



An  
Bord  
Pleanála

## Inspector's Report ABP-310749-21

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<b>Development</b>	Construction of 123 bed Hotel with Public Bar and Restaurant and extensions. The site includes a former hospital which is a Protected Structure (RPS Ref B112). Demolition of buildings.
<b>Location</b>	Corner of Wolfe Tone Street, and John's Green, Kilkenny.
<b>Planning Authority</b>	Kilkenny County Council
<b>Planning Authority Reg. Ref.</b>	2132
<b>Applicant(s)</b>	Green Wolf Limited
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Wolfe Tone Street Residents
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	4 <sup>th</sup> February 2022

**Inspector**

Emer Doyle

## 1.0 Site Location and Description

- 1.1. The site consists of a former youth hostel with a stated area of 0.26 hectares, located in the centre of Kilkenny City. The existing building is a protected structure described on the Record of Protected Structures as follows: *'detached seven-bay three storey over basement hospital, opened 1767, with three-bay three-storey pedimented breakfront, and single-bay three-storey central return to north-east. Subsequently converted to use as county infirmary, pre-1841.'* The site is located in Michael Street/ Wolfe Tone Street Architectural Conservation Area.
- 1.2. The site is occupied by three buildings. The principal structure, located in the north west corner of the site is a seven bay 3 storey building, with a number of extensions including a porch, 2 storey pitched roof extension to the southeast, a 3 storey hipped roof extension, and a number of single storey extensions. The second building is a single storey gate lodge. The third building is a single storey pitched structure which encloses a timber gate to John's Green.
- 1.3. The site is bounded by a high stone wall and Wolfe Tone Street to the south west, by John's Green public car park to the south east, by a single storey medical centre to the north west, and by a disused railway viaduct with a four storey apartment block beyond to the northeast. The area has a mix of uses typical of a city centre location.

## 2.0 Proposed Development

- 2.1. Permission is sought for the construction of a 123 bedroom hotel with public bar and restaurant. The site includes a former hospital which is a Protected Structure (RPS Ref. B112). The application was accompanied by the following documentation:
  - Town Planning Report
  - Heritage Impact Assessment Report
  - Archaeological Impact Assessment
  - Screening for Appropriate Assessment Report
  - Ecological Impact Assessment Report
  - Bat Survey Report

- Traffic and Transport Assessment Report
- Mechanical, Electricity and Sustainability Report
- Engineering Services Design Report
- Mobility Management Plan
- Photomontages

2.2. Revised drawings and details were submitted to the Planning Authority dated the 18<sup>th</sup> of May 2021 which included the following:

- Number of bedrooms reduced from 123 to 118
- Additional setbacks at third and fourth floor levels
- Amendments to external materials at setbacks
- Widening and redesign of link between the Protected Structure and new building
- Omission of pavilion
- Surface parking increase from 6 No. spaces to 7 No. spaces together with turning head.
- Provision of waste collection area
- Relocation of ESB substation/ switch room

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

Permission granted subject to 14 No. Conditions. Condition 11(a) required the developer to prepare and develop a Mobility Management Plan and Condition 11(b) required the applicant to develop strategies and policies under the Mobility Management Plan to minimise the impact of hotel parking on Wolfe Tone Street residential parking prior to the hotel becoming operational. All other conditions are of a standard nature for a development of this type.

## 3.2. Planning Authority Reports

### 3.2.1. Planning Reports

The first planner's report considered that the use the site as a hotel was acceptable at this location. A number of issues were raised including design, plot ratio, location of ESB substation, conservation, traffic impact, absence of turning facilities and adequacy of car parking on site.

The second report considered that the revisions to the design were looked on favourably by both the Planning Authority and the Conservation Officer as they open up the view of the protected structure from the road and the stepping of the new block away from the protected structure presents less of a visual impact on the protected structure. It was considered that the regeneration of the vacant protected structure and run down brownfield site in a prime city location is highly desirable. Permission was recommended subject to conditions.

### 3.2.2. Other Technical Reports

**Environment:** First report required Further Information.

**Conservation Officer:** First report required Further Information. The second report expressed a number of concerns regarding the re-design including the width of the gap between the protected structure and the new building and the design of the elevation facing Wolfe Tone Street. Further clarification was requested in relation to these issues in addition to a number of conditions should the decision be made to grant permission.

