



An  
Bord  
Pleanála

## Inspector's Report ABP 304169-19.

### Development

Retain works carried out to a Protected Structure NIAH Ref. 100000440 & RPS No. CT79. Retention is sought for the change of use of 232.27sq m floor area from residential to restaurant use.

### Location

Mimosa Wine & Tapas Bar, College St, Carlow, Co. Carlow.

### Planning Authority

Carlow Co. Council

### Planning Authority Reg. Ref.

1910

### Applicant

Figtree Ltd

### Type of Application

Permission

### Planning Authority Decision

Grant permission

### Type of Appeal

Third Party

### Appellant

Patrick Dowdall

### Observers

None

### Date of Site Inspection

6/8/19

**Inspector**

Siobhan Carroll

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## 1.0 Site Location and Description

- 1.1. The appeal site is located in Carlow Town Centre at College Street. It is situated within Cultural Quarter' and the historic core of Carlow town centre. College Street is designated an Architectural Conservation Area. Carlow Cathedral is located on the eastern side of College Street directly opposite the appeal site. The area is characterised by a mix of commercial, retail and leisure and entertainment uses.
- 1.2. The appeal site has an area of 0.0977 hectares. It has frontage of 21m onto College Street and contains 'Mimosa Wine Bar and Tapas Restaurant' located within a single-storey, brickwork building. The adjoining property which is part of the site contains a Protected Structure comprising a two-storey over basement, three bay dwelling which constructed circa 1740. The property features Victorian alterations. It is set back from the public footpath with a low capped and rendered front boundary wall with railings and a pedestrian gate. The building has been renovated internally and an electrical substation housed within a single storey outbuilding with lean-to roof was constructed to the front of the property.

## 2.0 Proposed Development

- 2.1. Permission is sought for the following;
  - to retain works carried out to a Protected Structure Ref.100000440 & RPS No. CT79,
  - to retain the change the use of 232.27sq m from residential (basement, ground and first floor) to a restaurant use, including a new electricity meter store to the front garden and 16.20sq m covered outdoor deck to the rear of Mimosa Wine and Tapas Bar
  - to construct a single storey 119.08sq m extension to an existing kitchen (part of Mimosa Wine and Tapas Bar) and to convert part of the existing kitchen to use as customer and staff toilets and a wash up area at Mimosa Wine and Tapas Bar (a Protected structure Ref. 100000440 & RPS No. CT79) and all associated site works.

## 3.0 Planning Authority Decision

### 3.1. Decision

Permission was granted subject to 22 conditions.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

- Having regard to the town centre location the principle of development existing and proposed is considered acceptable. The proposed development involving the construction of a 119.08sq m extension to the existing kitchen area is considered acceptable. The proposed fire escape route was not considered acceptable as it would involve the creation of an opening to facilitate the route via part of the boundary of the site and curtilage of the 18<sup>th</sup> century protected structure. In relation to car parking the planning officer accepted that the town centre location and site layout does not provide a viable option to accommodate customer car parking and having regard to the provisions of policy TRANS P45 the planning officer concluded that special circumstances do apply. Car parking requirements in respect of the proposed 119.08sq m extension as per the development plan would result in the requirement for 6 no. spaces. The planning officer was satisfied with the overall proposals and permission was recommended.

#### 3.2.2. Other Technical Reports

Municipal District Office – no objection subject to condition

Transportation Department – no objection to the proposed development

Environment – recommend a grant of permission

C.F.O – no objection subject to condition

### 3.3. **Prescribed Bodies**

Irish Water – no objection subject to condition.

Department of Culture Heritage and the Gaeltacht – The Department does not condone unauthorised works to a protected structure, if not carried out to best conservation practice, may potentially impact on the character and special interest of the protected structure. The Department has reviewed Drawing No: 19-685/PP/02 and Drawing No: 19-685/PP/03 and the accompanying Architectural Impact Assessment and notes that in this instance the unauthorised works have not had a significant impact on the character and special interest of the protected structure. However, should the planning authority decide to grant permission, the department recommends the attachment of a condition.

