



An
Bord
Pleanála

Board Direction
BD-004852-20
ABP-304216-19

The submissions on this file and the Inspector's report were considered at a Board meeting held on 03/01/2020.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

Having regard to the zoning of the site for 'General Business' in the Kilkenny City & Environs Development Plan 2014-2020 (within which zoning all elements of the proposed development are permitted in principle) and to the design, nature and scale of the proposed development and to the established character and pattern of development in the vicinity of the site it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of property in the vicinity of the site, would not seriously injure the visual or other amenities of the 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.

Conditions

1.0 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 26th day of February 2019, 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 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.

- (3) An Electric Vehicle Charging Point shall be provided at a suitable location within the site and shall be operational prior to the commencement of operation of the proposed petrol filling station. Details of the location of this

facility shall be submitted to and agreed to in writing with the planning authority prior to the commencement of development.

Reason: In order to provide for an appropriate standard of development.

- (4) Details of the colour and materials of all external finishes to the proposed development shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. In particular,

Reason: In the interest of visual amenity.

- (5) Standard Irish Water

- (6) Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.

Reason: To ensure adequate servicing of the development, and to prevent pollution.

- (7) All tank and drum areas shall be rendered impervious to the materials stored therein. In addition, tank and drum storage areas shall be bunded either locally or remotely to a volume not less than 110% of the capacity of the largest tank or drum within the bunded area. Drainage from the bunded area shall be diverted for collection and safe disposal.

Reason: In the interest of the protection of the environment.

- (8) 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, including any materials containing asbestos materials in the existing structures to be demolished, in accordance with the

provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

- (9) 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 noise management and dust suppression and management measures.

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

- (10) Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1500 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 residential amenities of property in the vicinity.

- (11) Opening hours of the proposed facility shall be between the hours of 06.00 and 23.00 hours daily only, unless prior planning permission has been obtained to vary these hours. Deliveries to the retail unit shall only occur between these hours.

Reason: In the interest of residential amenity.

- (12) (a) The applicant shall carry out a stage 3 Road Safety Audit for the completed development.

(b) Details of proposed sign SUP-002 – Cycle Lane Sign shall be reviewed (directional arrow and text may be misleading in its current format).

(c) No traffic or machinery associated with the proposed development shall block the free flow of traffic along the Castlecomer Road or the cul-de-sac road bounding the site to the west and shall not block any neighbouring vehicular entrances.

Details in relation to the above matters shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of pedestrian and traffic safety.

- (13) Signage shall be provided in accordance with the scheme as modified in the further information documentation received by the planning authority on the 26th day of February 2019. Notwithstanding the exempted development provisions of the Planning and Development Regulations as amended, additional signs or advertising structure shall be erected within the curtilage of the site or attached to the external facades of any buildings or other structures within the site in such a manner as to be visible from outside the site unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity and to allow the planning authority to assess all future signage through the statutory planning process.

- (14) The site shall be landscaped in accordance with the landscaping and boundary treatment details received by the planning authority on 26th day of February 2019. If within a period of five years from the date of planting any tree, shrub or hedge is uprooted, removed, destroyed or dies replacement planting of a tree, shrub or hedge of a similar species shall be planted at the same place, unless the planning authority gives its written consent for any variations.

Reason: In the interest of visual amenity.

Board Member

Date: 03/01/2020

Terry Prendergast