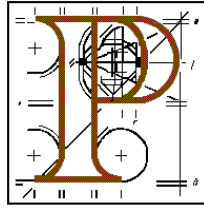


An Bord Pleanála



Inspector's Report

Development:

Permission for development of a service station with convenience shop and restaurant facilities. The proposed development would comprise (1) New vehicular access and egress from the Hebron Road; (2) Service Station forecourt with 4 no pump islands, underground storage tanks, filling points, canopy, car wash area and air / water bay (3) Single storey service building/ shop/restaurant with a floor area of 515 sq.m gross including a convenience shop with a net retail floor space of 63 sq.m ancillary off licence sales, food court with 3 no food outlets including the ancillary sale of hot food for consumption off the premises, seated dining area, drive through facility, exterior dining area, kitchens, stores, toilets and staff facilities, (4) 2 no totem signs (5) 55 no customer and staff car parking spaces, (6) localised road, junction and footpath improvements, directional signage, site boundary treatment and associated site works.

Location:

The corner of Hebron Road & Hebron Road Industrial Estate Area 1 Estate Road, Hebron Road, Kilkenny City.

Planning Application

Planning Authority	Kilkenny County Council
Planning Authority Register Ref.	16/6
Applicant	Matchville Ltd.
Type of Application	Permission

Planning Authority Decision Refuse Permission

Planning Appeal

Appellants Matchville Ltd.

Type of Appeals 1st Party v Refusal.

Observer(s) None

Date of site inspection 29th June 2015

Inspector: Bríd Maxwell

1.0 SITE LOCATION AND DESCRIPTION

- 1.1 The appeal site which has a stated area of 0.4743 hectares is an inner urban vacant brownfield site located at the edge of Hebron Road Industrial Estate to the east of Kilkenny City Centre. The site has extensive frontage onto both the Hebron Road and to an access road to the Hebron Road Industrial Estate. Hebron Industrial Estate is the city's oldest and largest industrial estate developed from the 1960s onwards. The appeal site was formerly occupied by Kilkenny Cooling Systems premises and Classic Furniture Warehouse. Details on the appeal file indicate that the previous structures were removed from the site in 2009/2010 to facilitate the beginning of a mixed use development granted by Kilkenny County Council and An Bord Pleanála (08//859 PL10.232618).
- 1.2 The appeal site fronts onto Hebron Road along its northern boundary and is elevated over Hebron Road by approximately 2- 3 metres. The western boundary fronts onto Estate Road No 01 of the Hebron Industrial Estate. To the east is the Regional veterinary laboratory. To the south is an Aldi store with warehousing and light industrial units to the south of this. To the north east on the opposite side of Hebron Road is St Kieran's Cemetery which is accessed from directly opposite the appeal site. To the north of the appeal site is O' Loughlin Gaels GAA Club. Approximately 150m to the west of the development beyond the roundabout is Nolan Park GAA Stadium. The general area on Hebron Road is mixed use in character with a number of mature housing estates, a halting site as well as car sales showrooms, tyre outlets, maintenance repairs and services, agri machinery plant sales, engineering firms and other industrial and warehousing uses.
- 1.3 Photographs of the appeal site and vicinity are included as appendices to this report.

2.0 THE PROPOSED DEVELOPMENT

2.1 The proposed development as described in the public notices is permission for the development of a service station with convenience shop and restaurant facilities on a 0.4743 hectare site. The proposed development would comprise:

- (1) New vehicular access and egress from Hebron Road,
- (2) Service Station forecourt with 4 no pump islands, underground storage tanks, filling points, canopy, car wash area and air / water bay,
- (3) Single storey service building / shop / restaurant with a floor area of 515 sq.m gross, including a convenience shop with a net retail floor space of 63 sq.m., ancillary off-licence sales, food court with 3 no food outlets including the ancillary sale of hot food for consumption off the premises, seated dining area, drive through facility, exterior dining area, kitchens, stores, toilets and staff facilities
- (4) 2 no totem signs
- (5) 44 no customer and staff car parking spaces
- (6) Localised road, junction and footpath improvements, directional signage, site boundary treatment and associated site works.

