



An
Bord
Pleanála

Inspector's Report

ABP-318577-23

Development

Development of a hotel within three buildings (within the curtilage of a protected structure). A Natura Impact Statement (NIS) has been submitted with this application.

Location

East End Hotel, Main Street,
Portarlinton, Co. Laois

Planning Authority

Laois County Council

Planning Authority Reg. Ref.

2360054

Applicant(s)

Noel Martin

Type of Application

Permission

Planning Authority Decision

Grant with Conditions

Type of Appeal

Third Party

Appellant(s)

Orchard Drive Residents Association

Observer(s)

None

Date of Site Inspection

16th of October 2024

Inspector

Caryn Coogan

1.0 Site Location and Description

- 1.1. The subject site (0.18Ha) is located in the town centre of Portarlington, Co. Laois. The appeal site is the rear walled garden area/ attendant grounds associated with the East End Hotel building is located to the north of the site. The East End Hotel building is three storeys over basement addressing the Main Street, with a prominent presence along the streetscape. It is listed on the Record of Protected Structures, as a detached six bay three storey Georgian Building c. 1760
- 1.2. As stated, the appeal site is the rear garden area/ attendant grounds of a protected structure. It is a lawned area with circa 20No. trees and is enclosed by a 2m wall.
- 1.3. There are two vehicular side entrances to the rear of the property. One off Orchard Drive to the north-west, and the other on the opposite side adjoining the access to the Aldi store, located along the southeastern site boundary.
- 1.4. The rear of the property includes a garden area, a number of good tree specimens, a storage container, outdoor smoking area, and outdoor seating area.
- 1.5. The rear garden area is surrounded by a stone wall, which backs onto the Orchard Drive housing estate. To the southeast is the Aldi store and associated carpark. To the north is an Apple Green service station.
- 1.6. To the front of the site there is carparking (tarmac/adam). There are traffic lights to the front of the site, along the Main Street. There are a range of town centre services and retail outlets within walking distance of the site.
- 1.7. The site is located within Flood Zone 'C' which is low risk.

2.0 Proposed Development

- 2.1. The proposed development consists of 10No. hotel rooms in the rear garden area of the East End Hotel curtilage, contained within 3No. blocks laid out parallel to the perimeter garden walls. The development will be accessed from a controlled gateway located along the south-boundary of the site.
- 2.2. As per the public notices, the proposal consists of 10No. hotel rooms within three single storey buildings:
 - (i) Building 1: 1-4 No, units (177.2sq.m.)

- (ii) Building 2: 2-4 No. units (177.2sq.m.)
- (iii) Building 3: 2 No. units (88.6sq.m.)

In addition there is hard and soft landscaping proposed, the removal of 12No. trees on the site, provision of a doorway and ramped accessway to rear of site. Cycle parking and alternations to existing carpark.

2.3 The planning application was accompanied by an

- NIS (prepared by MKO),
- Archaeological Impact Assessment,
- Ecological Impact Assessment(prepared by MKO),
- Tree Survey,
- Conservation Report (prepared by Evelyn Duff)
- Mobility Management Plan

2.4 Following a request for further information which issued on 14th of April 2023, and Response was received on the 7th of July 2023. There was Clarification of Further Information requested on the 02/08/2023. The Response to the Clarification of Further Information was received on 13th of October 2023.

2.5 A revised scheme included a Revised Conservation Report/ Architectural Heritage Impact Statement. **The proposed scheme was reduced from 10 to 6No. units.,** with the removal of Block 1 from the overall scheme. The proposal is module/ pod like structures which implies the proposal is reversible.

2.6 The finished floor levels of the proposed units in Block B, which bounds the rear wall to the south of the site, have been lowered to further reduce and remove any potential for overlooking the boundary wall and ultimately have eliminated any concerns of loss of privacy.

3.0 Planning Authority Decision

3.1. Decision

Laois Co. Co. Decision to Grant planning permission issued by Manager's Order on 08/11/2023, subject to 13No. standard planning conditions.

