

**Comhairle Chontae Chill Chainnigh
Kilkenny County Council
Planning Report**



**Planning and Development Act 2000, as amended
Planning and Development Regulations 2001, as amended**

Planning Ref: 2560507

Due Date: 03/10/'25

Applicant: City Cinemas Limited

Subject: Permission for Development at the Existing IMC Cinema Complex. The development will consist of the following: 1. Construction and provision of a part two-storey and part single-storey fast food restaurant with 'drive thru' facility. 2. Illuminated external restaurant signage. 3. Erection of an entrance height restrictor with signage. 4. 1 no. illuminated free standing menu display sign. 5. 2 no. ordering kiosks. 6. Driveway with access point off the existing private car park. 7. 2 no. parking bays. 8. Outdoor seating area. 9. Construction and provision a single storey retail unit. 10. Illuminated external retail unit signage. 11. Alterations to the existing carpark layout and all associated site works

Address: Cnr. Old Mart Road and Castlecomer Road

Site History

Neighbouring site on Barrack Street

Reference No.: 2360288 Date: 30/06/2023

Reference No.: 21768 Date: 10/09/2021

Reference No.: 20113 Date: 25/02/2020

Neighbouring site on Cinema site:

15/76 : Permission granted for the following works as scheduled: - Demolition of an existing two storey commercial building to Barrack Street with a total demolition floor area of 342 SqM, part demolition of a rear annex of a two storey building to Barrack Street with a total demolition floor area of 276 SqM, and demolition of boundaries to Barrack Street and within the site, - Construction of a new ten screen multiplex cinema (1,444 seats), entrance foyer, associated ancillary accommodation, circulation and plant accommodation totalling 4,225 SqM, - Multiplex signage, - New pedestrian street and public realm from Barrack Street to a new public square, - New vehicular entrance from Barrack Street to a new surface car park with 85 car parking spaces, 55 bicycle parking spaces, and associated landscaping, - Provision for a future vehicular access from the proposed Central Access Scheme to the surface car park, - And all associated development boundary, drainage, and site and development works as required



Star- Indicative layout shown on 15/76

Pre-planning

Yes

Referrals

Roads: Requests FI

City Engineer: No objection

Env. Irish water/WS:

Third Party Submissions

None

Policy

Guidance;

- Retail Planning Guidelines 2012
- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities 2024
- Guidelines for Planning Authorities - Design Standards for New Apartments (July 2023).

- Urban Development and Building Heights – Guidelines for Planning Authorities

Development Plan Policy:

The site is zoned “General Business” as per the Kilkenny City and County Development Plan 2021-2027 with the objective: To provide for general development.

Permitted uses: Dwellings, retailing, retail warehousing, wholesale outlets, offices, public buildings or places of assembly, cultural or educational buildings, recreational buildings, halting sites, hotels, motels, guest houses, clubs, private garages, open spaces, public service installations, medical and related consultants, restaurants, public houses, coffee shops/cafes, petrol stations, car parks, halls or discotheques, and other uses as permitted and open for consideration in residential zoning.

Open for consideration: open space, workshop or light industry

A zoning objective Z10 is attached to the site which states:

Former Mart site (See Section 2.4.3 Former Mart site)

Prior to further development of the former Mart site, to prepare a masterplan for the area to deal inter alia with the mix of uses, movement, public realm, design, building heights etc.

Section 2.4.3

The former mart site formed part of the City Centre Local Area Plan in 2008 and was earmarked for mixed use urban development. In 2005 a planning application was lodged and refused for a large scale mixed-use development on the site (totalling 48,729 square metres gross floor area) incorporating retail/commercial uses, foodcourt, multi-plex cinema, leisure plex, office accommodation, primary healthcare centre, medical centre and residential units (24 number apartments). Since that time a 10-screen multiplex cinema has been constructed on the Barrack Street end of the site. The remaining area comprises approximately 3.4 hectares which requires a master-planning exercise and local planning framework to deal with movement, public realm, design and other issues that are best addressed at a neighbourhood level rather than at an individual site scale¹⁹. Due to its location, scale and form the site has the potential to be a location for a significant proportion of residential uses, and some higher buildings on a portion of the site in line with Government Guidelines.

Objective C2E: Develop a masterplan for the former Mart (Ref. Z10) site either by the Planning Authority or jointly with the developer to deal inter alia with the mix of uses, phasing of development, movement, public realm, design, building heights etc.