2.2 The proposal is set out in detail in the documentation and reports submitted with the application which include a Traffic Impact Assessment by Roadplan Consulting, a Road Safety Audit Stage 1//2 by Ray Butler, Consultant, and a Drainage Strategy by Kavanagh Mansfield and Partners, Consulting structural and Civil Engineers.

3.0 PLANNING POLICY

3.1 Retail Planning Guidelines, 2012

3.1.1 The aim of the Guidelines is to ensure that the planning system continues to play a key role in supporting competitiveness in the retail sector for the

benefit of the consumer in accordance with proper planning and sustainable development. In addition, the planning system must promote and support the vitality and viability of city and town centres thereby contributing to a high standard of urban design and encouraging a greater use of sustainable transport.

3.1.2 The guidelines note that convenience shops are part of the normal ancillary services provided with motor fuel stations. They should only be permitted where they would not seriously undermine the approach to retail development in the development plan. The floorspace of the shop should not exceed 100m² net. Where permission is sought for a floorspace in excess of 100 M², the sequential approach to retail development shall apply, i.e. the retail element of the proposal shall be assessed by the planning authority in the same way as would an application for retail development (without petrol/diesel filling facilities) in the same location.

3.2 DEVELOPMENT PLAN

3.2.1 The Kilkenny City and Environs Development Plan 2014-2020 refers. The site is within the Mixed Use Zoning. Within Chapter 3: Core Strategy and Zoning, it is outlined that the mixed use zoning was first introduced in the 2008-2014 Development Plan in recognition of the anticipated completion of the M10 Motorway enabling the potential for the Hebron Road to become an entrance corridor to the city. The plan notes that the historical land uses along the Hebron Road do not reflect or promote the future role of this road as an entrance corridor to the city. Any development that takes place along this corridor will have to reflect and promote the role of the Hebron Road as the main entrance corridor to the city. This will require a high quality built environment.

3.2.2 The Objective of Mixed Use zoning is set out at 3.4.5.11 as follows: “To consolidate and facilitate the development of inner suburban sites for

mixed use development which will allow for commercial and residential uses. Permitted Uses include local convenience shop, restaurant and petrol station.

3.2.3 Chapter 5 Economic Development outlines retail potential and policy. The plan promotes the sequential approach to retail development in accordance with the retail planning guidelines. Only where an applicant can demonstrate and the planning authority is satisfied that there are no sites or potential sites within a city, town centre or designated district centre should an edge of centre site be considered.

3.2.4 The site is not within an area identified as being at flood risk (Zone A or B)

Relevant Extracts from the Development Plan are appended to this report.

4.0 PLANNING HISTORY

- **PL10.232618 - 08/859** Application for a mixed use commercial scheme (office, leisure, medial, retail, childcare). Following first and third party appeals of the Council's decision to grant permission the Board issued a split decision granting permission for the demolition of the existing buildings on site and the development of a hotel and discount foodstore, and refused permission for the development of the retail warehousing for the following reason:

“Having regard to the policy of the planning authority, as set out in the current Kilkenny City and Environs Development Plan (ED 20), not to permit further retail warehousing parks in around the city and environs over the period 2008-2014, the Board 2008-2014, the Board is not satisfied that the retail warehousing element of the development has been justified at this location. This element of the development would, therefore, conflict with the policy of the planning authority and be contrary to the proper planning and sustainable development of the area.”

I note that the hotel permitted as part of PL10.232618 - 08/859 was located within the current appeal site.

- **14/29** Extension of duration of permission 08/859. Granted on 19th March 2014 and permission valid till 12th November 2019.
- **PL10.204839 03/1277** Permission refused on appeal to Menesiah Ltd for discount foodstore, retail warehousing and office accommodation. Three grounds of refusal related to contravention of zoning objective, development leading to unsustainable travel patterns and excessive floor area of retail warehousing.
- **00/704** Permission granted for new car park layout with landscaping signage and relocated main entrance.

