



An
Coimisiún
Pleanála

Commission Order
ABP-322649-25

Planning and Development Act 2000, as amended

Planning Authority: Kilkenny County Council

Planning Register Reference Number: 24/60578

Appeal by Sycamores and Aylesbury Residents Association Committee care of Clodagh Shorthall of 11 The Sycamore, Freshford Road, County Kilkenny against the decision made on the 2nd day of May, 2025 by Kilkenny County Council to grant subject to conditions a permission to Denis Brennan care of Byrne and McCabe Design Limited of Upper Main Street, Graiguenamanagh, County Kilkenny in accordance with plans and particulars lodged with the said Council.

Proposed Development: Extension and modification to existing shop, removal of existing shop floor area as part of the existing house, ground floor extension to existing shop, first floor extension for storage office and toilet, modifying the front shop area for off-street parking, deliveries et cetera, and all associated site works, all at 42A The Sycamores, Freshford Road, 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 information submitted with the planning application and the appeal and the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the zoning objective for the site, as set out in the Kilkenny City and County Development Plan 2021-2027, would be consistent with the Retail Planning Guidelines for Planning Authorities (2012), would not seriously injure the visual or residential amenities of the area, would not impact upon traffic safety or pedestrian safety, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The proposed 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 received by the planning authority on the 8th day of April, 2025, and in accordance with the site layout plan received by An Coimisiún Pleanála on the 26th day of June, 2025, 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The shipping container shall be removed from the site prior to commencement of development.

Reason: In the interest of proper planning.

3. Prior to commencement of development, revised drawings shall be submitted to the planning authority for written agreement showing the following amendments:

- (a) The proposed access and egress shall be constructed to ensure priority to pedestrians over traffic entering and exiting the site of the proposed development.
- (b) The footpath shall be continuous over the extent of the roadside boundary with alternative materials to highlight the access points as per drawing number 001 received by the planning authority on the 8th day of April, 2025.

- (c) The vehicular access points shall be suitably dished and constructed to cater for vehicular loading with a dropped kerb along the road edge to maintain existing road edge drainage.
- (d) The footpath shall be reinstated to a width of 1.8 metres unless otherwise agreed with the planning authority prior to commencement of development.
- (e) Measures to prevent kerbside parking along the frontage of the site.
- (f) The first-floor hall door that provides access to the roof of the shop (as per drawing number 003 received by the planning authority on the 8th day of April, 2025) shall be omitted and an opaque window shall be provided in its place. The roof of the shop shall not be used as an amenity space.

Once agreed with the planning authority, these amendments shall be in place prior to the opening of the proposed retail unit.

Reason: In the interest of traffic and pedestrian safety, and to protect the residential amenity of the adjoining property.

- 4. Surface water drainage arrangements shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

5. Design details with respect to the proposed shopfront shall be agreed with the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

6. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays, inclusive, between 0800 and 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: To safeguard the residential amenities of adjoining property in the vicinity.

7. 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 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 Coimisiún 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.


Mary Henchy

Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission.

Dated this 26th day of Aug 2025