3.2. Planning Authority Reports

3.2.1. *Planning Reports*

- The site is not in a flood zone
- The principal building is outside the red line boundary of the application site and is, therefore, outside the scope of this planning application. No further report has been received from An Taisce in relation to the proposal.
- Further information was requested by the Planning Authority as per Planning report (12th of April 2023).
- By reducing the finished floor level of the proposed units and reducing the number from 10No. to 6No, the potential for overlooking and loss of privacy to residents on Orchard Drive has been removed.
- The Planning Authority considers that there is no potential for direct effects on any European Sites or for any species associated with such sites. It is considered that the applicant has provided the information necessary to allow the Planning Authority to determine that the proposed development will not result in significant effects and therefore any adverse effects on the relevant European Sites provided that the mitigation and best practice as set out in the NIS and all related appendices are followed.
- Planning Report (27/10/2023) recommended a Refusal because it would have a negative visual impact on the curtilage, attendant grounds and setting of the Protected Structure, and the proposal would erode the walled garden of the protected structure, and be contrary to the policies of the Laois

CDP/

- Clarification of Further Information was requested because the Planning Authority remained seriously concerned with the impact of the proposed development on the curtilage, attendant grounds and setting of the Protected Structure which is considered to be contrary to Policy PS2 and Policy DM PS 1 of the Laois County Development Plan 2021-2027 which seeks to protect the curtilage of protected structures from inappropriate development. The Planning Authority is not favourably disposed to granting permission for a proposal that would erode what remains of the remaining historic landscape of this heritage asset. A storm water drainage system is required as the current proposals for soakaways/infiltration areas are not acceptable to the Planning Authority. Upon receipt of the Clarification of Further Information, the Planning report recommended permission be granted for the proposed development.

3.2.2. ***Other Technical Reports***

- Roads Design : No objection to the proposed development.
- Water Services (03/03/23): No objections to the proposed development
- Waste Management Section : Further information is required.
 - (a) A Resource and Waste Management Plan
 - (b) Detailed Construction Management Plan
 - (c) Storm water management system
 - (d) Refuse storage and washing

3.3. **Prescribed Bodies**

3.3.1 **An Taisce:**

There is a lack of clarity in the design rationale for the new structures proposed and how this proposal relates to the maintenance and enhancement of the existing landmark building. The Architectural Heritage Report is noted. The main façade of the original late Georgian building has been ill-advisedly stripped of plaster render, fitted with UPVC coated swing out aluminium windows, and extended with a poor

quality single-storey extension. Any development of the rear garden area should be linked to restoration of main façade to its original character’.

3.3.2 Department of Housing, Local Government and Housing

The Department recommends that the planning authority seeks clarifications of the long-term plan for the use, conservation, and management of this landmark building and its setting and amenity.

The council whilst carrying out Appropriate Assessment (AA) screening must ensure that this development will not have an adverse impact on the River Barrow and River Nore Special Area of Conservation (SAC) (Site Code: 002162) located 283 metres downstream at the River Barrow, either at the construction or operational phase or in combination with any other development.

Any tree or vegetation removal works that are required as part of this development should, where possible, be done outside of the bird nesting season. Bird nesting season is from March 1st until August 31st inclusive.

An onsite landscaping plan should adhere to the principles outlined in the All-Ireland Pollinator Plan, of which Laois County Council is a signatory.

Information regarding the plan can be found at: <https://pollinators.ie/>

The inclusion of mitigation measures as outlined in Ecological Impact Assessment Report is recommended.

3.3.3 An Uisce

Uisce Éireann has no objection in principle to this application as the applicant is not proposing any connection to the public water or wastewater mains and respectfully requests any grant of permission be conditioned as per it’s submission.