Other relevant Retail Objectives for Kilkenny City:

- ii. To enhance and promote the vitality and viability of Kilkenny City Centre, and to support the centre's role as the dominant retail destination within the County;*
- iii. Promote Kilkenny City Centre as a shopping destination that is competitive with other comparable shopping destinations in the South East and further afield;*
- v. To ensure a town centre first approach is adopted for all future retail development across the County, whereby the order of priority for the sequential approach will be City and Town Centre sites, edge-of-centre sites, and out-of-centre sites;*

Retail Policy context (section 3.5.4 Vol 2):

Policy 4: City/Town centre first

In addition to the sequential approach outlined in the Retail Planning Guidelines, Kilkenny County Council will adopt a City/Town centre first policy. Where the location of a proposed retail development is in an edge-of-centre or out-of-centre location, a sequential test must be applied in line with the Retail Planning Guidelines. The order of priority for the sequential approach is to locate retail development in Kilkenny City Centre CRA, the District Town Centre CRAs and village centres, and only to allow retail development in edge-of-centre or out-of-centre locations where all other options have been exhausted. The sequential test should be strictly applied and applicants will be required to consider altering their formats and considering smaller sites and multi-storey options. In accordance with RPO 151(f) and (g) of the Regional Spatial and Economic Strategy, adequacy of parking provision at non-residential sites will not be considered as a measure for site suitability in sequential tests.

Where retail development at an edge-of-centre site is being proposed, permission will only be granted where the applicant can demonstrate that there are no sites or potential sites including vacant units within the city/town/village centres that are (a) suitable (b) available and (c) viable, as defined at Paragraph 4.4.2 of the Retail Planning Guidelines.

Where no town centre or edge of centre sites are available, the Planning Authority must not approve development unless it is satisfied that there will be no negative impact on the viability or vitality of the city/town centre. Where retail development at an out-of-centre **site is being** proposed, the site will only be considered where the applicant can demonstrate that:

- a) there are no sites or potential sites either within, or on the edge of, Kilkenny City Centre, the District Town Centres and village centres that are (a) suitable (b) available and (c) viable; and
- b) they would contribute towards and support the achievement of compact growth and revitalisation/rejuvenation of city or town centre as envisaged in objectives 3c, 4 and 6 of the National Planning Framework in order to allow a positive presumption in favour of the application under NPO 11 of the NPF.

Policy 5: Retail Impact Assessment

A Retail Impact Assessment will be required for development which features:

- a) Proposals of greater than 1,000 sq. m of net floorspace in Kilkenny city, including extensions to existing units; or
- b) Proposals of greater than 500 sq. m of net retail floorspace in all other settlements, including extensions to existing units.

As described at Paragraph 4.9 and Annexe 5 of the Retail Planning Guidelines, the Retail Impact Assessment shall at a minimum include the following:

- (i) Identification of catchment or study area;
- (ii) Estimation of expenditure available within the defined catchment or study area;
- (iii) Estimation of the turnover of existing centres within the catchment area which is likely to be affected by a new development;
- (iv) Estimation of the turnover of the new development for which a planning application is being lodged; and
- (v) Estimation of the quantum of consumer retail spending available in the catchment area which will be diverted from existing centres to the new retail development.

In addition to the above, the Retail Impact Assessment shall demonstrate how the development proposal would contribute towards and support the achievement compact growth and revitalisation/rejuvenation of city or town centres as envisaged in objectives 3c, 4 and 6, 11 and 27 of the National Planning Framework.

Policy 6: Kilkenny City Centre

In order to ensure the retail function, profile and competitiveness of Kilkenny City is retained, applications for retail development and other town centre uses that will contribute to retaining Kilkenny's role as the dominant retail destination within the County will be supported.

Retail development and other main town centre uses should be prioritised to be located within Kilkenny's Core Retail Area to ensure the vitality and viability of the historic core is protected and promoted. Similarly, it is of great importance to ensure that the historic character of the Core Retail Area is protected. An important balance must be struck between creating a dynamic and commercially successful retailing environment and an attractive historic setting. Proposals that incorporate improvements to the City's laneways will be supported by the Council, particularly where involving creative solutions designed to activate redundant spaces.

2005 City Centre Local Area Plan

The site of the Kilkenny Mart was first identified in the Kilkenny City and Environs Development Plan 2002 as retail/city centre expansion location to accommodate a sustainable mix of uses, including retailing, residential, offices, community and cultural facilities. The site was included in the City Centre Local Area Plan 2005, and although not statutory anymore, the plan had a vision for the site as operating part of the city centre (site1) with a significant retail element. I do however consider the site edge of centre.