HSE – no objection subject to condition.

### 3.4. **Third Party Observations**

- 3.4.1. The Planning Authority received one submission/observation in relation to the application. The main issues raised are set out in the appeal.

## 4.0 **Planning History**

There is an extensive planning history pertaining to the site which is detailed in the report of the Planning Officer.

The most recent relevant Planning history refers to ABP 300219-18 & PA Reg. Ref. 17/190. Permission was granted for the retention of 28.85 square metre single storey extension (a 4.33 square metre dessert bar, a 19.02 square metre store and a 5.50 square metre smoking area) to the existing Mimosa Wine and Tapas Bar (a protected structure, Reference 100000440 and RPS Number CT79) and permission for construction of a 32.60 square metre gazebo. Permission was refused for the construction of a 21.77 square metre extension to the permitted kitchen and change of use of 160.31 square metres from residential to a restaurant use.

Permission was refused for the following reason;

1. The public notices submitted in connection with the planning application include reference to an application for 'permission' to 'change the use of 160.31 square metres from residential to a restaurant use' whilst the application documents submitted to the planning authority similarly refer to the application as including for "permission" for this change of use. However, elements of the proposed development, including the change of use from residential to restaurant, have already been carried out on site and, therefore, the public notices of the development and the application documents do not properly describe the nature of the application, which should be in respect of an application for the retention of the development that has already been carried out. Accordingly, the application does not accord with the provisions of Articles 18(1)(c), 22 and 23 of the Planning and Development Regulations, 2001, as amended, in relation to these elements of the application.

## **5.0 Policy Context**

### **5.1. Carlow County Development Plan 2015-2021**

- Chapter 9 refers to Natural and Built Heritage
- Chapter 11 refers to Design and Development Standards

### **5.2. Joint Spatial Plan for the Greater Carlow Graiguecullen Urban Area incorporating the Carlow Town Development Plan 2012-2018**

The subject site is identified as being zone Town Centre GZT - "To protect the vitality and vibrancy of the town centre and provide for town centre activities"

#### **Car Parking:**

TRANS P36: Discourage the provision of extensive surface-based car parking within the town centre and free up such town centre sites for re-development.

TRANS P42: When considering applications for change of use, allowance and regard will be given to whether demand for car parking would be less or more intensive than for the existing use.

TRANS P45: Apply the following car parking standards in association with new development, except where special circumstances apply, detailed below.

Restaurants, cafes: 1 per 20m<sup>2</sup> GFA (Carlow Town Centre Zoning)

In order to encourage sustainable transport (minimise additional car travel, reduce trip lengths and encourage use of sustainable means of travel) and in recognition of the importance of economic development and regeneration of Carlow Town Centre, the Planning Authorities will consider a relaxation of car parking standards in the following areas

1. Carlow Town Cultural Quarter:

Carlow Town Council will consider car-free development proposals within the Cultural Quarter because of the importance of this area to economic development and cultural vitality, its accessible location and the constraints associated with its fine urban grain and architectural heritage designations. The extent of the Cultural Quarter is indicated on the Objectives Map.

2. Protected Structures at Risk:

The Planning Authorities will consider car-free development proposals in the case of Protected Structures at Risk, where it is proposed to re-use, conserve or renovate such a Protected Structure to best-practice standards. Car parking will be required in association with the provision of new floor space within the curtilage of the protected structure (extensions or other infill development).

3. Carlow Town Centre:

Carlow Town Council will consider a reduction in the parking requirements for mixed-use developments within Carlow Town Centre based on an evaluation of existing available car parking and a needs assessment associated with the proposals, to be carried out in a robust and scientific manner e.g. TRICS using modes from similar sized settlements. The extent of Carlow Town Centre is indicated on the Carlow Town Zoning Map.