5.0 PLANNING AUTHORITY'S DELIBERATIONS AND DECISION

5.1 Submissions

- Submission by O Loughlin Gaels GAA Club expresses concern regarding the traffic impact of the development having regard to multiple entrances onto Hebron Road. A traffic management plan for the area is a necessity. The possibility of access from the Hebron Industrial Estate service road should be considered and potential for provision of traffic lights at junction of Hebron Road, Hebron Industrial Estate and entrance to O Loughlin Gaels GAA club.
- Irish Water - No objection subject to conditions.
- Paula McCarthy, 20 Hollybank Way, Clongowen Kilkenny objects to the development on the basis that the proposal is more than a one stop shop and has the potential to attract significant volumes of vehicles, cyclists and pedestrians from neighbouring sites. No sequential testing has been carried out. Proposal will become a destination in its own right and will draw away trade from the town centre and generate a significant volume

of traffic to an already congested area particularly at peak times. The development is premature pending preparation of the Urban Design Framework Plan for the area. Proposal will result in significant traffic congestion.

5.2 Internal Reports

- Road Design Report indicates no objection subject to conditions including prior approval of the localised widening of the Bishops Birch Place Road as illustrated on drawing No 15055-01-0001. Design to ensure exit which prohibits right turn manoeuvres by vehicles exiting the facility. Recommendations of road safety audit to be implemented in full.
- Planner's report asserts that the proposed development will do little to improve the status quo and will further reinforce the current pattern of mismatched development on Hebron Road. Proposal will be low rise low density and intermittent thereby creating a development gap. Proposal has significant capacity to become a destination in its own right. The establishment of food outlets at this location will undermine the neighbourhood centre already established at Newpark Centre and detract from the vibrancy and vitality of the city centre. Refusal recommended
- Senior Planner concurs with the recommendation in relation to the inadequacy of the design and prematurity pending achievement of Z3 objective however does not agree that the proposal would impact on the vitality /vibrancy of the Newpark Neighbourhood Centre or the City Centre.

5.3 Decision

5.3.1 By Order dated 2nd March 2016, Kilkenny County Council issued the notification of its decision to refuse permission for the following reasons:

“The development is premature pending the preparation and adoption of an urban design framework plan for Hebron Road as the main entrance

corridor to the city as set out in objective Z3 of the City and Environs Development Plan.

The proposed development by virtue of its nature, low density and visual appearance and massing would consolidate a poor urban design pattern of development at this prominent site on one of the main entrance routes to the city and would militate against the achievement of objective Z3 in Section 3.4.6 of the Kilkenny City and Environs Development Plan and would therefore be contrary to the proper planning and sustainable development of the area.”

6.0 GROUNDS OF APPEAL

6.1 The first party appeal is submitted by Peter Thomson Planning Solutions on behalf of the first party Matchville Limited. Grounds of appeal are summarised as follows:

- Prematurity pending the adoption of urban design framework for the Hebron Road as main entrance corridor to the city this is not a correct reason for refusal.
- Inspector’s in assessment of PL10.241263 McDonald’s restaurant and drive thru at the northeast corner of the junction of the outer ring road and Hebron Road took the view that the proposal could be assessed on its merits in advance of an urban design framework plan.
- Development plan objective Z3 is a long standing objective of the planning authority to prepare an urban design framework plan for Hebron Road.
- Planning Authority has been inconsistent in applying objective Z3 having granted permission for the McDonalds restaurant in 2012 without reference to it. In April 2010 permission was granted adjacent to the site at Regional Veterinary Laboratory for change of use of canteen to office and provision of two pre-fabricated units. This was granted for a period of 5 years only and permission expired in 2015.