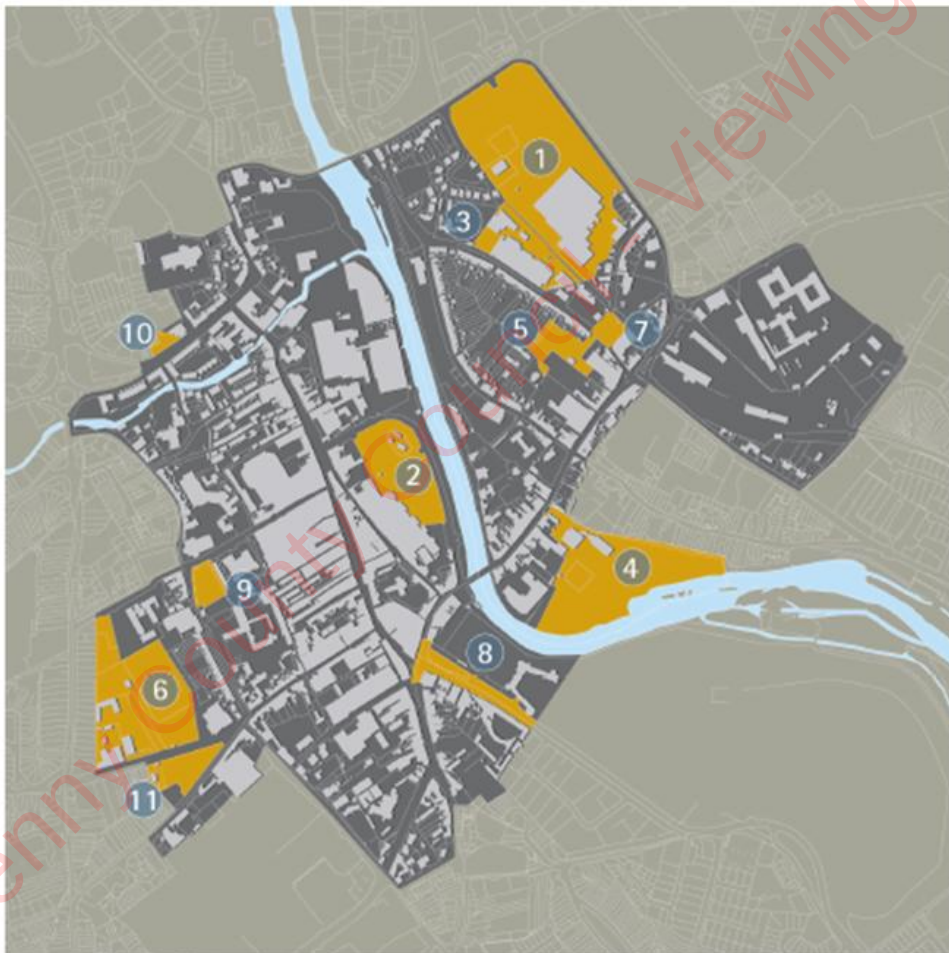


Figure 1.2 Specific Sites

2005 City Centre LAP (site 1)

Masterplan in accordance with Objective C2E:

As required by the Kilkenny City and County Development Plan 2021-2027, Kilkenny County Council, in conjunction with the landowner, prepared a draft Masterplan for the site in accordance with objective C2E in early to mid-2023. The resulting finalised Masterplan framework as agreed and the key principles for the site design and subdivision is set out below. It is considered that the proposal generally follows the requirements of the Masterplan in terms of structure and land uses and key forntages.