3.4. Third Party Observations

3.4.1 There were a number of objections to the proposed development citing the following concerns:

- Incorrect description of the development as the premises is not a functioning hotel. It is a Direct Provision Refugee Centre since 2019

- No application for the change of use at the premises
- The proposed rooms are not hotel rooms but residences for refugees, they are short to medium living, rather than overnight accommodation. The premises has been under the public spotlight for providing substandard accommodation. The proposed rooms are v43sq.m and not 73sq.m. as prescribed in the residential deisgn standards.
- Separation distances/ Overlooking
- Sloped access to the site
- Management of the premises
- Inadequate sewage system
- Access

4.0 Planning History

There is no relevant up to date planning history associated with the subject site.

5.0 Policy Context

5.1. Development Plan

5.1.1 Laois County Development Plan 2021-2027

Section 12.3.1 addresses Protected Structures

DM PS 1 DEVELOPMENT WITHIN THE CURTILAGE OF A PROTECTED STRUCTURE

In terms of parking provision for hotels there should be one space per bedroom.

In considering applications for development within the curtilage and/or attendant grounds of a protected structure, the Council shall have regard to the following:

- The various elements of the structure which give the protected structure its special character and how these would be impacted on by the proposed development.

- The proximity of any new development to the main protected structure and any other buildings of heritage value.
- The design of the new development that should relate to and complement the special character of the protected structure.
- Outward and inward views from the protected structure are to be protected.

High quality design will be a foremost consideration when assessing proposals for development within the curtilage of a protected structure, with particular emphasis on siting, building lines, proportions, scale, massing, height, roof treatment and materials. This does not preclude innovative contemporary buildings. High quality contemporary interventions will be encouraged over historic pastiche. Development proposals should include appraisal of the wider context of the site and structure including its demesne landscape, where applicable.

5.1.2 ***Portarlinton Joint Local Area Plan 2018-2024***

The subject site is zoned Town Centre (Primary/ Core Retail Area). It is the objective to protect and enhance the special physical and social character of the existing Town Centre and to provide for an improve retailing and commercial activities.

Built Heritage: Strategic Aim: To protect, conserve and manage the built heritage of the town and to encourage sensitive and sustainable development to ensure its preservation for future generations.

Objectives: It is the Objective of both Laois and Offaly County Council to:

BH O2: Conserve, protect and enhance the built heritage of Portarlinton, including all Protected Structures and attendant grounds, Recorded Monuments and Places in accordance with best conservation practice.

5.2. **Natural Heritage Designations**

To the north of the site (238m) is the River Barrow. The River Barrow forms part of the River Barrow and River Nore SAC, Site Code 002162.

Mountmellick SAC is 6km northeast of the site, and there is no pathway between the sites.

6.0 The Appeal

6.1. Grounds of Appeal

The residents of Orchard Drive as listed in the appeal (signatures provided) have appealed Laois Co. Co. decision to grant planning permission for the proposed development. The following is a summary of their appeal.

6.1.1 *Incorrect Description of Development*

The application refers to the provision of 10No. hotel rooms and all designs appear to match the description. The premises is not a functioning hotel. Since May 2019 it has been used as a Direct Provision refugee centre. It did receive extensive media attention due to overcrowding. The 'existing floor plan' as indicated on the scanned drawings on file does not actually match the existing ground floor plan. This should be investigated. There is no bar area, there is no function room and no restaurant. You cannot book a meal, an event or a function on the premises. It is not possible to book a room at the premises.

6.1.2 *Planning Legislation*

There is no evidence that any planning permission was applied for reagrindg the change of use at the premises from a hotel to a direct provision for refugees. Assuming that it was allowed under SI 582/ 2015 Planning and Development Regulations 2015 (No.4) . Within this legislation Class 14(j) states that any change of use that has occurred cannot be reverted back to the immediate preceding use if the use exceeds a three year period.

The premises is now a de facto Direct Provision Centre and not a hotel. It requires planning permission to revert back to a hotel. This would immediately invalidate the planning application.

6.1.3 *Inadequate Design Standards*

Due to the description of the development being incorrect, the proposed rooms are not hotel rooms but residence for refugees. Therefore, the proposed units do not meet the required standards for habitable rooms, and the standard presented is wholly inadequate. The units are to exist as apartments for short to medium term living rather than overnight short terms stay. The Design Standards for New

Apartments require a 2 bedroom apartment to have a minimum floor area of 73sq.m. and the proposed units are wholly inadequate at 45sq.m.