**Protected Structure**

RPS No: CT79 & NIAH No. 10000440 – Winebar College Street. Two-storey three bay 18<sup>th</sup> century house with Victorian alterations (dated 1740-1750). The building is of architectural and historical importance and is of regional significance.



## **College Street ACA**

It shall be an objective of the Council to consider replacing the wall between St. Patrick's College and Carlow Cathedral with railings. This would have the potential to open up this area, displaying the impressive architectural details of Carlow Cathedral and St. Patrick's College. The removal of the wall between St. Patrick's College and College Street would provide the opportunity to develop.

### **5.3. Architectural Heritage Protection, Guidelines for Planning Authorities, DoEHLG, 2011**

Section 6.8.8 refers to - Material change of use to a Protected Structure

- On the whole, the best way to prolong the life of a protected structure is to keep it in active use, ideally in its original use. Where this is not possible, there is a need for flexibility within development plan policies to be responsive to appropriate, alternative uses for a structure. A planning authority should carefully consider any proposed change of use and its implications for the fabric and character of the structure. A new use may have many implications for the structure which may not be immediately obvious, for example with regard to compliance with the Building Regulations.
- In considering an application for the material change of use of a protected structure, the planning authority will have to balance its continuing economic viability if the change is not permitted, with the effect on the character and special interest of its fabric of any consequent works if permission is granted. Where, having considered these issues, a planning authority considers that the alterations required to achieve a proposed change of use will not have an undue adverse effect on the special interest of the structure, the proposals may be granted subject to conditions as appropriate.

#### **5.4. Natural Heritage Designations**

- 5.4.1. The nearest Natura 2000 sites is the River Barrow and River Nore SAC (Site Code 002162) which is located circa 394m to the west of the appeal site.

#### **5.5. Environmental Impact Assessment (EIA)**

- 5.5.1. Having regard to the nature and scale of the proposed development comprising the retention of works carried out to a Protected Structure and retention of the change of use of 232.27sq m floor area from residential to restaurant use and a 119sq m extension that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environment impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

### **6.0 The Appeal**

#### **6.1. Grounds of Appeal**

A third party appeal was submitted by Patrick Dowdall. The issues raised are as follows;

- The appellant sets out the planning history in relation to the subject restaurant/wine bar. Under Reg. Ref. 07/5966 permission was granted for a change of use from studio to wine bar. The appellant notes that no car parking was provided and that no contributions in respect of car parking were sought by condition and that no other contributions were conditioned.
- Under Reg. Ref. 11/6421 permission was granted for a 54sq m extension. The appellant notes that no car parking spaces were provided and no contributions for car parking were required by condition.
- Under Reg. Ref. 16/139 permission was granted for the retention of a 154sq m extension. The appellant notes that no car parking was provided and that the proposal would result in the loss of an estimated 7-8 car parking spaces. Contributions in respect of car parking was sought by condition.

- Under Reg. Ref. 17/190 & ABP 300219-17 permission was granted for the retention development and the development of 243sq m of extensions. The appellant notes that no car parking was provided under the proposal. The Development Plan requirement was 12 to 13 spaces. The permission for a change of use from residential use to restaurant use was refused.
- Under the current application Reg. Ref. 19/10 permission is sought to retain works which have been carried out to the Protected Structure RPS CT29 and NIAH No. 1000000440 and permission is sought to retain the change of use of 232.27sq m from residential to restaurant use. The development includes a new electrical meter store to the front garden of the property and a 16.2sq m covered outdoor deck to the rear of the wine bar/restaurant. A single storey 119.08sq m extension to the kitchen is also proposed and the conversion of part of the existing kitchen to use as customer and staff toilets and a wash up area.
- The appellant states that the development description did not refer to the retention of a rear external fire escape or retention of signage within the curtilage of the protected structure.
- In relation to the development contributions in the grant of permission, the appellant states that under conditions no. 21 and no. 22 contributions were attached in regarding the 119.08sq m of an extension and 16.2sq m of covered outdoor deck. However, he states that no contribution was attached in respect of the 232sq m of change of use from residential to restaurant.
- The appellant raises concern in relation to the shortfall of car parking provided. He states that under condition no. 22 the planning authority attached a contribution in respect of 6 no. car parking spaces. The appellant contends there is a shortfall of car parking of 18-19 car parking spaces as per the development plan standards. It is noted that no car parking in respect of the subject wine bar/restaurant has been provided to date.
- The applicant proposes to use car parking spaces at a public house.