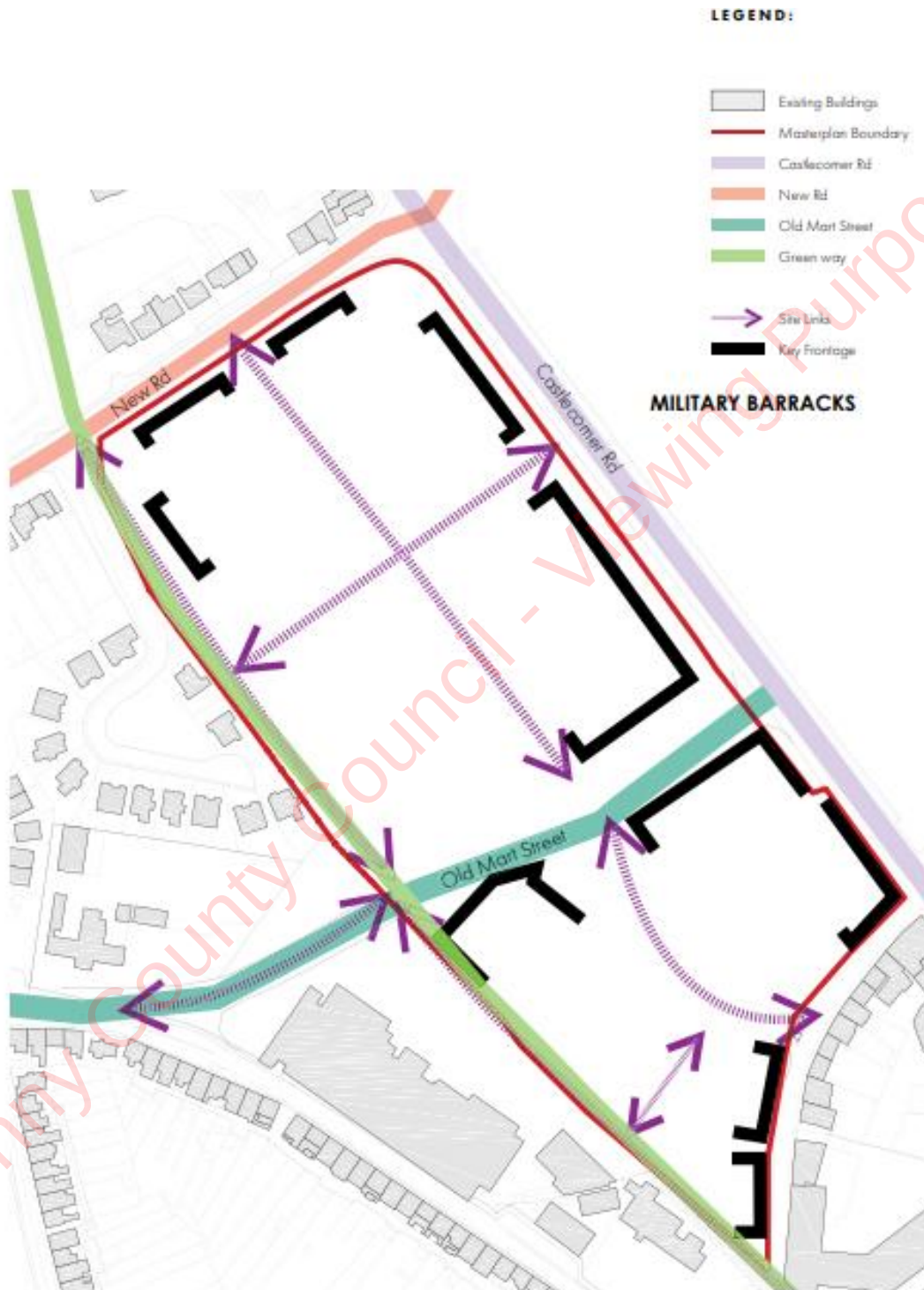


Figure 3.2 Excerpt from Masterplan illustrating key principles

Heritage

Protected Structure – None on site.

Architectural Conservation Area – The site falls beyond any Architectural Conservation Area.

Recorded Monuments – There is none on or bounding the site.

Zone of Archaeological Potential - The site is located beyond the Zone of Notification of Recorded Monuments in Kilkenny City and County Dev Plan.



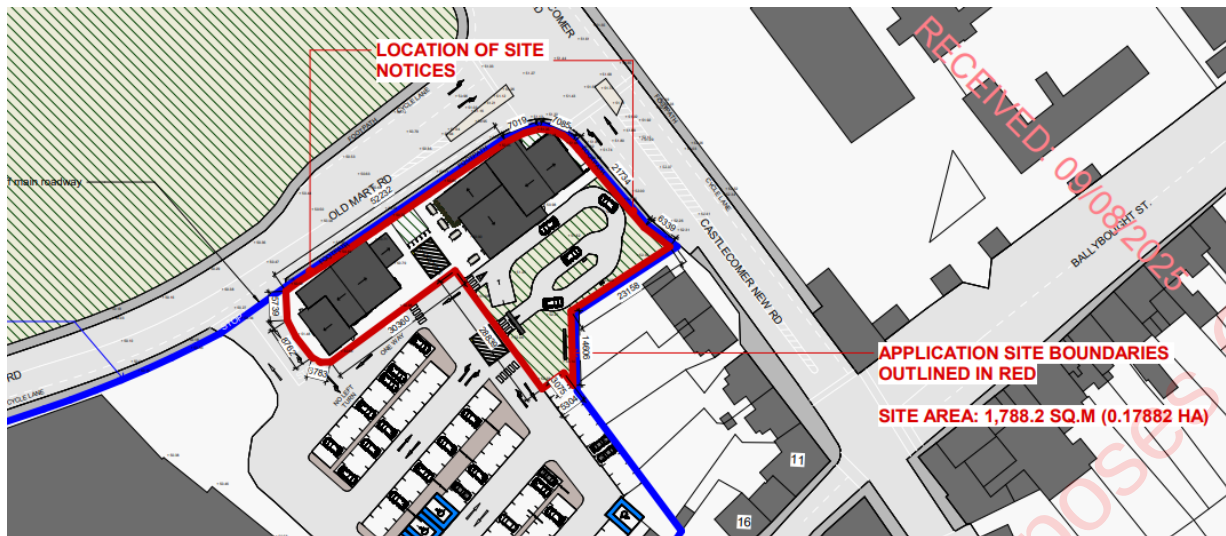
Legacy tank -likely left over from the former Cattle Mart