6.1.4 *Separation Distance and Overlooking*

The unit numbers 5, 6, 7 and 8 are just 1.2metres from the common boundary to the residential houses in Orchard Drive. Laois Co. Co. Development Standards require 60sq.m. to be provided to dwellings behind the building line. There is no private rear garden area for any of the units. The existing mature trees on the site provide an element of privacy for the residents of Orchard Drive. At minimum there should be a 2metre boundary wall to prevent overlooking. The design of the proposed units with their sedum finished flat roofs, allows for access onto the flat roofs.

6.1.5 *Access*

The access is a sloped ramp on the Aldi side of the premises, and it should be accessible for persons with disabilities. How are the proposed gates to be managed. The existing gate on the Orchard Drive side of the premises is not managed at all. There is regular anti-social behaviour at the premises which is not dealt with by the management. Due to the enclosed aspect of the site, the reduced widths of access, they have serious concerns regarding a fire.

6.1.6 *Management of the Premises*

The current management of the premises is inadequate and inappropriate. There are concerns regarding the cooking section of the premises most notably the treatment of grease and oil in the sinks. These are been poured down the sinks which is causing problems for the combined sewage which connects to Orchard Drive.

6.1.7 They have no objection to the premises been used to accommodate vulnerable people. However the existing premises is overcrowded, badly managed and overcrowded.

6.2. *Applicant Response*

The applicant, Noel Martin, submitted a response to the third party appeal on the 7th of January 2023. The following is a summary of the relevant planning issues arising.

6.2.1 *Incorrect Development Description:*

The East End Hotel is first and foremost a hotel. In accordance with the Temporary Protection Directive (Council Directive 2001/55/EC) which permits hotel providers to provide emergency accommodation to refugees, and this is common place thorough the country. The East End hotel is currently providing emergency accommodation to refugees. The hotel is not operating as a Direct Provision Centre. The proposed development is to supplement the hotel with additional rooms to facilitate the growth of the business in the future.

Direct provision centres are facilities which are established by the government to provide accommodation and services to asylum seekers during their application processing period. These facilities are typically run by private contractors on behalf of the state.

It is crucial to emphasise the proposed development relates to lands delineated within the red line boundary as depicted on Figure 3 and illustrating drawing No. 512-PLA-AR-B1-02-01 Existing Ground Floor Plan. None of the proposed works are intended for the existing hotel building. The focus of the development is strictly limited to the designated area within the red line boundary.

The ground floor plan as indicated on the drawings accurately represents the site, and the claims made by the appellant are unfounded, baseless and should not be considered on appeal.

The East End Hotel is providing emergency accommodation to refugees under the Temporary Protection Directive. The focus of the proposed development is limited to within the red line boundary.

6.2.2 *Planning Legislation*

The subject site does not operate as a Direct Provision Centre, the building continues to operate as a hotel in line with temporary accommodation for hosting refugees under the EU Council Directive 2001/55/EC.

6.2.3 *Inadequate Design Standards*

It is stated by the appellants the proposed development does not meet with The Design Standards for New Apartments.

The units will be operating as hotel units intended for short term stays as in glamping style unit offering, different from rooms available in the main hotel building. The standards in the Design Standards for New Apartments do not apply.

The proposal meets the Development Management Standards of the Laois County development Plan 2021-2027 including DM TM 1 relating to Tourism Facilities and DM PS 1 Development Within the Curtilage of a Protected Structure.

6.2.4 Separation Distances and Overlooking

The proposed development is for hotel use and will never be standard residential units. There is no private open space required for each unit. The proposed development is not in contravention of DM Standard HS 6, and the observations should be discarded by the Board.