- A refusal of permission on the basis of prematurity could only be justified if there was a clear timeframe for the urban design framework plan to be adopted. (In reference to Development Management Guidelines 7.16.1)
- Hebron Road (L2627) is not a main traffic corridor. Rather it is a local distributor access road which happens to lead towards the eastern end of the city. Existing traffic management arrangements for access to the city centre do not rely on Hebron Road. In bound traffic from the M9/N10 other than local industrial estate access traffic, is clearly directed by signage onto the N10 Ring Road away from Hebron Road.
- With or without an urban design framework and even with the redevelopment of the application site and other vacant land and underutilised buildings there is limited scope to change the character of Hebron road which will continue to be characterised by a variety of buildings, uses and scale of structures and will remain a less attractive city centre approach road for visitors and tourists entering the city when compared with the existing city centre sign posted approach corridors.
- To achieve the fundamental transformation of Hebron Road as the main access to the city as envisaged by Z3 would require very significant state intervention actions with significant incentives to enable commercial feasibility. There is no policy support included in the current 2014-2020 development plan for this and it is most unlikely that financial support would be forthcoming to achieve this in the foreseeable future.
- Development will not give rise to adverse impact on the city centre or Newpark neighbourhood centre. There is synergy between all of the uses proposed within the development and there will also be synergy with all existing uses within the Hebron Industrial Estate and elsewhere in the immediate vicinity.
- There is no other petrol filling station on Hebron Road and the Industrial estate is not served by a local convenience shop within easy walking distance. The nearest shops are at Newpark neighbourhood centre which

is over 400m distant from Hebron Road. (400m being the yardstick for convenient walking distance)

- As regards the proximity of M9, notably the NRA service Area Policy document of August 2015 outlines the potential for offline motorway services at Junctions 6,7 and 8. Having regard to the trumpet design detail of Junction 8 Hebron Road provides the nearest location that a viable service station can be built. While most drivers may choose to avail of the existing motorway services closer to the motorway such as that at junction 7, McDonalds will serve as an attraction to some motorists and there will be those that have no option but to get to the nearest service station to the junction.
- Petrol filling stations are almost without exception single storey structures with a significant amount of circulation which together dictate site plot ratio and density. Proposed layout is constrained given the nature of the proposed development which is similar to McDonalds development permitted by An Bord Pleanála.
- Application site is not visible from the ring road and is only visible in the local context and the context of Hebron Industrial Estate.
- The proposed building design is simple with quality finishes and will not be a prominent feature on the site and within the streetscape. The setting will be enhanced by low stone perimeter walls and landscaping.
- The previously permitted development on the site involved a three storey hotel in the general location of the proposed service station pump canopy and the corner of the site at the junction of Hebron Road and Hebron Road Industrial Estate Road 01 was to be developed as surface car parking with landscaping. The location of the service station building closer to the road junction is the most appropriate location from an urban design perspective and creates a landmark at the junction.
- Proposal will make a positive contribution to the streetscape.
- Precedent set by permission 12/239 standardised format single storey McDonalds drive thru and takeaway. Proposed design is equal or higher

standard more in keeping with the surrounds and is on a far less prominent site. 3D CGI format drawings are submitted to assist the Board in interpreting the proposed design.

- The site has been vacant since 2008 and since permission was granted for redevelopment continuous attempts have been made to secure an end user for the permitted hotel with not a single expression of interest. There is a firm agreement in place with a major operator of forecourt service stations which, if permitted, will enable the prompt construction, completion and opening of this modern forecourt development.
- Hebron Road is not the main entrance corridor to the city, it is a local distributor corridor with road signage that directs traffic to the Hebron Industrial Estate and Nowlan Park and not the city centre. Inbound City Centre traffic is directed to the 5 main regional traffic corridors off the orbital N10 ring road which do not include the Hebron Road
- The proposed development is a good example of a modern commercial development suitable for the range of uses as applied for all of which are uses permitted under the mixed use zoning and which will enhance the site and area generally.

