



An
Bord
Pleanála

Board Order ABP-317940-23

Planning and Development Acts 2000 to 2022

Planning Authority: Kildare County Council

Planning Register Reference Number: 23/72

Appeal by Gemma Mullen of Landenstown, Sallins, County Kildare against the decision made on the 8th day of August, 2023 by Kildare County Council to grant subject to conditions a permission to Vincent Murphy care of Brian Connolly Associates of The Studio, Wood's Way, Clane, County Kildare in accordance with plans and particulars lodged with the said Council.

Proposed Development: Retention of the conversion of living space to a café, outdoor café dining area, boundary screen wall and all associated ancillary site works, all at Hay Mangers Inn, 17th Lock House, Landenstown, County Kildare.

Decision

GRANT permission for the above 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 provisions of the Kildare County Development Plan 2023-2029, it is considered that, subject to compliance with the conditions set out below, the development proposed to be retained would not seriously injure the visual or residential amenities of the area, would not create a traffic hazard for users of the road network in the area by reason of the presence of a new screen wall, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained 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 18th day of April, 2023 and the 13th day of July, 2023, 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 and the development shall be retained and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Details of road signage and line painting, warning the public of the junction with the private road, and of proposals for traffic management at the entrance to the said junction, shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interest of traffic safety.

3. 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.

4. Site development and building works shall be carried out only between the hours of 0800 and 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: In order to safeguard the residential amenities of property in the vicinity.

5. The height of the screen wall shall be capped and reduced to 1.2 metres (including the height of capping) above road level and the screen wall's finish shall be submitted to, and agreed in writing with, the planning authority prior to commencement of such works.

Reason: In the interest of visual amenity.

6. 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 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. The application of any indexation required by this condition 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.
- 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.



Liam Bergin

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board

Dated this *08th* day of *August* 2024.