In response to concerns cited by appellant regarding potential overlooking, the finished paving levels of the proposed units in Block B, which bounds the rear wall to the south of the site, have been lowered further to reduce and remove any potential overlooking to adjoining properties. As indicated on revised drawing No. 512-PLU-ZZ-M3-A-B1-04-12 Block B – Proposed Elevations, the proposed development will not overlook neighbouring properties. The units will not be set higher than the rear boundary wall. The proposed finished paving levels have been reduced in height by 0.37m which will lower the top of the windows. The occupants will have no access to the top of the roofs. There is no loss of privacy or overlooking associated with the proposed development. The provision of public open space through the proposed courtyard aligns with the intended use and renders the requirements for private open space behind individual units, inapplicable.

6.2.5 Access

The appellants cite concerns regarding anti-social behaviour around the access points of the hotel. There is a fully monitored CCTV system throughout the premises.

The accesses serve as an emergency escape route but they are not for normal use by the occupants. Access to the hotel is from the front door of the hotel. The proposed access is compliant with Part M of the access regulations.

The additional access proposed will only be accessible to the occupants via a pin or key card, and congregation around access points will be discouraged.

6.2.6 *Management*

The appellants have raised concerns relating to the management of the premises focusing on the supervisions of cooking facilities and the handling of kitchen waste. It is stated the improper disposal of grease and oils into sinks is causing complications for the combined sewerage system. A company called Pure Oil collects and disposes grease from the sink twice a month. The grease trap is cleaned on a weekly basis to reduce any grease from entering the foul water drains.

6.3. *Planning Authority Response*

There was no further comment from the planning authority to the appeal.

7.0 *Assessment*

7.1. I have considered the appeal file and visited the subject site, I intend assessing the appeal under the following headings:

- Planning Unit/ Proposed Development
- Design/ Layout and Impact on Neighbouring properties
- Impact on Protected Structure
- Impact on Neighbouring Properties
- Appropriate Assessment

7.2 *Planning Unit/ Proposed Development*

7.2.1 The third-party appeal argues that '10No. hotel rooms' as indicated in the public notices accompanying the planning application, is not the correct description of the proposed development. The appeal states the premises, to which the application relates to, is not a functioning hotel because the hotel building is currently being used as a Direct Provision for Refugees. The accommodation for refugees on the premises has occurred since 2019.

7.2.2 On appeal the applicant has submitted the East End Hotel is a hotel which is currently providing emergency accommodation to refugees under the Temporary

Directive (Council Directive 2001/55/EC). The applicant further submits the proposed development, is to supplement the hotel with additional rooms to facilitate the growth of the business in the future. Furthermore, the applicant submits that Direct Provision Centres are facilities which are established by the government to provide accommodation and services to asylum seekers during their application processing period. The applicant also emphasises the planning application specifically pertains to the lands delineated within the red boundary line as per the application drawings. The premises is not a Direct Provision Centre. The proposed development is located within the rear garden area of the hotel building.

7.2.2 The public notices accompanying the planning application, describe the development as a *construction of 10No. hotel rooms* (later revised to 6No. units by way of Further Information) *at lands at the East End Hotel, Main Street Portarlinton, within the curtilage of a Protected Structure No. 12900232 (RPS No. 137).*

I note the following from the submission documents:

- The site boundaries exclude the hotel building.
- The site boundaries refer only to the rear garden area and an access to the south of the site.
- The hotel building is indicated on submission documents in blue as owned by the applicant.

7.2.3 The design and layout of the proposed development is discussed in greater detail below. There were originally 3No. single storey blocks proposed to include 10No. hotel rooms as follows:

- (i) Building A, 4 no units (177sq.m.)
- (ii) Building B 4No. units (177sq.m.)
- (iii) Building C 2No. units (88sq.m.).

I note from the floor plan drawings each unit contains 2No. bedrooms, living accommodation and a bathroom. On appeal the applicant has stated these units are hotel units intended for short terms stays in glamping style. According to the applicant, the units offer a different accommodation format to the hotel rooms available in the main building.