## 6.2. Applicant Response

- All works to be retained are clearly described on the documents lodged with the Planning Application Register Reference 19/10.
- It is stated that the vast majority of works have been previously approved by Carlow Co. Council on two occasions under Reg. Ref. 17/90 and Reg. Ref. 19/10. The Boards reason for refusing for part of the previous proposal under Reg. Ref. 17/90 referred to the fact that some of the works were not as described on the public notices. Therefore, a new application needed to be lodged to rectify the issue.
- The appellant has confined the appeal to matters concerning the development contributions in respect of the shortfall in car parking. It is not within the power of the applicant to determine the amount of the development contribution and Carlow Co. Council have determined the amount of the contribution based on the provision of the Development Plan policy and conditions in Carlow Town.
- The applicant considers that there is no need for further parking for this development as the number of covers is determined by the Carlow Fire Service based on the width of the access of the premises and also that there are hundreds of parking spaces available both public and private within walking distance of Mimosa Wine and Tapas Bar. It is highlighted that the premises does not open until 5pm on Wednesday, Thursday, Friday, Saturday and Sunday when parking is freely available throughout Carlow Town.
- The first party is of the opinion that the appeal is vexatious. They request that the Board grant permission for the proposal.

## 6.3. Planning Authority Response

- The Council's Development Contribution Scheme 2017-2021 includes the following in relation to car parking;
- Section 21 – Surface carparking shortfall, (a) Carlow Town and Environs 6,070 per space.

- Section 29 – “Where the development is unable to meet the requirements relating to car parking a development contribution, commensurate with the shortfall to spaces shall be paid to the Planning Authority to facilitate the provision of car parking spaces elsewhere.”
- The Planning Authority state that as was previously the case the applicant is proposing to avail of existing car parking spaces to the rear of Carpenters public house and funeral home on Barrack Street. A letter from Carpenters Bros Ltd which consents to this use has been submitted. However, the Planning Authority considered this car parking proposal would be problematic in relation to conflict of use between patrons of the public house, funeral home and the subject restaurant as car parking at Carpenters would not be available for the sole use of the applicant’s restaurant.
- The Planning Authority in calculating the surface car parking shortfall had regard to the provisions of the Joint Spatial Plan for the Greater Carlow Graiguecullen Urban Area incorporating the Carlow Town Development Plan 2015-2021. Policy Trans P45 which seeks to apply the car parking standards set out from page 72, except where special circumstances apply. The special circumstances which provide for a relaxation of car parking standards for the ‘Carlow Town Cultural Quarter’, Protected Structures at Risk’ and ‘Carlow Town Centre’ in order to:
  - *“encourage sustainable transport (minimise additional car travel, reduce trip lengths and encourage use of sustainable means of travel) and in recognition of the importance of economic development and regeneration of Carlow Town Centre”*
- The Planning Authority accepted that the town centre location and layout of the site is such that it does not present a viable option to accommodate customer car parking and taking into consideration the provisions of policy TRANS P45, it was concluded that special circumstances do apply to the site.
- The Planning Authority applied the car parking standard of 1 space per 20sq m as set out in the Joint Spatial Plan, to the proposed extension of 119.08sq m which results in the requirement for 6 no. spaces. As the applicant will rely on public car parking facilities to serve the development it was considered

reasonable that a financial contribution be paid in lieu of car parking shortfall on the site of 6 no. spaces.

