

An  
Coimisiún  
Pleanála

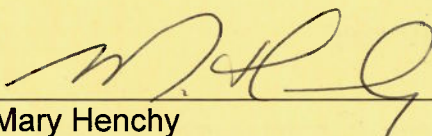
**Direction**  
**CD-020525-25**  
**ABP-322649-25**

The submissions on this file and the Inspector's report were considered at a meeting held on 22/08/2025.

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

**Planning**

**Commissioner:**

  
Mary Henchy

**Date:** 22/08/2025

**DRAFT WORDING FOR ORDER**

**Reasons and Considerations**

Having regard to the information submitted with the application and the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would comply with the zoning objective for the site, as set out in the Kilkenny City and County Development Plan 2021-2027, would be consistent with the Retail Planning Guidelines for Planning Authorities (2012), would not seriously injure the visual or residential amenities of the area, would not impact upon traffic safety or pedestrian safety and

would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **Conditions**

1. The development shall be carried out in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted to the planning authority on the 8<sup>th</sup> day of April 2025, and in accordance with the site layout plan submitted to An Coimisiún Pleanála on the 26<sup>th</sup> day of June 2025, 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 shipping container shall be removed from the site prior to the commencement of development.

**Reason:** In the interests of proper planning.

3. Prior to the commencement of development revised drawings shall be submitted to the planning authority for agreement showing for the following amendments:

- (a) The proposed access and egress shall be constructed to ensure priority to pedestrians over traffic entering and exiting the development.
- (b) The footpath shall be continuous over the extent of the roadside boundary with alternative materials to highlight the access points as per Drawing number 001 submitted on the 8<sup>th</sup> day of April 2025.
- (c) The vehicular access points shall be suitably dished and constructed to cater for vehicular loading with a dropped kerb along the road edge to maintain existing road edge drainage.
- (d) The footpath shall be reinstated to a width of 1.8 metres unless otherwise agreed with the Kilkenny Area Engineers Office prior to commencement of development.
- (e) Measures to prevent kerbside parking along the frontage of the site.



Once agreed with the planning authority, these amendments shall be in place prior to the opening of the proposed retail unit.

(f) The first-floor hall door that provides access to the roof of the shop (drawing number 003, received 8/4/25) shall be omitted and an opaque window shall be provided in its place. The roof of the shop shall not be used as an amenity space.

**Reason:** In the interest of traffic and pedestrian safety. The replacement of the door with a window (f above) is to protect the residential amenity of the adjoining property.

4. Surface water drainage arrangements shall comply with the requirements of the planning authority for such works and services.

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

5. Design details with respect to the proposed shopfront shall be agreed with the planning authority prior to the commencement of development.

**Reason:** In the interests of visual amenity.

6. Site development and building works shall be carried out only between the hours of 0700 to 1900 Monday to Fridays, between 0800 and 1400 hours on Saturday 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:** To safeguard the residential amenities of adjoining property in the vicinity.

7. 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 Coimisiún 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.