7.2.4 Based on the facts outlined above, I am not convinced by the planning rationale provided by the applicant as to why the proposed development as described and presented in the submission documents, including the public notices, is an extension to the hotel use. There is no indication how these units will associate with the hotel building which according to the site boundaries, is located on the contiguous site. The proposed site would appear to have an independent access and there is no indication how the proposed development would interact with the hotel on the contiguous site. It would appear to me the proposed development has been presented as a stand alone development. Furthermore, the issue of proposed '10No. hotel rooms' as described in the public notices is not an accurate description of the proposed development. The floorplan drawings indicate there are 20No. rooms proposed within 10No. units, which was later revised 12No. units within 6No. units.

7.2.4 Given the extent of the site boundaries relating to the garden area only, the relationship and independent nature of the site to the main hotel building on the contiguous site, the description of the proposed development as per the public notices, I am not convinced the public notices accurately describe the nature and extent of the proposed development. Furthermore, the notices give the impression the proposal is incidental hotel use on the adjoining site which is outside the boundaries of the site. In my opinion, the Board is precluded from considering a grant of permission in this instance having regard to the anomalies and ambiguity of the nature and extent of the proposed development as described in the public notices and site boundaries whereby the hotel building is excluded from the site boundaries.

7.3 Design / Layout and Impact on Neighbouring Properties

7.3.1 The original proposal included three blocks laid out along the perimeter of the site which is currently a walled garden that includes a number of mature trees. The proposal includes the removal of 12No. trees from the site. The units are laid out in a courtyard fashion with hard and soft landscaping. The applicant has argued that the units are for hotel use, therefore design standards relating to apartment floor areas and private open space provision are not applicable to this proposal. The finished floor level of Unit B was reduced by way of further information to ensure there are no overlooking issues onto the contiguous Orchard Drive residential development.

7.3.2 Given the height of the common boundary wall around the site and the low profile height of the proposed development which includes a flat sedem roof, I have satisfised that there will be no loss of privacy to Orchard Drive arising from the proposed development. On balance the design and layout of the proposed scheme will not reduce the existing residential amenities of the area.

7.4 Impact On the Protected Structure

7.4.2 The East End Hotel is a Protected Structure. The building has been historically used as a hotel. The subject site forms part of the curtilage of the protected structure. The original curtilage of the building included the land where Orchard Drive now exists. There is very limited green area associated with the protected structure now, in comparison to its historic attendant grounds. The front and side of the protected structure, consist of hard surfacing for carparking and deliveries, which in my opinion does not enhance the setting of the protected structure along the streetscape.

7.4.3 The subject site is to the rear of the premises and is enclosed by a 2metre wall on three sides. It is the garden/ open space area associated with the hotel/ premises, which fronts onto Main Street, Portarlinton. The subject site is not visible from the surrounding area. The proposed development will involve the removal of 12No. trees from the garden area, and the provision of a new doorway and ramped pedestrian access to the subject development from the south side of the site.

7.4.4 The Reporting Planning Officer on the planning application expressed concern over the impact of the proposed development on the protected structure in particular it was considered the proposed siting would erode the remaining walled garden area and would therefore be contrary to Policy PS2 and Policy DM PS 1 Of the County Laois Development Plan 2021-2027, as it was considered to be an inappropriate form of development. The applicant was advised by the Planning Authority, in the further information request, that it remained seriously concerned with the impact of the proposed development on the curtilage, attendant grounds and setting of the Protected Structure contrary to Policy PS2 and Policy DM PS 1 of the Laois County Development Plan 2021-2027 which seeks to protect the curtilage of protected structures from inappropriate development. The Planning Authority was not favourably disposed to granting permission for a proposal that would erode what remains of the remaining historic landscape of this heritage asset. In response, the

application was revised from 10No. units to 6No. units with one block removed from the south-east portion of the garden adjacent to the proposed access to the site.

