

Comhairle Chontae Chill Chainnigh

Kilkenny County Council

Planning Report

Planning & Development Acts, 2000 as amended
Planning & Development Regulations, 2001 as amended

Planning Ref. P26/60224

Application Due Date: 10/06/2026

Applicant: John Taylor Construction Ltd

Subject: Retention Permission for change of use of existing car park to a builders storage yard and the temporary storage of 2 no. storage containers and all associated site works, Silverweir Paulstown, Co. Kilkenny

Third Party Submission

6 No objection submission received.

Ger Burke	9 marble court Paulstown Paulstown R95 Y447	16/05/2026	18/05/2026	VALID	
Anne Brennan	3 Marble Court Paulstown Co. Kilkenny R95 T678	18/05/2026	18/05/2026	VALID	
Emma Doyle	24 Marble Court Paulstown Co. Kilkenny	20/05/2026	20/05/2026	VALID	
Marble Court Residents C/o Yvonne Cassidy	5 Marble Court Paulstown Co. Kilkenny	20/05/2026	20/05/2026	VALID	
Patricia Anderson	23 Marble Court Paulstown Co. Kilkenny	20/05/2026	20/05/2026	VALID	
Yvonne Cassidy	5 Marble Court Paulstown Co. Kilkenny	20/05/2026	20/05/2026	VALID	

The key concerns raised relate to:-

- Detract residential amenity
- Traffic Hazard

- Excessive Noise pollution
- Fire Risk Spread (domestic home oil tanks are located in close proximity to containers Insulation material stored in containers). No fire risk assessment carried out
- Visually unsightly out of character for the village (Site is visible from a designated green public space in Marble Court Estate)
- Excessive Noise - The hours of the yard involve the loading and unloading of materials into trucks using a fork lift early in the morning and again in the evenings. The reversing alarms and the sounds of vehicle movements as empty trucks are being loaded with scaffolding, metal bars and other building materials causes a lot of disturbance, particularly on weekends and holidays. A cement mixer, angle grinder and power washer can be heard frequently also. Loud noises from site early morning, weekends and evening are disrupting adjoining residents and sleep
- Proposal does little to create a sense of place or enhance the rural character of the village
- Air quality and dust emission will have negative impact on adjoining residents
- Asbestos roof in outbuilding on site is a health risk
- Environmental Contamination risk and details of type waste and extent limited
- 2 containers on site are for permanent, not temporary usage
- Commercial Use will likely intensify over time
- Children play close to the yard and site is a public safety risk
- Concerns on type of materials to be stored from a health and safety aspect

All submission was read and considered as part of the planning assessment and referred to relevant internal sections.

Site Notice

The site notice was in place at the time of inspection.

Impact on Natura 2000 site (SAC or SPA):

A Screening exercise was completed, which showed that no significant environmental impact is anticipated on any designated Natura 2000 site having regard to the development proposed and significant distance of the subject site from any Natura 2000 site. It is therefore concluded that an Natura Impact Statement is not required as per the Appropriate Assessment Screening Report carried out with this report.

EIA Screening

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 EIA is not required.

Site History:

20/629 - To construct 4 No. 2 storey houses in a single terraced block utilising existing pedestrian & vehicular access and connections to existing utilities as permitted under grant of planning permission(s) ref no. 00-562 & 03-2041, with all associated site development works, access roads and boundary treatments. Application Withdrawn

00/1069 Permission to retain extension comprising of ladies and gents toilets and lobby area to side of existing public house

Referrals:

This application was referred to the following Sections for comment;

Roads Design: No objections from a roads perspective

Environment Section: Further information request

Services proposed:

Water supply – Existing Public mains

Waste water – N/A

Surface water – Soakpit

Flood risk

The site is not located within any OPW flood risk mapping area

Heritage

Protected Structure – N/A

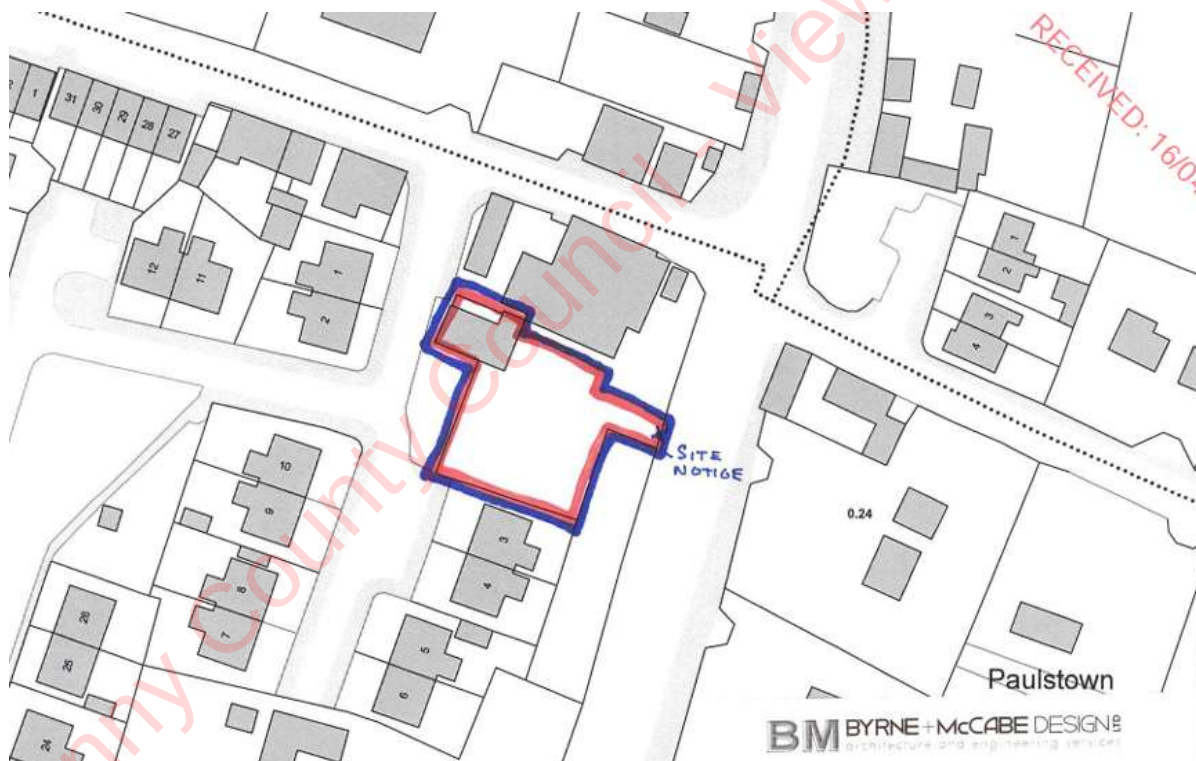
Architectural Conservation Area – N/A

Recorded Monuments – N/A

Zone of Archaeological Potential – N/A

Site Location:

The site is located within Paulstown village within the settlement boundary Figure 4.21 of the Kilkenny City and County Development Plan 2021-2027. The site is bound by the Regional road R448 to the east, residential development to the south and west and a public house building to the north.