Site location and description

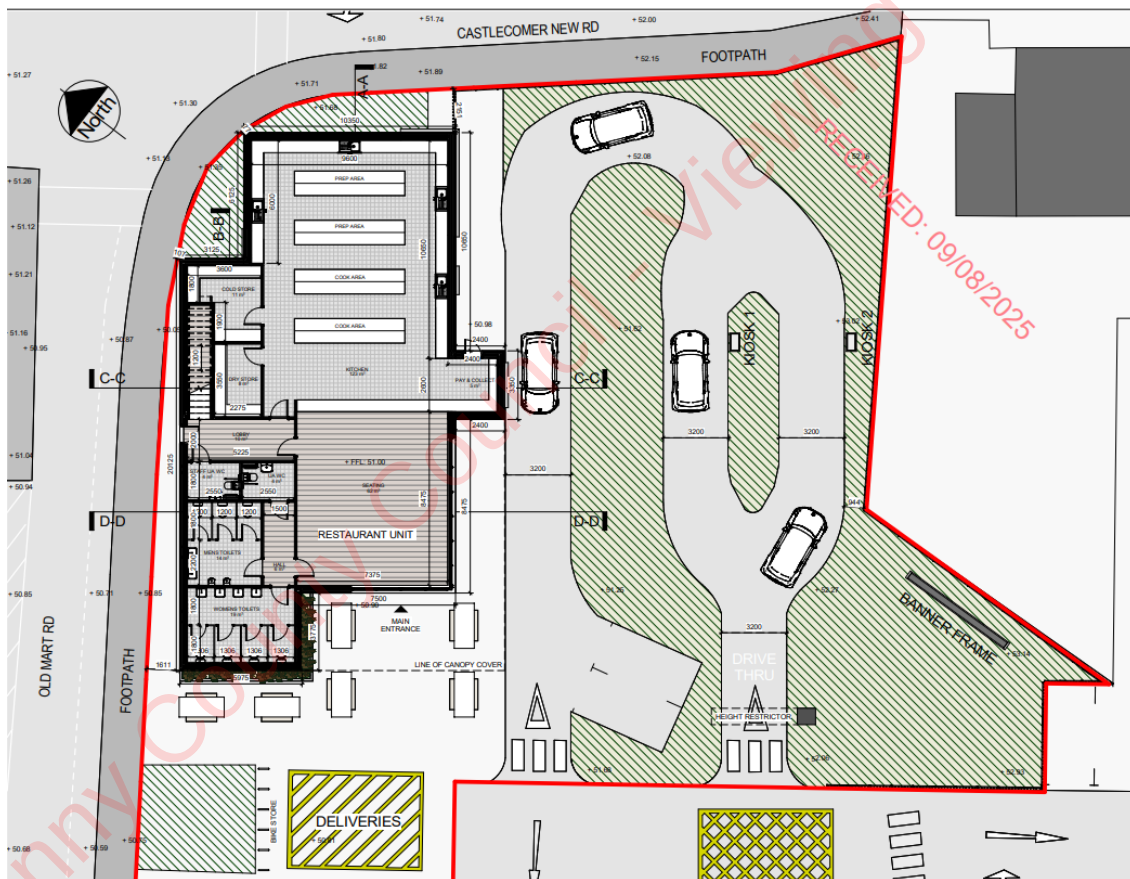
The site is located within the envelope of the city cinema complex and will obtain access via same and will utilise the same carpark. The proposal is for a fast food outlet with drive through and an additional retail unit. These uses are acceptable under the zoning for the site.

The proposed retail areas are less than 1000sqm each and hence no Retail Impact Assessment would be required.