## **7.0 Assessment**

Having regard to the above, and having inspected the site and reviewed all documents on file, the following is my assessment of this case. Issues to be considered in the assessment of this case are as follows:

- Principle of development
- Impact of the proposal on the Protected Structure
- Car parking
- Appropriate Assessment

### **7.1. Principle of development**

7.1.1. The proposed scheme entails extensions and alterations to the existing premises which contains the existing Mimosa Wine & Tapas Bar. It is proposed to change the use of the two-storey over basement, three bay dwelling to a restaurant.

7.1.2. The zoning objective seeks to protect, the vitality and vibrancy of the town centre and provide for town centre activities. Restaurant use is normally acceptable within town centre zoned areas subject to compliance with other relevant policies and objectives outlined in the Development Plan.

7.1.3. The site is located within the designated Cultural Quarter within Carlow town. Objective CTO3 of the Development Plan seeks to advance and market the concept of the Cultural Quarter and policy CT P19 seeks to encourage the development of commercial uses associated or supporting existing cultural uses within the quarter as well as opportunities for Carlow College. I consider that the subject restaurant is a commercial use which is associated with and which supports existing cultural uses within the quarter. The proposed change of use from residential to restaurant is in accordance with the town centre zoning objective and also in accordance with the development plan objectives in relation to the Cultural Quarter.

### **7.2. Impact of the proposal on the Protected Structure**

- 7.2.1. The dwelling on site a Protected Structure RPS No. CT79. It is a two-storey three bay 18th century house with Victorian alterations (dated 1740-1750). It is listed in the National Inventory of Architectural Heritage (Ref – NIAH No. 1000000440). The building is of architectural and historical importance and is of regional significance. It is proposed to change the use of the building from residential to restaurant. I consider this is acceptable in principle having regard to the town centre location of the site.
- 7.2.2. An Architectural Heritage Impact Assessment was prepared by Larkin Associates Architects which sets out the historical context and description of the building and the works which have been previously carried out and which are proposed.
- 7.2.3. It is set out in the assessment that it is intended that the development of the restaurant will have a minimum impact on the Protected Structure and all of the works will be reversible as far as practicable. Changes to the façade include painting, repair of roof slates and the incorporation of a new electrical substation which was required to serve the premises.
- 7.2.4. A new access is proposed to be formed in the wall to the garden of the Forresters Hall to provide access for emergency escape. This proposed element was not considered acceptable by the Planning Authority as the wall is a feature on the site which contributes to the character of the Protected Structure and its curtilage. I would concur with the assessment of the Planning Authority and should the Board decide to grant permission that a condition should be attached omitted this aspect of the proposal.
- 7.2.5. The works to the basement is detailed in the Architectural Heritage Impact Assessment. It is set out in assessment that the impact to the basement are minimal. Electrical and mechanical equipment has been installed to the rear of the building to serve the kitchen areas it is confirmed it will be possible to remove this equipment in the future.
- 7.2.6. In relation to the ground floor of the Protected Structure it is noted that the layout would not be altered except for the introduction of the bar and that all existing features including the stairs and fireplace will be retained and repaired as necessary. Repair and decorative works are proposed to the lobby and stairs. The original fire place at ground floor has been cleaned and repaired. The cornice work and plaster

work to the ceiling of the lobby at ground and first floor level are in good condition and will be painted. A timber floating floor has been provided to the dining rooms. An original blocked access to the adjacent section of 'Mimosa Wine & Tapas Bar' has been reopened to provide access to the existing restaurant. The windows within the building are sash windows one over one with window shutters. They are generally in good condition and are to be decorated and painted.

