



An
Bord
Pleanála

Inspector's Report APB-300052-17.

Development	New standalone coffee shop and all associated site development works.
Location	Kilmeaden Station, Kilmeaden, Co Waterford.
Planning Authority	Waterford County Council.
Planning Authority Reg. Ref.	17/602.
Applicants	Waterford & Suir Valley Railway Company.
Type of Application	Permission.
Planning Authority Decision	Grant with conditions.
Type of Appeal	Third Party
Appellant	Martin Doyle.
Observer	None
Date of Site Inspection	21 st February 2018.
Inspector	Philip Davis

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1.0 Introduction

This is an appeal against the decision of the planning authority to grant permission for a small coffee shop in the former Kilmeaden railway station north-west of Waterford City on a disused railway line, now used as a Greenway.

2.0 Site Location and Description

2.1. Kilmeaden

Kilmeaden railway station lies on the former Waterford, Dungarvan & Lismore Railway Line (which formerly connected with Rosslare), now being restored as the Deise Greenway. The former railway line, opened in 1872 and finally closed in 1987, followed an inland loop from Waterford, with a branch to Lismore and Mallow, with the main line running to the coast at Dungarvan. The Deise Greenway uses the former line, including many bridges, viaducts and tunnels, to create a 45 km long leisure walk and cycle way from Waterford to Dungarvan, with links to various attractions on the way. A section of the line still has a running tourist steam service (the Suir Valley Railway).

Kilmeadan village is a scattered, elongated settlement with medieval origins with a population of around 250. It extends for over 2 km north to south along the R680 on either side of a junction on the N25 Cork to Waterford road. The southern part is more modern and includes most of the houses and businesses. To the north, around the former railway station, is the older part of the village, which includes the Church of Ireland churchyard and former police station. The railway line runs east to west in a deep cutting, with a road bridge linking the two parts of the village.

The railway station has been carefully restored and is used by the Suir Valley Railway as a tourism attraction. The rails at this point are live, and the greenway shares the railway bed at this point.

2.2. Appeal site

The appeal site is part of the overall station area, with a site area given as 0.9617 hectares. At the level of the R680 is includes an elongated area of land used as a

carpark with approximately 65 spaces and an information board. It has a locked access on the western side of the road, south of the crossing bridge. A ramp leads down to the station platform and the railway bed. The main platform is on the southern side of the line. On the platform is a former railway carriage, used as a cafe, with a smaller storage shed beside it. There are tables and chairs informally laid out next to the carriage. In addition, there is a portacabin, apparently used as a ticket office for the line. A number of smaller structures provide shelter at the platform and there is a small toilet block.

3.0 Proposed Development

The proposed development is described on the appeal notice as:

'a standalone coffee shop, together with connection to on-site services and all associated site development works'

The proposed structure is single storey in height with a floor area given as 352 square metres. It is not stated on the application form, but it is inferred that the coffee shop is to replace the temporary office/ticket office structure on the site.

4.0 Planning Authority Decision

4.1. Decision

The planning authority decided to grant planning permission subject to 4 no. standard conditions.

4.2. Planning Authority Reports

4.2.1. Planning Reports

A number of recent planning permissions on the lands are noted, including a new waste water treatment system. The site is considered to be on unzoned agricultural land, although the proximity of a protected structure (the road bridge) is noted. The issue of the rights of way raised by the single objector is considered to be a civil matter. In other respects, the proposed development is considered acceptable and permission is recommended.

4.2.2. Other Technical Reports

None on file.

4.3. Prescribed Bodies and others

HSE: It is stated that detailed observations are not possible due to the absence of detailed information concerning the nature and extent of the food business. A number of requirements are set out.

CIE stated that they had no objection to the proposed development

The appellant to this appeal sent in a detailed objection to the proposed development citing the same concerns as outlined in the appeal.

5.0 Planning History

The planning report outlines a series of permissions for the site, dating from 2002, when permission was granted for the narrow gauge line (**02/295**), permission for the use of a carriage on the site as a ticket office/shop (**05/1252**), and the existing layout (**11/31** and **16/296**), along with a wastewater treatment system and percolation area (**15/31**) – the latter is outside the application area in a field to the south.

6.0 Policy Context

6.1. Development Plan

Kilmeaden village has an extensive area of zoned land to the south and south-east of the site, but the railway station is unzoned. The road bridge next to the station is a protected structure. Extracts from the County Development Plan are set out in the appendix to this report.