7.0 RESPONSE SUBMISSIONS

7.1 Planning Authority.

7.1.1 The Planning Authority did not comment on the appeal within the appropriate period.

8.0 ASSESSMENT AND RECOMMENDATION

8.1 From my review of the file, all relevant documents and inspection of the site and its environs and having regard to national, regional and local

policies, I consider that the main issues for consideration raised within the grounds of appeal may be considered under the following broad headings:

- Principle of Development & Compliance with Development Plan Policy.
- Quality of Design and Layout.
- Retail Impact
- Access and Servicing
- Appropriate Assessment

8.2 Principle of Development and Compliance with Development Plan Policy.

8.2.1 Under the Kilkenny City and Environs Development Plan 2014-2020, the site is zoned “mixed use” the objective of which is “To consolidate and facilitate the development of inner suburban sites for mixed use development which will allow for commercial and residential uses. Permissible uses are wide in nature and include local convenience shop. Restaurant and petrol station. In terms of zoning therefore proposed development is permissible in principle.

8.2.2 The Development Plan notes that the historical uses along the Hebron Road do not reflect or promote the future role of this road as an entrance corridor to the city and requires that any development that takes place along this corridor will have to reflect and promote the role of the Hebron Road as the main entrance corridor to the city thus requiring a high quality built environment. I note that the Council’s two reasons for refusal referred to zoning objective Z3 (to prepare an urban design framework plan for the Hebron Road as the main entrance corridor to the city), deeming the development premature pending the preparation and adoption of such a framework plan. The second reason asserted that the development by

virtue of its nature, low density and visual appearance and massing would militate against the achievement of objective Z3.

8.2.3 In relation to the question of prematurity, I would tend to agree with the First Party as argued in the grounds of appeal, that in accordance with the Development Management Guidelines for Planning Authorities, June 2007, "*development which is premature because of a commitment in a development plan to prepare a strategy, local area plan or framework plan not yet completed should only be used as a reason for refusal if there is a realistic prospect of the strategy or plan being completed within a specific stated timeframe.*" I note that objective Z3 to prepare an urban design framework plan for the Hebron Road is a long term objective having been carried forward from the 2008-2012 plan to the current 2014-2020 plan. The Planner's report asserts that "*there is no immediate timeframe for preparation*" of such a framework plan. Therefore in the absence of some degree of certainty with regard to the delivery of such a framework plan, the question of prematurity is not in my view a justifiable or reasonable basis for refusal.

8.2.4 As regards the potential impact of the proposed development on the achievement of objective Z3 by virtue of the development nature and design, I consider that in the context of the scale and character of Hebron Road and the zoning objective pertaining to the site this reason is also not justified.

8.2.5 I concur that as was the approach in respect of 241263 for McDonald's restaurant a short distance to the east on Hebron road, the current appeal application may be assessed on its planning merits having regard to the specific zoning objective which seeks to achieve a high quality built environment on this entrance corridor to Kilkenny City.

8.2.6 As regards issues raised by the First Party in respect of the transport role of Hebron Road, and the potential to achieve a transformation of the character of Hebron Road I note that much of the First Party appeal submission sets out the traffic management arrangements for access to the city centre and argues that any promotion of Hebron Road as the main access to the city centre would be folly. It is further argued that the transformation sought to a high quality built environment is unrealistic given the character of established development. The current or future role of Hebron Road relative to other routes to and from the city centre is a much wider issue beyond the limited circumstances of the appeal. I consider that the first party's sense of pessimism with regard to potential for transformation is unwarranted. Regardless of the role of Hebron Road as an entrance corridor to the city or the scale and pace of redevelopment along Hebron Road, I consider that the vision to achieve of a high quality built environment is a worthy and reasonable development plan objective.

8.2.7 In conclusion in respect of the principle of development and question of compliance with development plan policy, I note the site is a brownfield location which has been vacant since 2008 and clearly vacancy or abandonment is entirely detrimental to the area. The first party submission asserts that the provision of a hotel on site in accordance with the extant permission on the site (232618) is not feasible. The proposal, to provide for development of a viable use on the site is entirely laudable and compliant with the ultimate goal to stimulate redevelopment along Hebron Road. On this basis I consider that the proposed development is consistent with the adopted zoning objectives and policy of the Council and can therefore be judged on its own merit.