**Roads:** First report required Further Information. The second report recommended a grant of permission subject to conditions.

**Area Engineer:** Expressed concerns regarding shortfall in car parking spaces and highlights incorrect information regarding available parking elsewhere. Includes conditions if permission is granted including a condition requiring a levy of €5000 per car parking space not provided on site for the provision of car parking elsewhere in the city.

### 3.3. **Prescribed Bodies**

- 3.3.1. **An Taisce:** Concern expressed that whilst the retention and renovation of the protected structure is welcomed, it would benefit from a different use that would make John's Green a more important and attractive focus of services of the local community. Concern expressed regarding the bulk and scale of the proposed development with the extension dwarfing the protected structure on site and the design not being sympathetic to the area.

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

- 3.4.1. Objections were received from residents of Wolfe Tone Street. The main issues raised are similar to those in the grounds of appeal.

## 4.0 **Planning History**

### **PA Reg. Ref. P04/990079**

Permission granted for demolition of the existing two storey section at the eastern end and minor extensions at the western end of the existing hostel, demolition of boundary wall and gate lodge and relocation of entrance gateway and construction of a four storey development comprising 32 No. apartments with three retail units at ground level over basement carpark and change of use of hostel with construction of a four storey extension to provide 12 No. apartments.

### **PA Reg. Ref. P02/990025**

Permission granted for demolition of extension and gate lodge to a building of local importance, the erection of a hotel on site incorporating existing hostel, to consist of three storeys with recessed penthouse floor on John's Green and two storeys with recessed penthouse floor on Wolfe Tone Street with basement level for car parking,

with services under, provision of 108 bedrooms with associated leisure centre and restaurant, bars and conference facilities.

## 5.0 Policy Context

### 5.1. Development Plan

The operative Development Plan is the Kilkenny City and Council Development Plan 2021-2027

- The site is zoned GB – To provide for general development.
- The site is located within the Micheal Street/ Wolfe Tone Street ACA and also within the Area of Archaeological Potential.
- Section 9.3.2 sets out policy in relation to Architectural Heritage.
- The former infirmary building is a protected structure (Ref. B112).

### Natural Heritage Designations

- 5.1.1. The proposed development is not located within or immediately adjacent to any European site. The nearest European sites are the River Barrow and River Nore SAC, and the River Nore SPA, located c. 230m west and and c. 240m west respectively.

### 5.2. EIA Screening

- 5.2.1. Having regard to the nature and scale of the proposed development, comprising a hotel development on a brownfield site in an urban location, it is considered that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental 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

6.1.1. The grounds of appeal can be summarised as follows:

- Concerns raised regarding inadequate car parking, impact of additional traffic, insufficient road space to accommodate tail swing of large delivery trucks.
- Concerns regarding noise impact.
- Concern regarding demolition of boundary wall.
- Concern regarding height of the hotel and impact on residential amenities.
- Concern regarding construction impact on dwellings on Wolfe Tone Street.

### 6.2. First Party Response

6.2.1. The first party response can be summarised as follows:

- The proposed development will only result in a negligible traffic impact and there is no basis for the suggestion that the proposed development would result in a risk to pedestrians.
- There is a shortfall of car parking on site, however there are 2,204 car parking spaces within 500m of the site. It is considered unlikely that guests or staff of the hotel would elect to park on Wolfe Tone Street, displacing residents, as that is short term metered parking.
- The new entrance on Wolfe Tone Street will not create any hazard to road users. The back of house areas (kitchen service access, keg store, waste store etc.) are located to the rear of the site and are closest to the entrances from Johns Green, where there are existing loading bays for commercial vehicles serving the area. Most deliveries and service vehicles will be directed to John's Green by the hotel operator. Information submitted at Further Information stage included swept path analysis which demonstrated the entrance could manage the movements of Fire Tender and Buses.



- Whilst there will be additional activity generated by the proposed use, it is not expected to be of a level that would be considered unacceptable in a city centre context.
- The proposed new entrance will not have an impact on the privacy or noise levels experienced by the residents of Wolfe Tone street. The windows of the Protected Structure, visible through the proposed entrance are c. 36m from the front facades of these dwellings. The outdoor area is located behind the boundary wall to be retained which will attenuate any noise at this location.
- The windows on the elevation of Wolfe Tone street serve corridors only.
- A report on the Effects on Daylight Reception Analysis is attached to the appeal response. This shows that the proposed development effect on daylight is within all the constraints and recommendations of the BRE report.
- The Traffic and Transport Assessment does take the impact of covid into account and makes adjustments in this regard.
- The construction phase will be managed to ensure that no long-term impacts arise on adjoining structures.

