



An
Bord
Pleanála

Inspector's Addendum Report

ABP-317940-23A

Development	Retention of café space, outdoor dining area and screen wall
Location	Hay Managers Inn, 17 th Lock, Landenstown, Co. Kildare
Planning Authority	Kildare County Council
Planning Authority Reg. Ref.	2372
Applicant(s)	Vincent Murphy
Type of Application	Retention permission
Planning Authority Decision	Grant subject to 13 no. conditions
Type of Appeal	Third Party
Appellant(s)	Gemma Mullen
Observer(s)	None
Date of Site Inspection	None
Inspector	Susan McHugh

1.0 Introduction

- 1.1. This report is an addendum report to the Inspector's report in respect of ABP-317940-23 dated 18th October 2023.
- 1.2. The Board by Direction dated 13th May 2024 required an Addendum Report to be submitted to the Board in respect of the further assessment of the following items:
 - The impact of the change of use policy of the application.
 - The impact of parking implications of the proposed development.
 - The visual amenity impact due to the screen wall.
 - The adequacy of services required for the proposed development.
 - The matter of hours of operation and exterior lighting.
 - The impact on residential amenity including dependency on the existing residence.

Each of these items is assessed separately below.

2.0 Assessment

2.1.1. Change of Use

- 2.1.2. Ref.14/780 was a grant of permission on 20th January 2015 subject to 32 no. conditions for development consisting of extending and converting an existing outbuilding to form a two storey type dwelling converting attached single storey cottage to form a family flat, replacement of septic tank with an effluent treatment system and all ancillary site works.
- 2.1.3. Condition 6 of this permission stated the following: *"The overall site shall be used for domestic related purposes only, and not for any commercial, workshop, or other non-domestic use. Reason: In the interests of the proper planning and development of the area"*.
- 2.1.4. **Objective RE O52** of the KCC CDP 2023-2029 seeks to *'Co-operate with and facilitate Government agencies, and other bodies where feasible, in encouraging home-based employment including the provision of small-scale individual enterprises. Proposals which involve the change of use and/or new development for*

purposes of home-based employment will generally be considered favourably where it can be clearly demonstrated that

- a) the proposal is of an appropriate scale for its location;*
- b) there are no adverse environmental, health and safety impacts,*
- c) the proposal is without prejudice to residential amenity and*
- d) the proposal will not detract from the vitality and viability of town or village centres.'*

The indoor element of the commercial café use has a stated area of 16.68sqm is very minor in scale. The outdoor seating area which serves the café has a stated area of 79.4sqm. In my opinion the use which is ancillary to the main use of the property as a dwelling is an acceptable use at this location fronting onto the Grand Canal and will not detract from the vitality and viability of nearby towns or villages.

2.2. Services

- 2.2.1. Water supply arrangements for the café use are stated to be via the existing mains. No toilet facilities are proposed for café patrons.
- 2.2.2. The Water Services Section and the Environment Section of Kildare County Council as well as Irish Water have no objections subject to conditions regarding the café use at the appeal site (see Sections 3.2.2 and 3.2.3 of the original Inspector's Report).
- 2.2.3. The absence of a toilet for patrons may have implications for the operation of the café in licencing terms (Health and Safety) but does not, in my opinion, preclude the Board from granting retention permission in this instance having regard to the provisions of Section 34(13) of the Planning and Development Act 2000 (as amended) – *"A person shall not be entitled solely by reason of a permission under this section to carry out any development"*.

2.3. Parking Provision

- 2.3.1. At the time of the site inspection on 13th October 2023 work was on-going on the 5 no. parking spaces to the rear of the café on foot of permission Ref. 14/780 which relate to the redevelopment of the appeal site and extension of an outbuilding within the overall site. These parking spaces are not specifically designated spaces for the

use of café patrons but neither are they unavailable to users of the unauthorised café.

- 2.3.2. Section 15.7.8 of the Kildare County Development Plan 2023-2029 relates to Car Parking standards which are maximum standards to be applied. For a café use 1 no. parking space per 10m² of GFA is specified. The GFA for which retention permission is sought measures approximately 17m² which leads to a requirement of 2 no. car parking spaces. The outdoor dining area, which strictly speaking is not normally counted as GFA, measures approximately 79m² which would generate a need for 8 no. parking spaces. In combination therefore, the indoor and outdoor spaces associated with the café use at this location would generate a need for 10 no. parking spaces in total.
- 2.3.3. Informal (i.e. unregulated) parking is available on the north side of the Grand Canal opposite the café and also on the south side of the Grand Canal where a cul-de-sac road exists and an access to a private estate. I do not believe that parking at either of these sites would constitute a traffic hazard as there are good sightlines to be obtained in all directions from which cars can be expected to approach.
- 2.3.4. There is a private lane leading to the NE from the appeal site which is inadequate in terms of its dimensions to accommodate any car parking.
- 2.3.5. Having regard to the scale of the café operations and to the likelihood of a significant portion of customers arriving by bicycle or on foot, I would consider that the informal on-street parking available in the vicinity of the café, which could certainly accommodate 10 no. parking spaces (as calculated above) should be adequate to serve the parking need generated by the café use at the appeal site.