8.3 Quality of Design and Layout

8.3.1 In terms of planning and design concept, the proposed building and canopy provides for a typical modern service station forecourt development with a mix of finishes and I do not consider that the visual impact of the structure per se presents as an impediment to development. I acknowledge that the proposed design and addition of the drive thru element seeks to create a number of active frontages to address the exposed corner location of the structure.

8.3.2 I note that the proposal includes provision for substantial site works and particularly extensive excavation thereby resulting in a requirement for a retaining wall along the southern boundary with the established Aldi car park and along the western boundary with the Hebron Industrial Estate Road/ Bishop Birch Place. I consider that the proposal relates poorly to the adjoining established retail development and Industrial Estate Road/ Bishop Birch Place and represents poorly integrated proposal in its context. I consider that the layout focusses predominantly on car based access and does not facilitate ease of pedestrian permeability and access. I consider that the layout presents a poor quality environment in terms of the public realm and does not achieve the high standard of design as envisaged within the development plan. I consider that improvements to the public realm should be achieved in the redevelopment of the site to ensure a pedestrian friendly urban and vibrant street life. To permit the development as proposed would in my view fall short of the goals and objectives of the Development Plan and would therefore be contrary to the proper planning and sustainable development of the area.

8.4 Retail Impact

8.4.1 I note that in accordance with the Retail Planning guidelines 2012 and as set out in Chapter 5 Economic Development of the Kilkenny and Environs

Development Plan 2014-2020 the promotion of the sequential approach is a key methodology in the assessment of retail development. Only where an applicant can demonstrate and the planning authority is satisfied that there are no sites or potential sites within a city, town centre or designated district centre should an edge of centre site be considered.

8.4.2. I would consider that whilst the proposed uses are permissible within the mixed use zoning objective the flexible zoning approach within the development plan should not be taken to present as carte blanche or free for all. The consideration of retail proposals is guided by clear consistent policy approach as set out within the retail planning guidelines, development plan policies which promote city, district and local centres as the main focus for commercial and retail activity.

8.4.3 Whilst the development provides for a convenience retail area of 63 sq.m, it also provides a restaurant food court dining area of 80 sq.m. I consider that the proposal is not insignificant in terms of its scale and having regard to the 100 sq.m threshold for sequential approach in respect of retailing and motor fuel stations set out within the retail planning guidelines, I consider that the proposal needs to be considered having regard to the potential impact that it might have on established retail and food outlets with particular reference to the Newpark Centre and the City Centre. I consider that the concerns raised in third party submissions to the Council and in the Planner's report that the proposed development may become a destination in its own right and that the drive thru restaurant may be primarily accessed as a single trip facility need to be further assessed in terms of retail impact. Whilst the First Party sets out an argument in respect of the precedent set by grant of permission for the McDonanlds restaurant I consider that the current proposal needs to be considered on its own merit in the context of the current economic and retail climate.

8.4.3 In conclusion reference to the policy clearly support the primacy of the town or district centre as focus for retail and commercial development. The application has provided no information to demonstrate by way of the retail impact assessment and sequential test, a reasonable justification for the proposed development at this location. In the absence of same I consider that a refusal is warranted.

8.5 Access and Servicing

8.5.1 The proposal provides for road marking and junction amendments on Hebron Road and Industrial Estate / Bishop Birch Road. The development proposes a separate in / out traffic flow and provision is made for a left only exit from the proposed development to avoid conflict with traffic exiting the Hebron Park access road opposite the appeal site. The application includes a traffic impact assessment from Roadplan Consulting which concluded that based on TRICS database analysis, the O Loughlin roundabout, Hebron Road / GAA cross roads junction, Hebron Road/ Housing Estate priority junction, Hebron Road development priority junction and Hebron Road Hebron Industrial Estate signalised junction will operate within capacity for the assessment years with the proposed development in place.