6.2. Natural Heritage Designations

The closest Natura 2000 site is the Lower Suir SAC, site code 002137 which is just over 1km directly east of the site. The lands drain to the Dawn River which flows about 100 metres west of the site – this river (via Mill Races), discharges to the

designated waters about 1.5 km to the north. There are no other designated habitats within 10 km of the site.

7.0 The Appeal

7.1. Grounds of Appeal

- The appellant is the owner/occupier of The Cosy Thatch Public House, located east of the site on the opposite side of the main road.
- It is claimed that the applicant has a right of way parallel to the line, and the proposed development impedes this.
- It is argued that this is a planning issue – extensive correspondence is attached with regard to this matter – it is submitted that in the original planning application his right of way was respected by way of the provision of a turnstile and open access.
- It is submitted that the design is inappropriate in the context of its impact on a protected structure, and is out of sympathy with the architecture of the line.

7.2. Applicant Response

- It is denied (detailed arguments set out) that there is any right of way – the turnstile access was provided (it is claimed) as a gesture to local people and their historic use of the lands for walking.
- With regard to access, it is stated that while the carpark gates close outside of operating hours, extra gates were added to secure the premises, while providing 24 hour access to the Greenway. It is argued that this provides for all reasonable access requirements to the public.
- It is noted that the proposed development is on the footprint of existing buildings and there would be a 7.5 metre gap provided for access.
- It is stated that the Conservation Officer confirmed that the site is not within the curtilage of the protected structure (the bridge).

- The appellant sets out additional information on the background to the Greenway and the proposed development.

7.3. **Planning Authority Response**

- The Board is requested to uphold the decision of the planning authority.
- It is stated that the matters raised by the appellant are civil matters and the planning authority had regard to Section 34(13) of the Act.

7.4. **Observations**

None.

8.0 **Assessment**

Having inspected the site and reviewed the file documents, I consider that this appeal can be addressed under the following broad headings:

- Legal issues
- Principle of development (development plan and planning history)
- Access issues
- Design and heritage
- Traffic and Parking
- Public health
- Appropriate Assessment
- Other issues

8.1. **Legal issues**

The core of the appellants appeal is based on a claim of access to and through the appeal site. The appellant has submitted copious correspondence in this regard, including correspondence in which it is claimed the right of way was acknowledged in a previous planning application.

I note in this regard the opinion of the planning authority that this is a civil matter and the provisions of section 34(13) of the Act applies. I am satisfied that the applicant has sufficient standing to make the application. I further note that the proposed development is on the footprint of an existing permitted structure and does not in any way impede (in itself) access through the site. I therefore do not consider that this is a reason to dismiss the appeal, refuse the proposed development, or recommend conditions specifically relating to access through the site.

8.2. Principle of development

Kilmeaden village is somewhat unusual in that despite its small population it sprawls over a wide area at least 2 km in length, from the 'old village' (for which few remains are visible) around the Church of Ireland church, to the newer developments to the south. There are extensive zoned lands around the newer village to the south, which includes all the shops in the vicinity. The Greenway -which just formally opened last year - runs directly through the village, as does the N25 Cork to Rosslare road. The railway line and its associated structures are unzoned, and so are deemed by the planning authority to be 'agriculture'. There are a number of policies in the CDP favourable to such leisure routes. I note that the narrow-gauge railway and the structures on site were all granted permission, so the principle of leisure use on the lands is well established.

While normally a restaurant in a freestanding site in a rural area would not be viewed favourably relative to one within an existing village centre, I would consider that the proposed development is clearly consistent with overall policy to promote Greenways and such leisure facilities and is functionally related to the 'old village' which seems to lack any open shops or cafes or pubs. The Greenway is a very admirable and seemingly very successful project and enhancing the station with a small café can only encourage its use, and perhaps also encourage longer distance cyclists and walkers to stop in the village. I would therefore concur with the planning authority that it would be fully in accordance with development plan policy and consistent with the planning history of the site.

8.3. Access issues

The site is already fully served with extensive existing (c.65 spaces) parking. During my site visit I observed that despite poor weather the parking was in constant use by people using it to access the Greenway for walking and cycling. There are gates to

the parking area, but a stile next to the road allows 24 hour access to the Greenway. It would be reasonable to assume a café here will increase usage of the parking area and the pedestrian access, but in all respects, it seems entirely adequate for the purpose. Bike parking facilities would be an obvious benefit for the nature of this café, although given the relatively secure nature of the old Station it is probably not necessary so I would not recommend that they be added by condition.

