting in the event

that it was successful. Notwithstanding the report on file from Roger Goodwillie and Associates, based on the very narrow gap between the building and the boundary wall in this area (c.2.0 metres maximum), the significant shading and the lack of access for maintenance, I would agree with the third party that it is not appropriate that planting would be attempted in this area. In the event of a grant of permission it is therefore recommended that planting in this area and on the terrace outside unit 4.6 would be specifically omitted by way of condition.

- 7.3.6. With regard to views from the north and the design and impact on amenity in this area, I note that the properties immediately adjoining the appeal site in this area are in the ownership of the first party and that there are no significant overlooking or other amenity issues that arise. I note the concerns regarding the clarity of design in this area as expressed in the second report of the Conservation Officer, however I consider the design in this area to be acceptable.

7.4. Traffic, Parking and Access,

- 7.4.1. A significant element of the third party appeal relates to the provision of car parking to serve the proposed development, the status of the existing parking area in Jacob Street and the congestion created by the hotel in the vicinity of the appellant's property. From the information on file it would appear that the original parking arrangement to serve the hotel was by way access to spaces in a city centre multi storey car park however this arrangement appears to have subsequently ceased. The current parking provision is at a surface car parking site located on Jacob Street which is approximately 5 minutes' walk from the appeal site. As set out in the appeal submissions and the planning history section of this report above, this surface car parking area has previously been refused permission for retention including by the Board under Refs. PL10.241739, 244136 and 246226.
- 7.4.2. The appellants contend that the proposed development generates a parking demand that cannot be met and that a grant of permission would result in recognition of what is contended to be an unauthorised use. It is also contended that the further information request issued by the Planning Authority requesting clarification regarding car parking provision was ignored by the applicant. These assertions are rejected by the first party who contend that the status of the car park at Jacob Street

has been resolved by way of court proceedings and that the status of the car park is not of relevance to the determination of the case.

- 7.4.3. I note that the first party made reference in the response to further information to the issue of car parking being addressed in the context of the review of the Kilkenny City and Environs Mobility Management Plan. The most recent such plan covers the period 2009-2014 and includes measures for demand management in the form of the introduction of pay parking as well as an audit of available on and off street parking provision. There is no indication either on the appeal file or the Kilkenny County Council web site as to the status or timeline for any review of this plan.
- 7.4.4. With regard to traffic congestion in the immediate vicinity of the hotel and the appellant's property, the existing road layout is such that there is a generous roadside set down area provided on Patrick Street. While there may be congestion at times when there are significant numbers of visitors looking to use this area, it is in my opinion adequate for normal use and appropriate for a city centre location.
- 7.4.5. The existing car park at Jacob Street is unsurfaced and does not have vehicle markings however I estimate that it has capacity to accommodate approximately 45 no. cars. As per Table 10.5 of the Kilkenny City and Environs Development Plan 1 space per bedroom plus 1 space per 10 sq. metres of function room and hotel bar is required for hotel developments. In the case of the existing 76 room hotel this would equate to 76 spaces without any account of bar or function room accommodation and it is evident that the plan standard is not currently being met. The development plan standard would however appear to me to be relatively onerous for a city centre location where a significant proportion of patrons could be expected to either be part of tour groups or to travel via public transport. I note the comments of the parties with regard to the status of the existing parking area at Jacob Street and, on the basis of the information presented, while no enforcement action can be taken against the site it is clearly not authorised. If it is taken that this site serves the existing hotel accommodation, the question is whether the proposed additional accommodation should be permitted with no proposals for additional parking. Previous determinations by the Board (Ref. PL62.236329) had determined that parking was not an issue given the nature of the additional floorspace proposed at roof level which provided a spa, gym and other ancillary areas that would not increase the occupancy of the hotel. Notwithstanding the size of the rooms, an additional 6 no.

bedrooms are proposed in the current application which would require an additional 6 no. parking spaces to comply with development plan standards. Given the central location of the site, its urban location, the availability of other parking in the vicinity including at Ormonde Street a short distance from the appeal site which has 800 spaces it is my opinion that the proposed additional accommodation is acceptable without any additional parking provision.