2.4. Visual Impact

- 2.4.1. The screen wall as constructed is approximately 2m in height and is rendered blockwork. The exact height of the wall which was demolished and replaced is not known with any degree of certitude but Google Streetview images captured in September 2009 indicate that the height of the previous stone wall was approximately 1.2m.
- 2.4.2. The screen wall blends well with the façade of the building within which the café is located and articulates the corner in a visually pleasing manner with the curved wall punctuated by two gate piers and a pedestrian gate located on the angle of the turn.

2.4.3. Landenstown Bridge (and Lock) are Protected Structures (Ref. B14-45 and NIAH Ref. 11901402) and regard has to be had to the setting of same. In my opinion, the screen wall as constructed does not detract from the setting of these Protected Structures or have a detrimental impact on the visual amenity of the area in general.

2.4.4. The Board may wish to consider conditioning that stone capping be applied to the top of the wall (as per Condition No. 3 of the Planning Authority grant of retention permission) to visually link the stonework of Landenstown Bridge and lock with this newly constructed wall.

2.5. Hours of Operation and Exterior Lighting

2.5.1. I note that Condition No. 6(b) of the Planning Authority grant of retention permission states that *“the hours of operation shall be between 8am and 6pm, unless otherwise agreed in writing with the Planning Authority”*. The reason for this condition relates to the protection of the amenity of the area. The wording of the condition does not distinguish between week day or weekend operating hours.

2.5.2. This restriction in operating hours applied by the Planning Authority seems reasonable and could be included as a condition should the Board be minded to grant permission in this instance.

2.5.3. With regard to exterior lighting, there are no exterior lighting fixtures shown on the submitted drawings and during the site inspection the only exterior lighting observed was the lighting hung from the ceiling of the temporary tent erected in the outdoor dining area of the café.

2.5.4. There are no public lighting standards on the roads in the vicinity of the appeal site.

2.5.5. The Board may wish to consider the inclusion of a restrictive condition on any additional lighting being provided in connection with the use of the outdoor area as a café if it is minded to grant permission in this instance. However, if the Board is also to restrict the operating hours of the café to 6pm every evening, a condition in relation to exterior lighting may be considered superfluous.

2.6. Residential Amenity

2.6.1. There are several dwellings in the vicinity of the café at the appeal site which are accessed from the private lane leading NE from the appeal site. This lane leads to a farmyard and during the site inspection 3 no. entrance driveways were noted leading

to dwellings to the west of this lane. There are also several houses to the west of the appeal site fronting onto the Grand Canal.

- 2.6.2. Potential impacts on the residential amenity of the area due to the operation of the café for which retention permission is sought relate to traffic and parking, noise emissions and as referenced in the Board Direction, light pollution.
- 2.6.3. The current level of vehicular traffic at this location is low but regular as observed during my site inspection which was in October outside of the summer tourist season. The road along the Grand Canal appears to be a rural rat run primarily used by local residents and none of the cars noted stopped at the café which was actually shut on the day of the site inspection. I am of the opinion that the potential traffic generating capacity of the café use at this location is relatively low and is also seasonally based, and having regard to these factors, the potential increase in traffic levels associated with the café should not disturb the residential amenity of the area to any significant degree.
- 2.6.4. The issue of parking provision to cater for the traffic associated with a café use at this location has been addressed above.
- 2.6.5. Noise emissions relating to a café use and noise emissions relating to public house use are two completely different scenarios. Café use is not normally associated with anti-social behaviour at unsocial hours of the night whereas the use of the appeal site as a public house would certainly have a detrimental impact on the residential amenity of the area.
- 2.6.6. There is currently no light pollution issue at the appeal site and having regard to an operating hours restriction that the Board may wish to impose by condition, the issue of light pollution having a detrimental impact on the residential amenity of the area, is, in my opinion, not significant.

3.0 Recommendation

Having regard to the above, I recommend that retention permission be granted for the reasons and considerations and subject to the conditions set out in report dated 18th October 2023.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has

influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Susan McHugh
Senior Planning Inspector

30th July 2024