- 7.2.7. To the rear of the building a metal escape stairs has been erected to provide means of escape to the rear yard from the top floor of the proposed restaurant. It proposed to lower the cill to the top of the landing of the staircase. I consider this proposal is necessary to facilitate a safe means of escape from the first floor and is acceptable on that basis.
- 7.2.8. The report from the Department of Culture Heritage and the Gaeltacht sets out that they do not condone unauthorised works to a protected structure, if not carried out to best conservation practice as works may potentially impact on the character and special interest of the protected structure. In relation to the subject proposal they advised that if permission is granted that a condition should be attached to ensure that an appropriate standard of restoration works for the protected structure is achieved.
- 7.2.9. The Department sought that the cast-iron bootscraper be repaired and instated to the front step and that the applicant should submit a report on the status of the windows removed from the west-facing elevation of the Protected Structure, including details on their location and conditions of storage. They also specified that details of the alterations proposed to be carried out to the first-floor level window in the rear elevation of the Protected Structure to facilitate an emergency (fire) escape be submitted for agreement and that the applicant shall submit a full record of the Protected Structure prior to any works commencing on the site. I consider that it would be appropriate to attach a condition to address these matters, should the Board decide to grant permission.
- 7.2.10. Having regard to the proposals submitted with the application in relation to the works and alterations to the Protected Structure, overall, I consider that the proposals will serve to further protect and retain the character of the property and subject to the



works being carried out in accordance with best Conservation Practice. Accordingly, I consider that the proposed development is acceptable.

### **7.3. Car parking**

- 7.3.1. The appellant has raised concerns in relation to the car parking, specifically the amount of car parking the proposed development would generate and how the Planning Authority have addressed the matter of the shortfall.
- 7.3.2. As set out in the Development Plan that it is important that an appropriate level of short and long-term car parking is provided within the town centre to serve the needs of commercial, retail and employment generators. Policy TRANS P36 seeks to discourage the provision of extensive surface-based car parking within the town centre and free up such town centre sites for re-development.
- 7.3.3. Car parking standards for the town centre are set out in a table on page 72 of the Development Plan. Restaurants and café require 1 car parking space per 20m<sup>2</sup> within Carlow Town Centre Zoning. Development Plan Policy TRANS P45 refers to car parking and requires that the car parking standards be applied in association with new development except where special circumstances apply. The special circumstances under which the Planning Authority will consider the relaxation of car parking standards include proposals within the Cultural Quarter because of the importance of this area to economic development and cultural vitality, its accessible location and the constraints associated with its fine urban grain and architectural heritage designations. The Planning Authority will also consider car free development proposals where it is proposed to re-use, conserve or renovate a Protected Structure to best-practice standards. In such cases car parking will be required in association with the provision of new floor space within the curtilage of the protected structure (extensions or other infill development).
- 7.3.4. The proposal entails the retention of the change the use of 232.27sq m from residential to a restaurant use and the construction of a 119.08sq m extension to an existing kitchen in the restaurant.
- 7.3.5. The applicant in a letter submitted with the application stated that the proposal would generate the requirement for 10 no. car parking spaces has proposed to avail of existing car parking spaces to the rear of Carpenters public house and funeral home on Barrack Street. A letter from Carpenters Bros Ltd which consents to this use has

been submitted. The Planning Authority in their assessment of the proposal determined that it would be problematic to rely on this car parking proposal as there would be a conflict of use between patrons of the public house, funeral home and the restaurant because the car parking at Carpenters would not be available for the sole use of the applicant's restaurant.

- 7.3.6. The Planning Authority as set out in their appeal response stated that they considered given the town centre location and layout of the site that it is not viable to accommodate customer car parking. The Planning Authority considered that the provisions of policy TRANS P45 in relation to special circumstances would apply.
- 7.3.7. The Planning Authority applied the car parking standard of 1 space per 20sq m as set out in the Joint Spatial Plan, to the proposed extension of 119.08sq m which results in the requirement for 6 no. spaces. As the applicant will rely on public car parking facilities to serve the development it was considered reasonable that a financial contribution be paid in lieu of car parking shortfall on the site of 6 no. spaces.
- 7.3.8. Having regard to the site location within the town centre and Cultural Quarter and the proposal to re-use the Protected Structure I would concur with the assessment of the Planning Authority that development plan policy TRANS P45 in relation to special circumstances would apply. The Planning Authority determined that car parking standards should be applied to new extensions proposed to the restaurant which have an area of 119.08sq m. I considered this is appropriate and in accordance with the provisions of policy TRANS P45 in relation to Protected Structures as it sets out that *“where it is proposed to re-use, conserve or renovate such a Protected Structure to best-practice standards. Car parking will be required in association with the provision of new floor space within the curtilage of the protected structure (extensions or other infill development).”*
- 7.3.9. The Carlow Co. Council Development Contribution Scheme 2017-2021 includes the provision for a levy for a shortfall of surface carparking within Carlow Town and Environs. Accordingly, the payment of the levy in respect of a shortfall of car parking on site is covered under the provisions of the general development contribution scheme.