Relevant policy and legislation

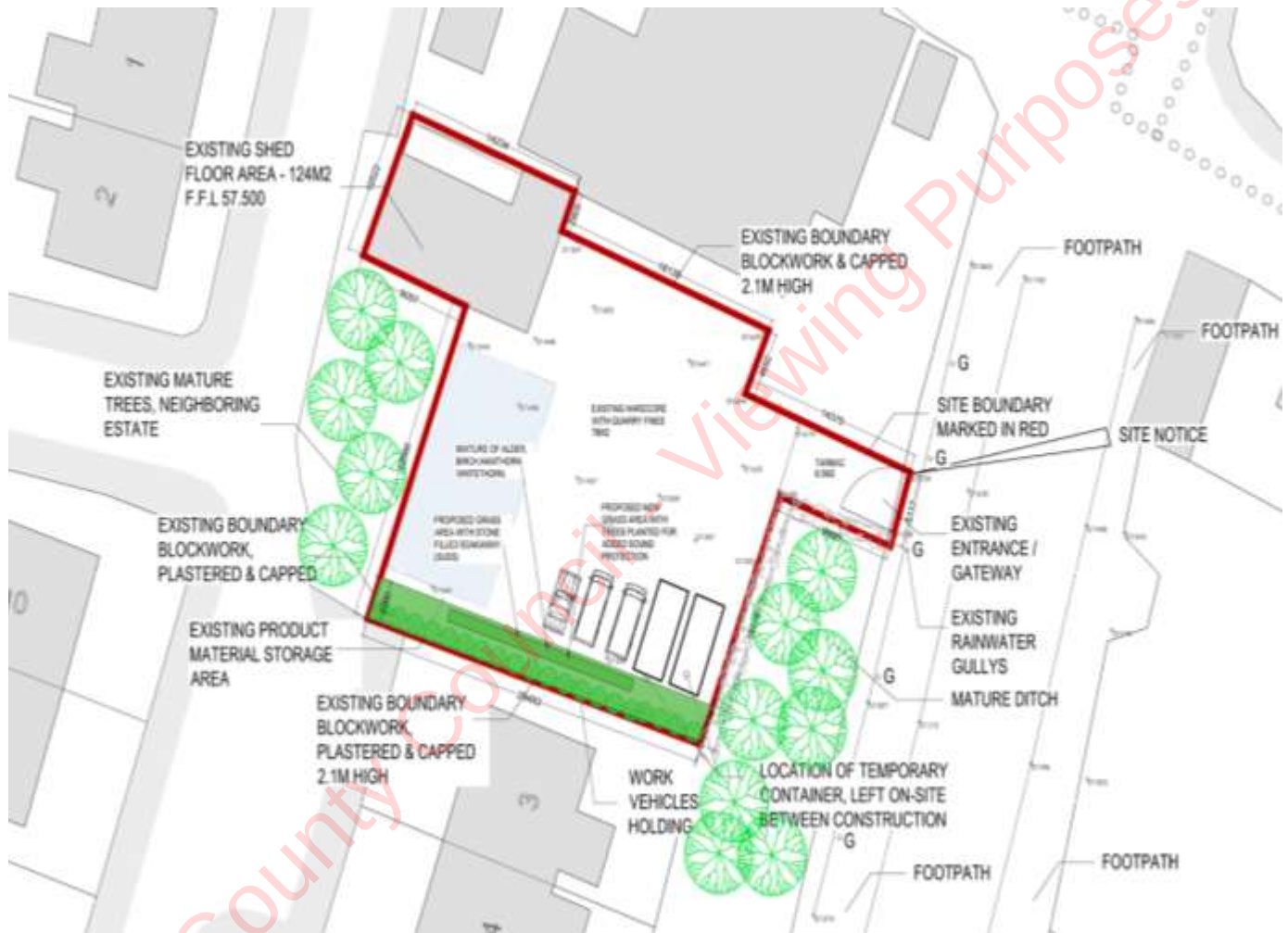
Kilkenny City and County Development Plan 2021 – 2027.

Development Description

The principle components of proposed development relate to Retention Permission for

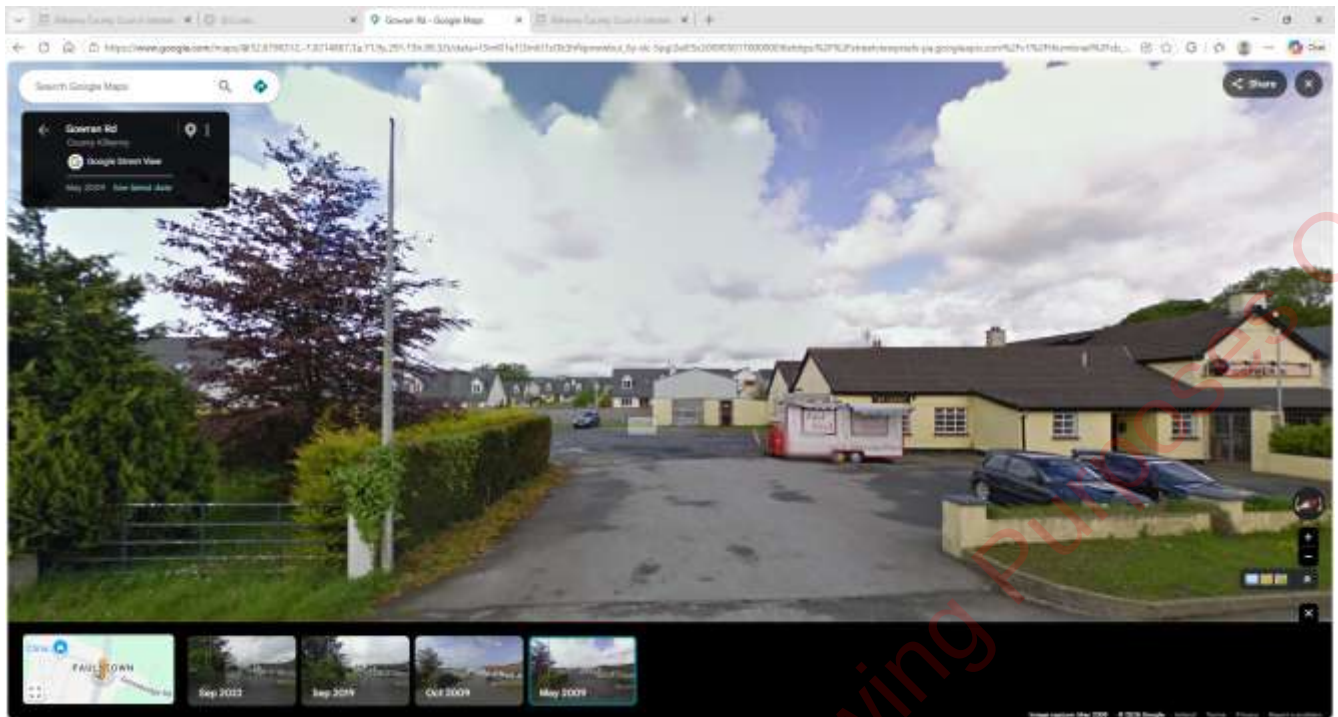
- change of use of existing car park to a builders storage yard and
- the temporary storage of 2 no. storage containers and all associated site works.