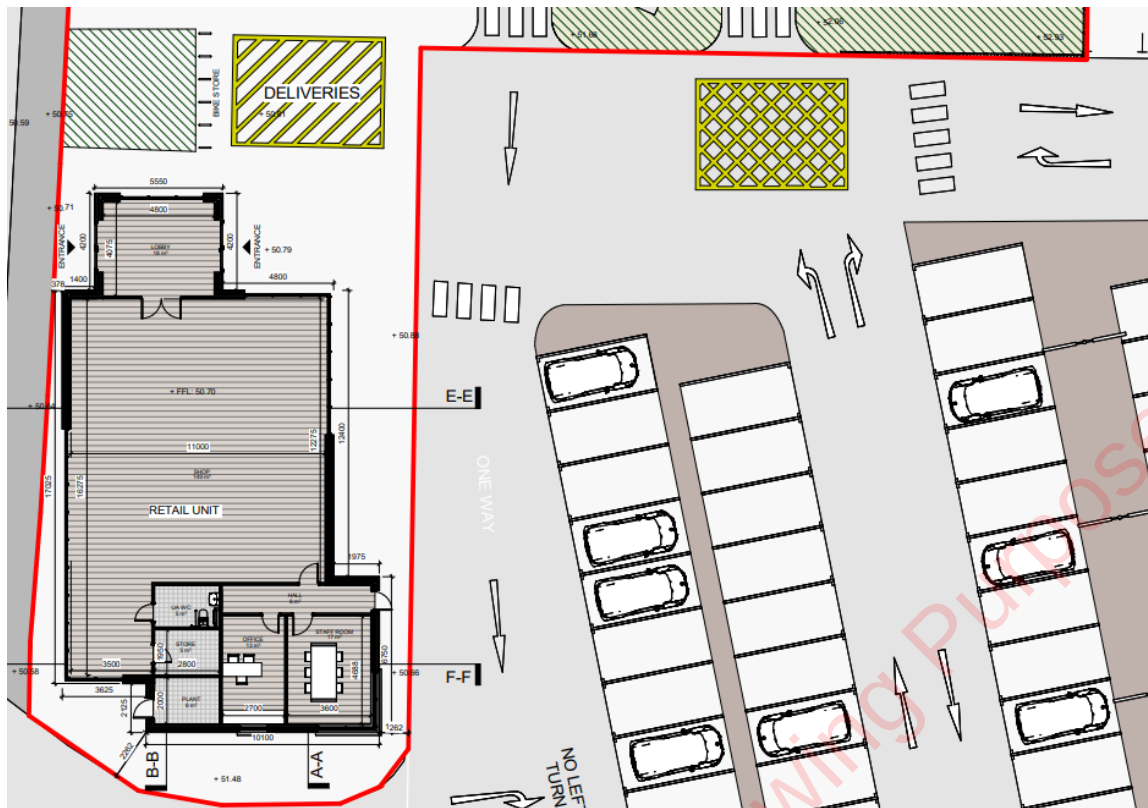
It is not clear what the retail unit will be used for at this stage and the applicant will need to clarify the proposal.



Proposed site layout with existing car parking



Floorplan- Proposed fast food outlet with drive through



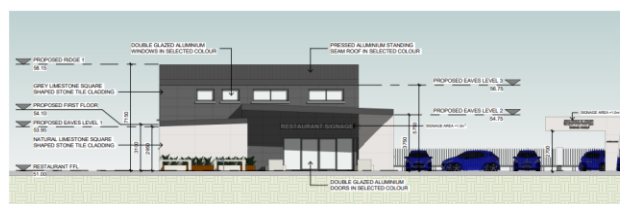
Additional retail unit



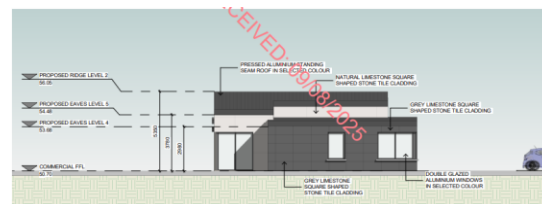
3D VIEW 4
3 D view 1



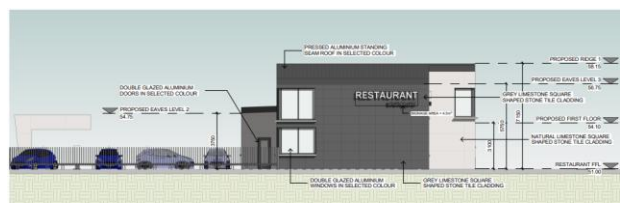
3D VIEW 3
3D view 2



PROPOSED SOUTH ELEVATION (RESTAURANT UNIT)
1: 100



PROPOSED SOUTH ELEVATION (RETAIL UNIT)
1: 100



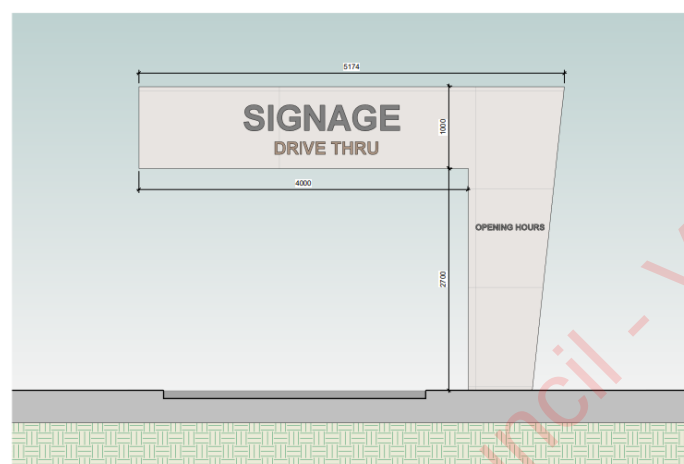
PROPOSED NORTH ELEVATION (RESTAURANT UNIT)
1: 100



