



An
Bord
Pleanála

Board Order
PL 10.248928

Planning and Development Acts 2000 to 2017

Planning Authority: Kilkenny County Council

Planning Register Reference Number: 16/883

Appeal by Dunnes Stores care of Patrick O'Neill, 46 to 50 South Great Georges Street, Dublin against the decision made on the 29th day of June, 2017 by Kilkenny County Council to grant subject to conditions a permission to Deerland Construction Limited care of Oppermann Associates of D1, The Steelworks, Foley Street, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: (a) Retention of internal and external changes to the permitted plans and elevations of planning register reference 05/1287, 06/2010 and 07/1420. The changes include relocation, reconfiguration and enlargement of fire escape staircases, installation of additional lifts and fire escape corridors, reduction in size of permitted retail warehouse, gym, offices and retail units, part infill of mall voids, installation of travelators instead of escalators, re-arrangement of food court to create restaurant units, re-arrangement of car parks resulting in a total number of car parking spaces of 1,079 spaces and the creation of two food kiosks (area 22 square metres) on level 1. External changes generally include the re-arrangement of fenestration, materials and doors. Overall there is no change in the size, shape or character of the permitted Ferrybank District Centre, (b) change of use of seven number permitted live/work units to offices (1,403 square metres total), and (c)

proposed re-wording of condition number 3 of planning register reference number 05/1287 (reproduced as condition number 4 of planning register reference numbers 06/2010 and 07/1420 relating to the Management Company of the Centre), all at the permitted Ferrybank District Centre, Ross Road, Ferrybank, County Kilkenny.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions 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

Having regard to the Urban Village zoning objective for the area set out in the Ferrybank Belview Local Area Plan 2017, to the nature and scale of the development for which retention is sought and the extent of additional office space proposed, it is considered that, subject to compliance with the conditions set out below, the development for which retention is sought, and the proposed development, would not seriously injure the amenities of the area or of property in the vicinity; would be in accordance with the Level 2 District Centre designation within the retail hierarchy; would not have a negative impact on the vitality or viability of Waterford City Centre and would be acceptable in terms of pedestrian and traffic safety. The development for which retention is sought and the proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained and carried out, as applicable, in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars lodged on the 7th day of June, 2017, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

2. The management and maintenance of the Ferrybank District Centre shall be the responsibility of the developer/owner or to a management company which shall be established by the developer/owner. The management scheme shall make provision for adequate measures for the future maintenance of the development, including the external fabric of the building, common areas, landscaping, roads, paths, parking areas, lighting, waste storage facility and sanitary services.

In the interest of clarity this condition supersedes condition number 3 of planning register reference number 05/1287 and condition number 4 of planning register reference numbers 06/2010 and 07/1420.

Reason: In the interests of clarity and to ensure appropriate measures are put in place for the management and maintenance of the development.