The submitted site layout plan below details location of proposed development in the context to surrounding area, boundary treatment, site entrance and proposed building structures and vehicles on site.



Assessment

The existing site was previously used as a car park for the adjoining public house, Silver Weir Inn to the north. The site was sold separately in recent years and applicant has been using the site for storage purposes related to his construction business and includes a shed building (measuring 124sq.m.) which appears does not have the benefit of planning permission for its current commercial storage use. This shed appears was linked with the public house but has since been subdivided by a block wall which separates the pub from the current site as seen below. I can find no record of permission approval for the shed structure on I-Plan and this commercial shed does not form part of this retention planning permission application and does not include plan / elevation drawings for same.



Google Maps 2009



Google Maps 2022



Current Site Photo June 2026

The supporting documentation notes that

'John Taylor Construction has a construction business which services the Southeast. Predominantly Kilkenny City and Carlow town and the surrounding areas. His business has grown and he is seeking permission to retain a storage area for leftover materials, his vehicles and storage containers.

The storage containers are proposed to be on-site during times where it is been moved between site. The existing building on site is used as storage of tools. No building works are carried out on site. John Taylor staff all come to the site in the morning and park their vehicles before using vans/small lorries etc to go to the prospective jobs. Generally, they arrive at the site between 7am to 8am. Usually, they are gone to their site before 8am. There would be drop offs and pick ups during the day. The latest that then site is used would be 6pm'.

The site is bounded on all sides. There is a blockwork wall approximately 1.8m high to the northwest boundary. This northwest boundary is bonded with a domestic house and a green area for adjoining residential estate. To the southeast there is a 2m high blockwork wall (between the yard and the public house). The front boundary is a mature area with trees etc. The southwest boundary is a blockwork wall 1.8m — 2m high capped. This is the boundary of no. 3 marble court, Paulstown'

The site is located with access to the R448 regional road. The entrance is within the town speed limits of 50km/h. There is a 1.8m wide footpath and the yellow line of the road is an additional 600mm from the edge of the path. Sightlines of over 70m are achievable on both sides of the entrance. The Kilkenny Roads Engineer has expressed no objections from a roads perspective.

Where the entrance is located, there is a drop kerb and a road gully on both sides of the entrance. The first 9m is tarmac, the rest of the site is hardcore. The Kilkenny Environmental Officer is seeking further detail on surface water management associated with a hydrocarbon interceptor and appropriate infiltration testing in compliance with BRE 365 Soakaway Digest design including appropriate mitigation measures to prevent surface water discharge from the site entrance.

The existing entrance has been modified to provide two no. separate entrances (one to the public house and one for the site) divided by a block wall which now has restricted the entrance radii and width from that which existed before (See google Maps between 2009 and 2022). There is no record of planning permission for such entrance changes including the erection of a new steel gate which serves the proposed site.

The applicant proposes to remove the hardcore and install a soakaway and grass on the southern section of the site. This will be a grass area full length of the site. Native trees are proposed to be planted for storage of surface water and for sound reduction for the neighbouring house. These mitigation measures are considered inadequate to allay concerns on the impact of proposed development on surrounding residential amenities.



