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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Kilkenny County Council**

**Planning Register Reference Number: 19/46**

**Appeal** by Charles Phelan and others care of Peter Thomson Planning Solutions of 4 Priory Grove, Kells, County Kilkenny and by Loreto Park Residents' Association care of New Ground Limited of Main Street, Bennettsbridge, County Kilkenny against the decision made on the 9<sup>th</sup> day of July, 2019 by Kilkenny County Council to grant subject to conditions a permission to Carmel and Shane Dalton care of Brian Dunlop Architects of Patrick's Court, Patrick Street, Kilkenny in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Provision of a new vehicular residential entrance and a set of residential entrance gates from Loreto Park to property at 15 Bishop's Hill. The development will consist of the realignment of grassed verges, provision of a new three-metre wide entrance through a rubble stone wall. Permission is also sought for permanently closing up the existing garage door to Bishop's Hill and the construction of a new low-level planter to the front of same. The parent permission for the Loreto Park development is P.71/88. The site is located within the Saint Canice's Architectural

Conservation Area as indicated in Kilkenny Borough Council Development Plan. All at 15 Bishop's Hill, Kilkenny (accessed from Loreto Park).

## **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 location of the site on residentially zoned lands,
- the pattern of development in the area, and
- the nature, scale and design of the proposed development and to the provisions of the Kilkenny City and Environs Development Plan 2014-2020,

it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of property in the vicinity, would be acceptable in terms of pedestrian and traffic safety and convenience, would not be prejudicial to public health and would be in accordance with the provisions of the Kilkenny City and Environs Development Plan 2014-2020. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **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 14<sup>th</sup> day of June, 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. Works relating to the proposed vehicular entrance along the existing wall shall be confined to the creation of the entrance and associated piers. All details relating to the piers, the height of the adjoining wall and any repairs to the wall associated with the construction of the entrance and piers and of the materials used shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of the protection of the residential and visual amenities of the area.

3. The works relating to alteration to the internal road network and serving the proposed development shall comply with the detailed standards of the planning authority for such road works.

**Reason:** In the interests of amenity and public safety.

4. Drainage arrangements shall comply with the requirements of the planning authority for such works and services. Only clean, uncontaminated storm water shall be discharged to the surface water drainage system.

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

5. Upon the opening of the new entrance from Loreto Park becoming operational, the parking spaces and entrance to the site from Bishop's Hill shall cease.

**Reason:** In the interest of pedestrian and traffic safety.

6. Details of proposed landscaping and tree protection measures shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

7. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 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.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

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 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.

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

**Dated this            day of            2020.**