### **6.3. Planning Authority Response**

6.3.1. The Planning Authority response can be summarised as follows:

- The Planning Authority do not consider that the proposed hotel will result in major traffic congestion. A Transport and Traffic Assessment was submitted with the application and further refined as a result of the request for further information. The roads and traffic department of the Council recommended a grant of permission subject to conditions.
- The site size is insufficient in size to cater for the car parking standard outlined in the 2014-2020 Development Plan. This is acceptable in principle given the city centre location of the site, the location of other public and private car parking in the area and the location of the site close to the railway station and bus stops. The Planning Authority considered it reasonable to accept the argument put forward that the shortfall in spaces would be of the order of 49 spaces. The Planning Authority therefore applied an appropriate

development contribution in accordance with the Council's Development Contribution Scheme to its final decision (Condition No. 2).

- The roads design section of the Council is satisfied that the entrance design can accommodate the proposed development.
- The site is located in a city centre location and it is not anticipated that the operation of the hotel will generate any excessive noise over and above existing background noise levels. It should be noted that there is no function room within the hotel.
- The partial removal of the existing boundary wall will have no impact on the privacy of the houses on Wolfe Tone Street. There is no private space associated with the houses onto Wolfe Tone Street.
- The Planning Authority considered that the revised proposal as redesigned at Further Information stage would not unduly impact on the amenities of the area.
- Potential damage to houses as a result of construction it not a matter that is appropriate to be dealt with through the planning process.

#### **6.4. Observations**

- None.

#### **6.5. Further Responses**

6.5.1. A further response submitted by the third party can be summarised as follows:

- The design of the scheme has not taken account of nearby residential properties.
- The fact that there is not a recorded collision with a pedestrian does not override the fact that we residents live here and experience life on this road everyday.
- To suggest that a 118 bedroom hotel which is only providing 7 car parking spaces will not have an impact on car parking on Wolfe Tone street is ludicrous.

- What evidence is there for the applicant to assert that most staff and guests will rely on public transport.
- To say that the boundary wall will prevent noise from the outdoor seating area is incorrect.
- We kindly ask An Bord Pleanála to consider the impact on the day to day lives of residents of Wolfe Tone Street.

## 7.0 Assessment

7.1. It is proposed to consider the appeal under the following headings:

- Land Use and Development Principle
- Height and Scale
- Impact on Traffic Safety
- Impact on Residential Amenities
- Appropriate Assessment

### 7.2. Land Use and Development Principle

7.2.1. The appeal site is located in the centre of Kilkenny City, on lands zoned for General Business, wherein hotel use is permissible in principle.

7.2.2. The applicant's have outlined the benefits associated with the proposed development in Section 1.3 of the appeal response. They consider that the development will result in the restoration and active reuse of a Protected Structure, which is acknowledged as being at poor risk due to its poor condition. It is stated that the most recent use was as a tourist hostel and the proposed development reintroduces this use and considers that the use is appropriate for the city centre location close to McDonagh Junction Train Station.

7.2.3. The report from the Planning Authority dated the 11<sup>th</sup> day of June 2021 states that *'from a planning perspective, the regeneration of the vacant protected structure and run down brownfield site in a prime city location, is highly desirable.'* It noted that the

site was on the Vacant Site Register, but was moved from same upon its sale to new owners when the owners entered into discussions with the Council.

- 7.2.4. I consider that the provision of a hotel in the centre of Kilkenny is an appropriate and acceptable use. The previous hostel use has not been operational for many years and the site is underutilised at present. The redevelopment of the site is therefore regarded as appropriate in principle.

