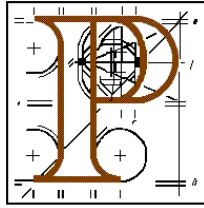


# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

**Kilkenny County**

**Planning Register Reference Number: 16/6**

An Bord Pleanála Reference Number: PL 10.246365

**APPEAL** by Matchville Limited care of Perter Thomson Planning Solutions of Suite 1, Burchall House, Parnell Street, Waterford against the decision made on the 2<sup>nd</sup> day of March, 2016 by Kilkenny County Council to refuse permission.

**PROPOSED DEVELOPMENT:** Development of a service station with convenience shop and restaurant facilities comprising (1) new vehicular access and egress from the Hebron Road, (2) service station forecourt with four number pump islands, underground storage tanks, filling points, canopy, car wash area and air/water bay, (3) single storey service buiding/shop/restaurant with a floor area of 515 square metres gross, including a convenience shop with a net retail floor space of 63 square metres, ancillary off-licence sales, food court with three number food outlets including the ancillary sale of hot food for consumption off the premises, seated dining area, drive-through facility, exterior dining area, kitchens, stores, toilets and staff facilities, (4) two number totem signs, (5) 44 number customer and staff car parking spaces, (6) localised road, junction and footpath improvements, directional signage, site boundary treatment and associated site works, all on a 0.4743 hectares site at the corner of Hebron Road and Hebron Road Industrial Estate Area 1 Estate Road, Hebron Road, Kilkenny.

## **DECISION**

**REFUSE permission for the above proposed development based on the reasons and considerations set out below.**

### **MATTERS CONSIDERED**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

### **REASONS AND CONSIDERATIONS**

1. It is considered that, notwithstanding the zoning of the site for mixed uses under the provisions of the Kilkenny and Environs Development Plan 2014–2020, the proposed development would be premature pending the preparation and adoption of an Urban Design Framework Plan for Hebron Road as the main entrance corridor to Kilkenny city, in accordance with Zoning Map Objective Z3 in this development plan (which objective is considered to be reasonable). The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. It is considered that the proposed development, by reason of its nature, low density and design, including substantial excavation and retaining walling, and significant levels of signage, and by reason of its emphasis on servicing vehicular traffic, would provide a poor standard of urban design that would be inappropriate and of substandard quality in terms of its presentation to the public realm, and would set an unacceptable precedent for development along the Hebron Road, on the approaches to the city, thereby militating against the achievement of Zoning Map Objective Z3, as set out in the Kilkenny and Environs Development Plan 2014–2020, and would be contrary to policy 3.4.4, which requires that any development that takes place along the Hebron Road would require a high quality built environment. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3. It is the policy of the planning authority, as set out in the current development plan for the area, in accordance with the Guidelines for Planning Authorities Retail Planning issued by the Department of the Environment, Community and Local Government in April, 2012, to protect the vitality and viability of the existing city centre, and of district, neighbourhood and local centres. Having regard to the extensive level of retail floorspace proposed as part of the subject development, including convenience retailing and associated restaurant uses, the Board is not satisfied, in the absence of a retail impact assessment, that the proposed development would not be likely to become a destination in its own right and could therefore have the potential to adversely affect the viability and vitality of established district, local and neighbourhood centres, including the Newpark neighbourhood centre. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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**Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.**

**Dated this                      day of                      2016.**