PROPOSED NORTH ELEVATION (RETAIL UNIT)
1: 100

Elevations Restaurant (left)

Retail Unit (Right)



HEIGHT RESTRICTION BARRIER - FRONT
1: 25

The site is 0.178Ha and the proposed floor area for both units is 659sqm. The proposed restaurant has a seating area is 62sqm. The remainder of the proposed fast food outlet comprises a cooking area at ground floor and at first storey staff rooms, plant, stores, and toilets. The retail unit has a retail area of 150sqm, with the remainder allocated to office, staff room and plant and stores at ground floor level. This unit has no first-floor level. I consider that the proposed development addresses the corner as suggested at pre planning and hence the circulation area for vehicles has been internalised within the site. The proposed two storey elevation on this corner site gives the unit the height and presence required on this important junction and would be very similar to the height of the Tesco corner opposite. The corner elevation is however stark and I'm concerned that the restaurant does not adequately address the road, hence would suggest that the restaurant area be swapped around with the toilet area so as to better address the road. This will lead to an active road frontage with views to and from the restaurant which would enhance the streetscape. The toilet area will then back up onto the drive through and this will improve the visual appearance from the Old Mart Road.

Development Contribution

Class 4

Impact on Natura 2000 site

A Screening exercise is pending receipt of further information to determine if any significant environmental impact is likely on any Natura 2000 site.

EIA Conclusion

A preliminary examination of the nature, size and location of the proposed development has been carried out which determines that there is no real likelihood of significant effects on the environment arising from the proposed development. It is therefore concluded that an EIAR is not required.

Recommendation:

It is recommended that the following further information be requested.

1. The planning authority is concerned about the development gap being left along the Castlecomer road by virtue of the drive through. This will need to be addressed. Although the restaurant use is acceptable in principle, the drive through, which is causing the gap, is primarily car focused and is land hungry and should not receive priority in terms of land take on this edge of city centre site. Please note that the cinema car park remains underutilized and hence a drive through may ultimately not be necessary. You are encouraged to omit the drive through and propose an alternative for the land, either commercial or housing.
2. It is noted that for both the Cinema and the Tesco site the planning authority pushed for buildings with significant architectural merit. The planning authority considers this was ultimately achieved and in this regard the Cinema in particular sets the standard for the immediate area. The building proposed with its back to the Castlecomer road, although high enough, does not represent similar merit. There is a row of terraced 100-year-old buildings immediately adjacent to the site on the Castlecomer Road, including older buildings, one of which is on the NIAH. The planning authority would ask that consideration be given to how any proposed design relates to the Castlecomer Road and adjacent terrace, and suggest the applicant submit a revised design that considers this and the new street edge that will be created. The organisation of the plan of the restaurant results in a mostly blank façade to both the Castlecomer Road and the Old Mart road. The entrance of the restaurant is also only from the car park side. The Planning Authority is also concerned that the restaurant does not adequately address the road and would suggest that in revising the proposal, the restaurant area also be swapped around with the toilet area so as to better address the road. This will lead to a more active road frontage with views to and from the restaurant which would enhance the streetscape. It is suggested that the materials etc. are consistent with/compliment both the Cinema and permitted (on appeal) Tesco scheme across the road to provide a sense of cohesion on both sides of the Road. The design generally should be reviewed against best urban design principles. Guidance can be found in Urban Design Manual - A Best Practice Guide published by the Dept of Environment, Heritage and Local Government 2009. Also, Wayfinding for pedestrians should be considered. Please submit proposals accordingly.
3. The applicant shall clarify the proposed nature of the use of the 150sqm retail unit. Also, this single storey building as proposed is low profile and contrasts with both the Cinema and the approved Tesco Coffee shop across the street, which, although single

storey, gives height by virtue of its butterfly roof. Can consideration be given to a design that unifies the overall design, possibly by reducing/or omitting the gap between the shop and restaurant buildings. The applicant shall submit revised proposals.