### **7.3. Height and Scale**

- 7.3.1. The main concern raised by the appellants is that the proposed development is out of keeping with adjacent properties on Wolfe Tone Street.
- 7.3.2. In addition to the original design submitted with the scheme, a revised design was submitted in response to the Further Information Request which substantially scaled back the development at 3<sup>rd</sup> and 4<sup>th</sup> floor levels and provided for revisions to the materials at the setbacks to create a 'lighter' appearance at the upper level. I refer the Board to Figure 2.6.1 of the appeal response to illustrate the difference between the original proposal and the Further Information Scheme. A number of other changes were made to the design at Further Information stage also to reduce the impact on the existing protected structure on the site including the widening of the link between the protected structure and the new building and the omission of the pavilion from the front of the building.
- 7.3.3. The site is located in Michael Street/ Wolfe Tone Street ACA and it is important that any redevelopment or renewal in this area respects the existing historical and architectural character of the street. There is a huge variety of building types in the area with a single storey medical centre adjacent to the northwest, the terraced dormer houses on Wolfe Tone street opposite the site, a large open space which accommodates public car parking on John's Square to the south east and a disused railway viaduct (Protected Structure No. B111) with modern 4 storey apartment scheme adjacent.
- 7.3.4. The Planning Authority report considered that the revisions to the scheme were looked on favourably by the Planning Authority and the Conservation Officer as they open up the view of the protected structure from the road to the fore and main

access point. I concur with this and consider that there will be some element of planning gain as the protected structure is currently hidden behind a high wall with limited visibility from Wolfe Tone Street. Whilst I acknowledge the height difference between the proposed development and the existing dwellings on Wolfe Tone Street and the medical centre on this street, I am of the view that the height and design proposed is appropriate for this location having regard to more recent development in the area. As such, I consider that the revised design taken together with the revised materials proposed for the setback elements would significantly reduce and soften the impact of the proposed development, would provide for a well considered design with a high quality of finishes and would not detract from the existing protected structures in the vicinity of the site and the overall integrity of the Architectural Conservation Area.

#### **7.4. Impact on Traffic Safety**

- 7.4.1. The primary concerns raised in relation to traffic relate to insufficient car parking for the scheme. Concerns are also raised in relation to impact on increase of traffic in the area and the turning area for trucks on Wolfe Tone Street.
- 7.4.2. The proposed development as revised by details submitted in the Further Information Response provides for 7 No. car parking spaces. A Traffic and Transport Assessment and a Mobility Management Plan were submitted with the application. Section 7.0 of the Traffic and Transport Assessment deals with the parking provision. The case is made that there are in excess of 2,200 car parking spaces within 500m of the site. A reduced trip rate of 40% has been used to reflect the Council's own Parking Study and the Smarter Travel credentials of the site. Section 4.2 of the report sets out that the proposed hotel is aimed at the short term tourist and 'weekender' market rather than the business tourism market. The hotel does not have a function room and will therefore not generally attract traditional large functions such as conferences and weddings. Car parking requirements have been calculated at a reduced rate of 47 based on the Council's Parking Study and the Smarter Travel credentials of the site. It is proposed to appoint a Mobility Manager to develop a detailed car parking strategy as part of the Mobility Management Plan. This strategy is to identify any specific surrounding commercial car parks with whom

arrangements could be made for leasing of spaces and it would be updated annually. This would be accompanied by a Quality Audit of the existing footpath infrastructure to establish accessibility of the hotel from the car park.

- 7.4.3. The Roads Report identifies that there are a number of significant hotel accommodation developments currently in the planning process within the city which are not providing dedicated parking together with a number of additional potential future development sites at McDonagh Junction and Abbey Quarter. It is recommended that in the absence of dedicated parking facilities, the provision of a development contribution in lieu of the parking shortfall should be considered for the purpose of parking, roads and transport. It was also noted that there was potential for the development to adversely impact on the availability of parking for residents of Wolfe Tone Street, particularly for overnight parking. It was recommended that the applicant would be required to develop strategies and policies under the Mobility Management Plan to minimise the impact of car parking on Wolfe Tone Street residential car parking.
- 7.4.4. Having regard to the smarter travel credentials of the site, the location and characteristics of the development including the absence of a function room, the restricted nature of the site, the presence of a protected structure on the site and the presence of large numbers of car parking spaces a short walking distance from the site, I am satisfied that the car parking provision is satisfactory in this instance. Whilst I note that the appeal response considers that it is unlikely that guests or hotel staff will park on Wolfe Tone Street, displacing residents, I am of the view that the amenities of residents in this area should be protected by the inclusion of a condition similar to Condition 11(b) of the grant of permission which requires the applicant to develop strategies and policies under the Mobility Management Plan to minimise the impact of hotel parking on Wolfe Tone Street residents to be agreed with the Planning Authority prior to the hotel becoming operational.
- 7.4.5. In terms of the concerns raised regarding the impact of the increase of traffic in the area, Table 6.7 of the Traffic and Transport Assessment Report indicates that the percentage increase in traffic flows on Wolfe Tone Street at the site entrance as a result of trips generated by the hotel is 3.5% in AM trips and 4.7% in PM trips. The traffic impact on three junctions surrounding the site was assessed in Tables 6.1 to 6.6 of the report and it was concluded that the negligible increase in traffic flows