Two Storage containers (stated as measuring 80sq.m.)



Container view from the garden of 3 Marble Court
A parked vehicle view alongside the wall



Photos submitted by third party submission from neighbouring residential property

Serious concerns are expressed in relation to impact of proposed commercial development on the visual and residential amenities of the area and on the environment generally arising from noise, nuisance, traffic, health and safety from proposed activities, hours of operation indicated and retained change of use. The applicant has not completed Appendix 3 which is required for all Commercial / Industrial development.



Planning Inspection photos dated 4th June 2026.

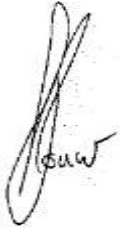
I am not convinced the location of this type of builders storage operation within the village settlement boundary of Paulstown would not have a serious negative visual impact on the character of the area would not be incompatible with surrounding land uses. I consider proposal would seriously impact negatively on the residential amenities of the area contrary to provision of the development plan and would not accord with the proper planning and sustainable development of the area. I am also not convinced that the existing unauthorised change of use and operation as proposed would not be prejudicial to public health or protection of the environment due to the nature of proposed development and lack of incomplete documentation submitted on surface water management, fire risk management, expected volumes/tonnage/location of waste which requires a waste permit licence from KCC, Noise Impact Assessment Report and Lighting as detailed in Kilkenny Environmental Officers report.

Recommendation:

Having regard to my site inspection, third party submission, policies and objectives of the Kilkenny City and County Development Plan 2021-2027 and referral submission received, I recommend that retention planning permission be REFUSED for the following reasons:-

Executive Planner, 10/06/2026

I agree with the above recommendation.



10/06/'26

Senior Executive Planner

First Schedule

Reasons & Considerations for Decision on Planning Ref. P.26/60224

1. Having regard to the nature and extent of the development proposed in addition to its close proximity to adjoining dwelling units, Marble Court Residential Estate and site location within a predominately residential area of Paulstown village, it is considered that ~~the development of~~ a builder's storage yard on this site for the purposes outlined, ~~would~~ seriously injures the areas residential amenities ~~and would be~~ contrary to proper planning and sustainable development.

2. Having regard to Section 4.6 of the Kilkenny City and County Development Plan 2021-2027 which outlines objectives for smaller towns and villages, it is considered the proposed development ~~does and will~~, by virtue of its location on a former car park associated with a public house, along with the type of commercial activity proposed to be retained, ~~would~~ have a serious negative visual impact on Paulstown rural village settlement. ~~The proposed development~~ By virtue of its site location, surrounding pattern of development and nature of the proposed activity, ~~the development fails~~ to integrate with its physical surroundings and ~~would~~ militates against the preservation of the rural village environment and amenity. It is therefore considered that the development at this location ~~would~~ represents an unacceptable visual intrusion that would detract from the amenity of, and be inconsistent with the visual character of the area and surrounding residential land use. As such the development is contrary to ~~the above planning~~ policy of the Kilkenny County Development Plan 2021-2027 and to the proper planning and sustainable development of the area.

3. Having regard to the lack of / or incomplete documentation submitted on

- Surface water management associated with a hydrocarbon interceptor and appropriate infiltration testing in compliance with BRE 365 Soakaway Digest design,
- Management of contaminated run-off and liquid seepage emanating from the waste product and from the proposed storage areas
- Material Storage Management and Heights
- Fire Risk Management
- Expected volumes/tonnage/location of waste
- Noise Impact Assessment Report
- Lighting

the applicant has failed to demonstrate that the development would not be prejudicial to public health or to the environment at this location and would therefore be contrary to proper planning and sustainable development.

4. The ~~proposed~~ development ~~to be retained~~ relates to an existing builder's storage yard which represents an unauthorised commercial change of use including unauthorised site access modifications, gate and a shed that does not form part of this planning application and that the proposed development would facilitate the consolidation and intensification of this unauthorised commercial use. Accordingly, it is considered that it would be inappropriate for the Planning Authority to consider a grant of permission for the ~~proposed~~ development in such circumstances and that its grant would be contrary to proper ~~procedure and the proper planning and developemtn of the area.~~

I have read the planning report and the reasons for refusal.

I consider that the impact on residential amenity is the primary reason for refusal in this instance and should be the first reason for refusal.



Denis Malone
Senior Planner
10/06/26