8.5.1 The Road Safety Audit Stage 1/2 identified some issues with regard to internal circulation, exit system and signage. I note that the technical reports from the Council on file demonstrate satisfaction with the entrance/exit and circulation proposals. I consider that the site access, proposals are reasonable and internal circulation and servicing arrangements are also considered to be adequate. As outlined above in relation to design and layout I have some concerns regarding the interface of the development with the adjacent Aldi development car park to the south and Industrial Estate Road / Bishop Birch Road and an assessment

of alternatives should be considered. As regards traffic generation I consider that the proposed development would generate additional car orientated trips and in this sense would give rise to an unsustainable pattern of development.

8.5.2 As regards the drainage strategy the proposal provides for connection to foul sewer on Hebron Road. A proprietary wash-down separator is proposed to serve the proposed car wash. As regards surface water drainage Sustainable Urban Drainage SUDS methods are proposed and it is proposed to manage surface water by way of on site soakaways. It is proposed to provide connection to existing public mains water supply running adjacent to the site. I note that technical reports on file from the local authority and Irish Water do not raise any specific concerns with regard to site servicing.

8.6 Other Matters

8.6.1 As regards the issue of Appropriate Assessment under the Habitats Directive (92\43\EEC), I note that the site is within c.640m of the River Barrow and River Nore SAC (ref.002162) (to the east and west of the site) and the River Nore SPA (ref.004233) is within approximately 670m to the southwest of the appeal site. The conservation objective for the SPA is to maintain or restore the favourable conservation condition of the *Alcedo atthis*, the Kingfisher bird species listed as Special Conservation Interests for this SPA. The SAC is designated for a mix of habitats, none of which are present in close proximity to the appeal site, and species including the freshwater pearl mussel *Margaritifera margaritifera* and the Nore freshwater pearl mussel *Margaritifera durrovensis*. There are detailed conservation objectives for species and habitats within this SAC. Given the nature of the site as a brownfield urban site and having regard to the proposal which provides for connection to public services and based on

the separation distance from the designated European Sites and having regard to the conservation objectives for the Natura 2000 sites and the source pathway receptor model, I do not consider there to be a risk of any significant effects on the said SAC or SPA from the proposed development, in itself or taken in combination with other development.

9.0 CONCLUSION AND RECOMMENDATION

- 9.1 On the basis of the information submitted, I am not satisfied that the establishment of the proposed uses on the appeal site has been justified and that the proposed development would not have a detrimental impact on the vitality and viability established centres. Having regard to the proposed layout including substantial excavation proposed on the site and to the layout and design of the development as proposed, it is considered that the proposed scheme would provide a poor standard of urban design. Having considered the file and all submissions and having visited the site, and in light of the above assessment I recommend that permission be refused for the following reasons and considerations.

REASONS AND CONSIDERATIONS

1. Having regard to the location of the site within the environs of Kikenny City, the Board is not satisfied, notwithstanding the zoning of the site, that the site is the optimum location for the development as proposed. It is the policy of the planning authority, as set out in the current development plan for the area, in accordance with the Retail Planning Guidelines 2012 to protect the vitality and viability of existing city centre district neighbourhood and local centres. The Board does not consider that the submissions made in connection with the application and the appeal provide sufficient evidence that the proposed site is the optimum site for such a

development and that the proposed development would not adversely affect the viability and vitality of established district, local and neighbourhood centres, which it is local retail planning policy to protect, enhance and consolidate. The proposed development would conflict with retail planning policy and would be contrary to the proper planning and sustainable development of the area.

- 2 Having regard to the proposed design and layout including substantial excavation and retaining walling proposed on the site, it is considered that the proposed scheme would provide a poor standard of urban design. The substandard quality of the development in terms of its presentation to the public realm contravenes the policies of the Kilkenny and Environs Development Plan 2014-2020 and the Retail Planning Guidelines 2012. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Bríd Maxwell,
Inspectorate
15th July 2016