

An
Bord
Pleanála

Board Order
ABP-321323-24

Planning and Development Acts 2000 to 2022

Planning Authority: Kilkenny County Council

Planning Register Reference Number: 24/60234

Appeal by Michael, Brendan and Etain Dowling of Greenshill, Kilkenny against the decision made on the 7th day of November, 2024 by Kilkenny County Council to grant subject to conditions a permission to Minson Property Limited care of Planning Agent of Gainsboro House, 24 Suffolk Street, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Alterations to previously approved development on a site under planning reference number 19/56 which approved 40 number houses and associated works of which 17 number units have been constructed. These proposed alterations to that permission consist of: (1) change in house type of remaining unconstructed 23 number units from previously permitted 10 number four bed units and 13 number three bed units to now provide 11 number four bed units and 12 number three bed units (removing one number three bed unit and replacing it with an additional one number four bed unit); (2) minor retraction of the northern boundary of the previously permitted play area to the south east and reduction of car parking immediately to the west of that public open space with the as approved access to area; (3) removal of a single permitted parking space and provision of additional footpath at the shared surface area to incorporate minor site

layout changes and improve use and safety of that shared surface area; (4) reductions to the previously permitted 54 number car parking spaces to now provide 53 number car parking spaces predominantly within curtilage and associated amendments to vehicular access; (5) alterations to the previously permitted road layout to incorporate minor road widening and realignment; (6) changes to approved landscaping and (7) all necessary associated site development works above and below ground to accommodate these amendments at Ogenty, Kilkenny Road, Gowran, 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.

Reasons and Considerations

Having regard to the planning history of the site, with particular reference to planning register reference number 19/56 (An Bord Pleanála reference number ABP-305914-19), the pattern of development in the area, the site location within the settlement boundary of Gowran, the scale, form and design of the proposed development, and the provisions of the Kilkenny City and County Development Plan 2021-2027, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of traffic safety and convenience, and would constitute an acceptable form of development at this location. 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 11th day of October, 2024 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. Apart from any departures specifically authorised by this permission, the development shall be carried out and completed in accordance with the terms and conditions (including conditions numbers 5 and 6) of the permission granted on the 3rd day of June, 2020, under planning register reference number 19/56 (An Bord Pleanála reference number ABP-305914-19), and any agreements entered into thereunder.

Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission.

3. The mitigation measures contained in the submitted Natura Impact Statement shall be implemented in full.

Reason: To protect the integrity of European Sites.

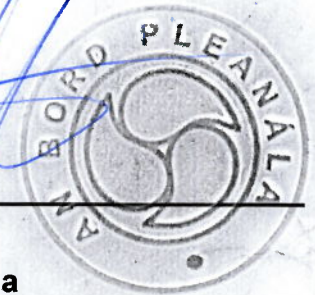
4. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to the 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 Bord 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.



Tom Rabbette

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



Dated this 12th day of MARCH 2025.