- 7.4.6. In reaching the above conclusion, I note the fact that section 10.4.8 of the development plan makes provision for the payment of a financial contribution in cases where there is a shortfall in parking / no parking provision and also the fact that it is open to the planning authority to request a mobility management plan. No financial contribution regarding parking shortfall was attached to the Notification of Decision to Grant Permission issued and given the inclusion of a section 48 contribution requirement and no specified figure for parking by the Planning Authority I do not consider it appropriate that such a financial contribution would be attached. In view of the existing shortfall in parking to development plan standards, the town centre location of the site and the fact that there is no up to date mobility plan for the town centre, I do however consider it appropriate that a condition requiring the submission of a project mobility management plan to cover the overall hotel activity would be attached and that this would be the subject of agreement with the Planning Authority.

7.5. Appropriate Assessment

- 7.5.1. The appeal site is located such that it is within c.150 metres of the River Nore and therefore the boundary with the River Nore SAC. There would be no direct impacts on the SAC arising and any impacts would be indirect and arise from the foul and surface water discharges from the development. The nature of the proposed development is such that it is connected to an existing foul and surface water drainage network. No additional surface water would be generated and the additional foul loading would equate to 6 no. additional bedroom suites. In the context of the overall foul loading on the existing waste water treatment plant the proposed development would be inconsequential.

- 7.5.2. Having regard to the nature and scale of the proposed development and its location relative to Natura 2000 sites, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect either individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. Having regard to the above, it is recommended that permission be granted based on the following reasons and considerations and subject to the attached conditions.

9.0 Reasons and Considerations

Having regard to the General Business zoning objective for the area and the pattern of development in the area, it is considered that, subject to compliance with conditions below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not have a significant adverse impact on the special character of the Patrick Street Architectural Conservation 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.

10.0 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 9 day of November 2017, 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 development shall be amended as follows:
 - (a) The proposed planting to the south facing elevation shall be omitted from the proposed development and no planting shall be placed on the external terrace area outside suite No.406.
 - (b) The fenestration to Suite No.406 shall be amended such that the minimum cill height shall be 900mm.
 - (c) The set back of Suite No.406 from the parapet edge at the southern elevation of the building shall be a minimum of 1.8 metres over the length of that unit.
 - (d) The window to the stair core adjoining Suite 406 shall be fitted with obscure glazing.

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: In the interests of visual and residential amenity.

3. The following shall be complied with in the development:
 - (a) Details of the external finishes of the proposed extension to include window materials, roofing and balustrade shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
 - (b) The proposed 6 no. French doors along the front (Patrick Street) elevation shall not protrude beyond the existing roofline in this location. A detailed elevation and cross section of one of these windows demonstrating compliance with this requirement shall be submitted for the prior written agreement of the Planning Authority.

Reason: In the interest of visual amenity and protection of the character of the ACA.

4. Site development and building works shall be carried only out between the hours of 08.00 to 18.00 Mondays to Fridays inclusive, between 08.00 to 15.00 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.

5. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. [The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.].

Reason: In the interests of sustainable waste management.

6. Prior to the opening of the development, a Mobility Management Strategy shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and car pooling by staff employed in the development and measures to reduce and accommodate the extent of visitor parking. Details to be agreed with the planning authority shall include the provision of centralised facilities within the development for bicycle parking, procedures for the accommodation of set down traffic and coaches and provision of staff and visitor parking.

Reason: In the interest of encouraging the use of sustainable modes of transport and accommodation of parking demand generated by the development.

7. The developer shall pay to the planning authority a financial contribution of €13,950 (thirteen thousand nine hundred and fifty euro) 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. 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 the Board to determine.

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.

. Stephen Kay
Planning Inspector

2nd August 2018