#### 7.4. **Appropriate Assessment**

- 7.4.1. The appeal site is situated circa 394m to the east of the closest European site River Barrow and River Nore SAC. Having regard to the nature and scale of the proposal, the nature of the receiving environment, namely an urban and fully serviced location and the separation distance to the nearest European site, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## **8.0 Recommendation**

- 8.1. The proposed development is considered generally acceptable and I therefore recommend that permission be granted.

## **9.0 Reasons and Considerations**

Having regard to the location of the site in Carlow town centre, the nature and scale of the development proposed to be retained and carried out, the pattern of development in the area, and the planning history and existing use of the site, it is considered that, subject to compliance with the conditions set out below, the proposed development and the development for which retention is sought would not seriously injure the amenities of the area or of property in the vicinity, would not adversely affect the character or setting of a protected structure or Architectural Conservation Area, would be acceptable in terms of pedestrian and traffic safety and convenience and would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **10.0 Conditions**

1. The development shall be retained and completed in accordance with the plans and particulars lodged with the application, 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 within

three months from the date of this order and the development shall be retained and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The proposed 'Fire Escape Right of Way' as detailed on Drawing no. 19-685/PP/02 submitted with the application shall be omitted from the scheme. Revised drawings indicating this element of the scheme omitted shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of clarity and to protect the character and setting of the Protected Structure.

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

**Reason:** In the interest of the visual amenities of the area.

4. 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.

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

5. The applicant or developer shall enter into water and/or waste water connection agreement(s) with Irish Water prior to the commencement of this development.

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

6. The developer shall comply with the following requirements in relation to the proposed restoration and works to the protected structure, which shall be carried out in accordance with the document: “Architectural Heritage Protection – Guidelines for Planning Authorities” (Department of Arts, Heritage and the Gaeltacht, 2011):
  - (a) the cast-iron bootscraper shall be repaired as detailed on page 125 of ‘Architectural Heritage Impact Assessment, Conservation Report and Photographic Survey submitted with the application.
  - (b) Prior to the commencement of development, the applicant shall submit a report on the status of the windows removed from the west-facing elevation of the Protected Structure, including details on their location and conditions of storage. On the basis of a positive outcome from the report, the applicant shall submit proposals for the written agreement of the Planning Authority, to store the windows and any related features including sills, in a secure location in order to facilitate future reinstatement.
  - (c) Prior to the commencement of development, the applicant shall submit detailed drawings and specifications, including finishes, for the written agreement of the Planning Authority, for the alterations proposed to be carried out to the first-floor level window in the rear elevation of the Protected Structure to facilitate an emergency (fire) escape. This shall include proposals to retain all joinery, architraves and shutters/risers.
  - (d) Prior to the commencement of development, the applicant shall submit a full record of the Protected Structure prior to any works commencing on the site, for the written agreement of the Planning Authority. It shall include a full set of measured elevations and plans and a photographic survey annotated and cross-referenced with the drawings.

**Reason:** In order to ensure an appropriate standard of restoration works for this protected structure.

7. 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.

8. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of 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 amenity.

9. A plan containing details for the management of waste within the development, including the provision of facilities for its storage, separation and collection shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

**Reason:** to provide for the appropriate management of waste, in the interest of protecting the environment.

10. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

11. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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Siobhan Carroll  
Planning Inspector

21<sup>st</sup> August 2019