- 7.4.3 According to the Architectural Heritage Impact Assessment and the Conservation Report submitted with the planning application, the applicant states the proposed development has been designed and laid out to minimise any potential impact to the architectural and heritage value of East End Hotel. It is also submitted the proposed development is reversible and the proposed units will not physically impact on the protected structure or surrounding walls. It is stated the pods can be removed at a future date and will reduce ground excavation and compaction. In addition, by reducing the number of units, there is a reduction in the number of trees to be felled on site to accommodate the proposed development. In my opinion, the trees contribute significantly to the visual and amenity value of the curtilage.
- 7.4.4 The Development Applications Unit of the Department of Housing, Local Government & Heritage states that 'the present proposal is unclear as to the long-term vision for the overall site and its management. This issue was raised at pre-planning discussions with the Local Authority and has not been adequately addressed in this proposal. It is apparent from the proposed site layout that the remaining historic landscape for this mid C18th property would be significantly diminished in a way that may constrain its future use. Accordingly, the Department recommends that the planning authority seeks clarifications of the long-term plan for the use, conservation, and management of this landmark building and its setting and amenity'.
- 7.4.5 The building is a protected structure in the county development plan. It is also included on the National Architectural Inventory (12900232) where it was previously a Rectory House before being a hotel. It is a detached six-bay three-storey mid-Georgian house, c. 1760. Extended, c. 1970, comprising single-storey end bays to sides and three-storey return to rear to accommodate use as hotel. The rear garden area is a notable feature of the site. It is only soft landscaped area associated with the protected structure.
- 7.4.6 I accept the application submission attempts to separate the attendant grounds from the protected structure site, however, in reality the garden area forms a significant feature of the remaining curtilage/ attendant grounds of the protected structure. In

my opinion, the loss of the garden area will have a detrimental impact on the setting of the protected structure, and its future use as a hotel (whenever that use reinstated). The design, layout and external finishes of the proposed development are completely out of character with the protected structure. A later submission from the applicant's Conservation Architect, received 07/07/2023, indicated the proposed residential pods are reversible, and would not physically impact on the original Georgian building or the remaining stone boundary wall.

7.4.7 The loss of the garden area alone and the removal of the trees will materially alter the character and curtilage of the protected structure. I would also state, the proposed structures are inappropriate in design, layout and finish and will detract from the visual and amenity of the curtilage of the protected structure. The proposed development does not complement or relate in any shape or form to the character of the protected structure. There is no relationship between the proposed development and the protected structure. It is clear the current garden area is an integral part of the protected structure. The current planning application and proposal attempts to detach the attendant grounds and garden area from the protected structure. The applicant may consider the proposed development to be a high-quality design. However, I consider the design to be substandard in terms of layout and legibility. The units are pod/ modular style structures that can be removed from the site at a future date. However, to grant the permission would set a highly undesirable precedent relating to protected structures and attendant grounds. In addition, the proposed development is contrary to the Protected Structures Development Management Standards in particular DM PS 1, as outlined in Section 5 of this report.

7.5 Other Matters

- An *Ecological Impact Report* was submitted with the planning application on 21/02/2023, The Construction Phase Best Practice Measures outlined under Section 2.4 on page 11 of the report are standard construction practices that should be implemented in order to avoid any risk of pollution. In the event the Board is mindful to grant permission for the proposed development a condition should be attached to ensure the mitigations measures outlined in the Ecological Impact Assessment are implemented.

- The Environmental Engineer in the planning authority requested an alternative storm water management system in accordance with the SUDS Manual 2015. The SUDs design is to address water quantity, water quality, amenity and biodiversity. The design was to consider rainwater harvesting and green roofs, permeable paving, etc. The applicant's response received by the planning authority on the 7th of July 2023, included rainwater harvesting tank, a drainage stone layer in the green area based on a calculated filtration system, sedum roofs. The surface water runoff will have a low risk of pollution and comply with SUDS criteria, with a three-stage treatment through a conveyance system. Furthermore, a reduction in the number of units in the proposal reduced the gross impermeable area considerations, and the green permeable areas have increased. Drawing No. E2229-PO2a illustrates the infiltration area, and proposed stormwater line and rainwater harvesting tank. The planning authority was not satisfied with the response received. On the 2nd of August 2023, the applicant was informed the soakaway, infiltration system proposed was not acceptable. A new stormwater system was required to include a petrol interceptor upstream of the attenuation zone. The detailed response on the 13th of October 2023 indicated prior to entering the public storm water sewer, the surface water will undergo a preliminary filtration process. The final submission was deemed to be acceptable to the planning authority.
- The Tree Survey accompanying the planning application is noted. Following a revised proposal submitted by way of further information, the number of units proposed was reduced and the number of trees to be felled was reduced from 20 No. trees to 7 No. trees. There are Tree Protection measures outlined in Section 9 of the report of protect the trees during construction phase (Drawing No. 23032 – TPP)