8.4. Design and Heritage

Kilmeaden village has significant historic value, although few if any of the original medieval remains survive. There is an abandoned village which is a Recorded Ancient Monument to the north, although any such remains on the appeal site would have been destroyed during the original railway construction works. The old church and churchyard is not visible from the site. There is a protected structure - the Cosy Thatch Pub - opposite and across the main road – this early 19th Century thatched cottage/pub (very much altered and extended) is now unused and in ruinous condition.

The bridge next to the site is indicated as an important example of late 19th Century railway engineering in the NIAH. It is a protected structure. It is described as follows on the NIAH:

Single-arch rubble limestone road bridge over railway, opened 1878. Broken coursed rock-faced squared rubble limestone walls with cut-stone stringcourse, and cut-stone coping to parapets. Single segmental arch with rock-faced squared limestone voussoirs, and squared rubble stone soffits having render over. Sited spanning railway lie with grass banks to railway. An elegantly-composed bridge forming an integral part of the railway heritage of County Waterford, having been built as part of the Fishguard and Rosslare Harbours and Railways Company development of the Great Southern Railway line. The construction in rock-faced stone work produces an appealing textured visual effect, while the arch, which has retained its original profile, identifies the civil engineering heritage importance of the composition.

The railway station itself has been attractively improved, although the temporary structures on the site are a little unsightly. There are several attractive features

around the station buildings, including signage, which are apparently contemporary (or good reproductions) with the original line which was constructed in the 1860s, at the end of the peak 19th Century period for railway construction.

The proposed coffee shop structure is small in scale and single storey and would replace the existing portacabin. It does not seek to replicate 19th Century railway architecture. I would consider that its modest scale and design fits in well with the overall station and as such I would consider that it does not detract from the Protected Structure or the overall amenities of the area.

8.5. Public health

I note that the coffee shop is to be served by the existing small toilet block. This discharges to a wastewater treatment system and percolation area on the field next to the site. This is newly built and was granted permission previously. The planning authority appear satisfied that it is sufficient for the site.

I note that the HSE commented that there seemed insufficient information on the nature of the food business. From the context it would seem a very small scale local business. Due to the small scale of the proposed works I would consider that the precise details for ensuring waste and storage requirements, etc., can be left by condition for the planning authority to agree with the applicants.

8.6. Appropriate Assessment

The planning authority screened the proposal and concluded that significant impacts can be ruled out. The site is within the catchment of the River Suir, site code 002137, which is a designated SAC. There are a number of other European sites downstream at the coast. There are no designated habitats within 1-km – the Lower Suir is just over 1km to the east, although the site is within the catchment of the Dawn River, which flows north for approximately 1.5 km before joining the Suir. Due to the small scale of the proposed development, the existing wastewater treatment facilities, and the existing structures on the site, I would consider that there are no pathways for pollution or other impacts and it is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects, would not be likely to have a significant

effect on European site no. 002137, or any other European Site, and so a Stage 2 Appropriate Assessment (and submission of an NIS is not therefore required).

8.7. **Other issues**

The site is not indicated as prone to flooding, and as it is existing hardstanding the proposed development would not alter run-off significantly. The planning authority did not consider that any development contributions are required.

9.0 **Recommendation**

I recommend that subject to the conditions set out below, the proposed development should be granted planning permission for the following reasons and considerations.

10.0 **Reasons and Considerations**

Having regard to the existing use of Kilmeaden Station and the planning history of the site, it is considered that subject to the conditions set out below the proposed development would not impede access to the Greenway, would not impact on the setting of the adjoining Protected Structure, and would otherwise be in accordance with the proper planning and sustainable development of the area.

11.0 **Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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 development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of the visual amenities of the area.

3. No advertisement or advertisement structure, the exhibition or erection of which would otherwise constitute exempted development under the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, shall be displayed or erected (on the building/within the curtilage of the site) unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

4. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.

Reason: To ensure adequate servicing of the development, and to prevent pollution.

5. The developer shall control odour emissions from the premises in accordance with measures [including extract duct details] which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of public health and to protect the amenities of the area.

Philip Davis

Planning Inspector

11th June 2018