using the surrounding roads would not have an adverse effect on the area. I note that whilst surveys were undertaken during Covid travel restrictions, the figures were adjusted with a growth factor applied as set out in the Addendum to the report submitted dated the 18<sup>th</sup> of May 2021.

- 7.4.6. In terms of the concerns raised regarding the tail swing for trucks at the proposed entrance on Wolfe Tone Street, I note that details submitted dated the 18<sup>th</sup> of May 2021 provided for swept path analysis which indicated that the Wolfe Tone entrance was suitable for use by Fire Tender and Buses. The appeal response indicates that the back of house areas (kitchen service access, keg store, waste store etc.) are located to the rear of the site and are closest to the entrance from John's Green, where there are existing loading bays for commercial vehicles serving the area. Most deliveries and service vehicles will be directed to John's Green by the operator. The car parking area inside the Wolfe Tone Street entrance is bounded by the hotel and outdoor seating area and is therefore not suitable to accommodate deliveries by large vehicles. As such, I consider that the introduction of delivery vehicles to Wolfe Tone Street would be unwelcome and would detract from residential amenities and traffic safety. However, I am satisfied that the hotel has been designed to accommodate deliveries from the adjacent John's Green and can be accommodated using existing facilities in the area together with the pedestrian access from John's Green.
- 7.4.7. I am satisfied that the use proposed is appropriate for this central location and consider that the proposed development would not give rise to significant additional impacts impact at the nearby roads and junctions or on Wolfe Tone Street.

## **7.5. Impact on Residential Amenities**

- 7.5.1. The primary issues raised regarding impact on Residential Amenities relate to impact on daylighting, noise and construction impacts.
- 7.5.2. In response to the concern raised regarding impact on daylight, a report was included in the appeal response 'Effects on Daylight Reception Analysis.' The impacts on Nos. 9 to 14 Wolfe Tone Street were examined in the report. Section 5.5 of the report calculated that the change in daylight reception in all of the analysed properties ranged from 0.89 to 0.85 and as such were within the guidelines set out in

the BRE's Site Layout and Planning for Daylighting and Sunlight Guide to Good Practice. As such, I am satisfied that any changes in terms of daylight and sunlight would be negligible and would not unduly detract from residential amenities of existing dwellings at this location.

- 7.5.3. In terms of noise, the appeal response notes that critically, there is no function room space proposed and the hotel will not accommodate large scale late night events such as weddings and will not be a destination for many people other than hotel guests. There is a small outdoor seating area, however this is located inside a high boundary stone wall which will prevent any noise from this space reaching the houses on Wolfe Tone Street. It is stated that it will be in the interests of the hotel management to properly manage the hotel in order to be a good neighbour to adjoining residents.
- 7.5.4. I am of the view that the city centre context of the site must be taken into account, together with the previous use of the site as a tourist hostel. I consider that the absence of a function room and associated large gatherings of guests will mean that noise levels associated with the development will be lower than a similarly sized hotel with a function room. Whilst, the main source of noise in terms of the impact on adjoining residents is likely to be from the proposed outdoor space, this space is shielded by a high boundary wall and I am of the view that subject to the appropriate management of this space, it is not considered that significant adverse impacts on adjoining residential amenity are likely.
- 7.5.5. The main concern regarding construction impacts related to potential damage to the properties constructed in the 1890's on Wolfe Tone Street. The appeal response notes that construction is frequently carried out in proximity to existing buildings, including older structures. The proposed development includes the retention and restoration of the former infirmary. It is stated that the construction phase will be managed in order that no long term negative impacts will arise on adjoining structures.
- 7.5.6. I consider that the proposal to redevelop an underutilised site in the city centre is a positive factor. The construction impact of any proposal on the site is likely to be disruptive, however I would consider that adequate construction management and the provision of a construction management plan in the event of a grant of



permission can deal with any concerns regarding adverse impact of construction at this location.