4. Please provide contiguous elevations showing elevations in their context to include surrounding buildings.
5. Please submit revised 3Ds also showing surrounding buildings.
6. Please provide photomontages from ground level from the Castlecomer Road, including the existing terrace, and from the Old Mart road, including the Cinema building.
7. Please provide a site section including the neighbouring dwelling/garden on the Castlecomer road to show the proximity and impact of revised proposals on this adjacent property. (Please note application has been lodged for same)
8. A delivery area is shown crossing a large pedestrian area. Please review this.
9. Please indicate boundary treatments for the site and how they relate to the site location. Further detail should be provided.
10. The applicant shall submit a Traffic and Transport Assessment (TTA) for the proposed development. The TTA shall take into consideration the existing uses on the overall development site and proposed development in the vicinity and in particular the proposed Tesco commercial and residential development.

The TTA shall provide a detailed assessment of the traffic generation associated with the proposed drive-thru restaurant, to determine if there are adequate queuing facilities and to assess the impacts on the existing car-park and potential traffic overflow onto the Old Mart Road (L2648) arising from excess queuing. Where there is excess queuing anticipated the appropriate measures shall be detailed to address the queuing within the curtilage of the overall development site.

11. The applicant has not provided a parking assessment for proposed development. A car parking assessment shall be submitted which shall consider all the other businesses and commercial units on the overall development site and demonstrate that there is sufficient car-parking provision. The applicant shall clarify how the parking is to be assigned, managed and operated to facilitate the different uses on site.
12. The applicant shall prepare and submit a DMURS Quality Audit for the proposed development. The Audit shall comprise a DMURS Street Audit, Stage 1/2 Road Safety Audit, pedestrian and cycling audits, mobility and visually impaired users audits and cycle audit. It is noted that the Audit shall take into consideration any potential development layout amendments which may arise during the planning process, in particular in relation to road and parking infrastructure and the interface of the development with the public road. Connectivity to existing road, cycling and pedestrian

facilities on the approaches to the development shall be reviewed. The Road Safety Audit shall also take into consideration the existing accesses and associated traffic movements on the New Road located opposite to proposed residential access.

13. The applicant shall provide a Lighting Design for the proposed development. The proposed lighting shall have energy efficient LED technology and capable to be adapted for use with a central management system (CMS –with 7pin NEMA sockets) or equivalent and consideration shall be given to the lighting provision on the existing road network. The lantern specification shall be agreed with Kilkenny County Council with the agreed lantern type to be registered on the SEAI Triple E register. Existing public lighting to be incorporated into the scheme shall be upgraded where required to ensure consistency with the proposed design. Further guidance is available in the draft Kilkenny County Council Public Lighting Manual and Product Specification 2021.

Chambers are required at T-Junctions and sharp changes in direction. Small access chambers should be installed when cabling is to be tee'd from cable runs to each column.

The proposed lighting units shall be registered on SEAI Triple E register for products. Lights are to be warm white colour temperature (3000K) unless there is a particular requirement for the retail car-parking area, which shall be agreed with the public lighting section of Kilkenny County Council.

Clearance of lighting columns from kerb line to be 1200mm especially on public road and ensure they are positioned so as not to cause obstruction and allow free passage of all people on any footway / cycleway.

LED drivers are to be pre-programmed and capable of being re-programmable post installation via NFC drivers with 3-core cables from ground level (column door).

14. The applicant shall prepare a Construction and Traffic Management Plan CTMP for the duration of the project for the construction phase as part of a draft Construction Environmental Management Plan CEMP. This will be a live working document and the applicant will be required to prepare an updated environmental, construction and traffic management plan for the construction phase which shall be submitted to the Municipal District Office prior to commencement of development works for agreement. The Construction Traffic Management Plan is also considered a Live Working Document and shall be amended where required as the project progresses and shall reflect any changes to construction and staffing traffic patterns during the work phases or arising from Health and Safety Audits.
15. The applicant's attention is drawn to the Noise Action Plan 2024-2028 for Kilkenny. The applicant shall carry out a noise assessment for the proposed development and detail the appropriate measures to limit the impact of traffic generated noise from the Castlecomer Road and Old Mart Road. The applicant shall incorporate the recommendations / requirements for noise mitigation measures into the development design.

16. The car park is shown outside the redline boundary, however changes to the direction of traffic, additional pedestrian crossings are shown here. Please confirm if these will be carried out as part of the works.
17. The applicant shall submit a comprehensive landscaping scheme and also indicate in detail how sustainable urban drainage and Nature Based Solutions will be utilised to discharge surface water to site rather than to the public sewer.
18. A bulk container/tank remains on site and it is assumed to be a structure which was left behind after the former Cattle Mart ceased operations. The content of this tank is unclear. The applicant shall investigate the content of same and submit proposals to dispose of the tank and its contents in an environmentally friendly/sustainable manner. The proposals for same shall be included in the draft CEMP.



29/09/'25

N. Louw, Senior Executive Planner



D. Malone, Senior Planner
03/10/25