



Planning and Development Acts 2000 to 2019

Planning Authority: Kilkenny County Council

Planning Register Reference Number: 19/437

Appeal by Brian Coleman care of Peter Thomson Planning Solutions of 4 Priory Grove, Kells, County Kilkenny against the decision made on the 4th day of November, 2019 by Kilkenny County Council to grant subject to conditions a permission to Mount Juliet Unlimited Company care of Tom Phillips and Associates of 80 Harcourt Street, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Change of use of the former Golf Shop to provide a coffee shop and external seating area. The application site comprises an area of circa 0.03 hectares. A number of Protected Structures exist at Mount Juliet Estate (including References: C367, D24, C1021, C1022 and C1023). However, no works are proposed to these structures. All at Hunters Yard, Mount Juliet Estate, Thomastown, 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 pattern of permitted development in the area, to the provisions of the Kilkenny County Development Plan 2014-2020, and to the information submitted with the application, it is considered that, subject to compliance with the conditions set out below, the proposed development would be compatible with the wider existing uses of the hotel and golf club at Mount Juliet Estate, would not seriously injure the residential or visual amenities of adjoining residential properties, would not interfere with the setting of any Protected Structures, and would be acceptable in terms of pedestrian and traffic safety. 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 9th day of October, 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 external seating shall be limited to the six number seats and three tables, as shown on drawing number GA-p6.01 Rev. c, as submitted to the planning authority on the 9th day of October, 2019. The remainder of the open external area shall remain free of all seating or tables, whether permanent or temporary, and the existing landscaping in this area shall be retained.

Reason: In the interest of clarity.

3. 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 and recreational amenities of property in the vicinity.

4. No signage of any kind, relating to the proposed use, shall be erected on the subject building, or elsewhere within the Mount Juliet Estate, without a separate grant of planning permission, notwithstanding the provisions of the Planning and Development Regulations, 2001, as amended.

Reason: In the interest of visual amenity, and to allow the planning authority to assess the impact of any such signage on the area, and on the setting of Protected Structures, through the statutory planning process.

5. Notwithstanding the provisions of the Planning and Development Regulations, 2001, or any statutory provision amending or replacing them, no change of use of the subject premises from the hereby permitted use as a coffee shop (which is deemed to be a café/restaurant and not a retail shop) shall occur unless authorised by a further grant of planning permission.

Reason: In the interest of clarity and to allow the planning authority to assess the impact of any subsequent change of use of the subject premises through the statutory planning process.

Philip Jones

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this day of 2020.