## 7.6. **Appropriate Assessment**

- 7.6.1. 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. I recommend that permission be granted based on the following reasons and considerations and subject to conditions as set out below.

## 9.0 **Reasons and Considerations**

Having regard to the city centre location of the site, the provisions of the Kilkenny City and County Development Plan 2021-2027, the scale and nature of the of the proposed development and to the pattern of development in the area, it is considered that, subject to compliance with conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would not adversely affect the character or setting of the protected structure or of the Architectural Conservation Area in which it is located or any other protected structures in the vicinity and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 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
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	<p>further plans and particulars submitted on the 18th day of May 2021, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>Water supply and drainage arrangements, including the disposal of surface water from the site, shall be in accordance with the detailed requirements of the planning authority.</p> <p><b>Reason:</b> In the interests of public health.</p>
3.	<p>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.</p> <p><b>Reason:</b> In the interests of visual amenity and streetscape.</p>
4.	<p>The developer shall control odour emissions from the premises in accordance with measures including extract duct details which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.</p> <p><b>Reason:</b> In the interest of public health and to protect the amenities of the area.</p>
5.	<p>(a) A conservation architect with proven and appropriate expertise shall be employed to design, manage, monitor and implement the works to the building 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 building and facades structure and/or fabric.</p>

	<p>(b) All works to the protected structure shall be carried out in accordance with best conservation practice and the Architectural Heritage Protection Guidelines for Planning Authorities (2011) and Advice Series issued by the Department of the Arts, Heritage and the Gaeltacht. Any repair works shall retain the maximum amount of surviving historic fabric in situ. Items to be removed for repair off-site shall be recorded prior to removal, catalogued and numbered to allow for authentic re-instatement.</p> <p><b>Reason:</b> To ensure that the integrity of the protected structure is maintained and that the proposed repair works are carried out in accordance with best conservation practice with no unauthorised or unnecessary damage or loss of historic building fabric</p>
6.	<p>(a) All entrance doors in the external envelope shall be tightly fitting and self-closing.</p> <p>(b) All windows shall be double-glazed and tightly fitting.</p> <p>(c) Noise attenuators shall be fitted to any openings required for ventilation or air conditioning purposes.</p> <p>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.</p> <p><b>Reason:</b> To protect the residential amenities of property in the vicinity.</p>
7.	<p>The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:</p> <p>(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, and</p> <p>(b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works. The assessment shall address the following issues: (i)</p>

	<p>the nature and location of archaeological material on the site, and (ii) the impact of the proposed development on such archaeological material. A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works. In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.</p> <p><b>Reason:</b> In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.</p>
8.	<p>Site development and building works shall be carried out only between the hours of 0700 and 1900 from Mondays to Fridays inclusive, between 0800 and 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.</p> <p><b>Reason:</b> In order to safeguard the amenities of property in the vicinity.</p>
9.	<p>No additional development shall take place above roof parapet levels, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, machinery or telecommunications aerial, antennas or equipment unless authorised by a further grant of planning permission.</p> <p><b>Reason:</b> In the interests of residential and visual amenity.</p>
10.	<p>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 to reduce and regulate the extent of staff car parking. The management strategy shall include policies and strategies to minimise the impact of car parking on Wolfe Tone Street residential parking. The mobility strategy</p>

	<p>shall be prepared and implemented by the management company for the development. Details to be agreed with the planning authority shall include the provision of adequate facilities within the development for bicycle parking, shower and changing facilities associated with the policies set out in the strategy.</p> <p><b>Reason:</b> In the interest of encouraging the use of sustainable modes of transport.</p>
11.	<p>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.</p> <p><b>Reason:</b> In the interest of sustainable waste management.</p>
12.	<p>The construction of 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 a demolition management plan, together with details of intended construction practice for the development, including a detailed traffic management plan, hours of working, and noise management measures.</p> <p><b>Reason:</b> In the interests of public safety and residential amenity.</p>
13.	<p>A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in</p>

	<p>particular, recyclable materials and for the ongoing operation of these 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.</p> <p><b>Reason:</b> To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.</p>
14.	<p>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.</p> <p><b>Reason:</b> 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.</p>

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Emer Doyle  
 Planning Inspector

18<sup>th</sup> July 2022