8.0 AA Screening

- 8.1. I have considered the proposed development in light of the requirements of S177U the Planning and Development Act 2000 (as amended). The subject site is not located within or adjacent to any European Site. The closest European Site is the

River Barrow and River Nore SAC (Site Code 002162) which is located approx. 238m north of the site.

- 8.2. The planning application was accompanied by the Natura Impact Statement, which I have examined. It is a comprehensive document, which I refer to later in this assessment.

8.3. **Background**

The proposed development is located in the town centre of Portarlinton and comprises of the provision of 10No. hotel bedrooms within three buildings to the rear of a Protected Structure, The East End Hotel. i.e. within the rear garden area of the hotel building which is located on the main street of the town. The proposal includes all associated hard and soft landscaping, the removal of a number of trees from the site, the provision of a ramped access and other ancillary site works. The proposed buildings are single storey modular type structures with sedum roofs. The proposal was reduced to 6No. hotel rooms in a revised submission received on the 13th of October 2023. The planning application includes a Natural Impact Statement and an Ecological Impact Assessment Report. The proposal is located 283m south of the River Barrow and River Nore SAC. The boundaries of the site are enclosed by a stone wall and the protected structure. There are 20No. trees on site and it is proposed to remove 12No. of the trees on site from the southern section of the site.

During the assessment of the proposal by the planning authority, there were a number of requests for revised proposals. The end result was a reduced scheme from 10No. units to 6No. units, a revised comprehensive surface water management system and a reduction in the number of trees on site to be felled on site.

8.3 **Identification of elements of the project that may represent a risk to a European site**

The subject site is located outside the boundary of any European site, therefore there is no potential for direct effects. From the study of relevant mapping the site does lie within an area of moderate groundwater vulnerability and is located within the groundwater sub catchment as the relevant European site. There are no watercourses on site or adjacent to the site, therefore there is no direct/indirect hydrological link to the River Barrow and River Nore SAC, which is 238m north of the site. The potential risks would arise from stormwater and groundwater pollution via

the percolation of polluting materials through the bedrock underlying the site and pollution via the public stormwater system. However, given the nature, scale and location of the project, I am satisfied the proposal can be eliminated from further appropriate assessment because I consider there is no conceivable risk to any European site, based on the following considerations:

- Having regard to the brownfield nature of the site
- The nature of the development which involves pods/ modular units, which are built off site.
- The discharge of surface water to the public stormwater system via a preliminary filtration system. This was the subject of rigorous assessment by the planning authority. The final submission by the applicant was received on the 13th of October 2023, included a revised wastewater management system based on detailed stormwater calculations. The system is designed to discharge to the public sewer network as depicted on Drawing P02b.
- The current surface water system associated with the carparking area of the site is drained within the neighbouring Aldi site, which was permitted under planning reference 09/606, and includes a petrol interceptor. (as per Clarification of Further Information received to the planning authority on 13th of October 2023)
- No pathway/ hydrological connectivity to a European site.
- The provision of a drainage stone layer, a rainwater harvesting tank and sedum roofs will reduce the amount of surface water discharging into the groundwater system and public water system.
- The construction measures outlined in section 2.4 of the Ecological Assessment Report

8.4 *Natura Impact Statement and Planning Authority Screening.*

As stated, the planning application was accompanied by a comprehensive NIS. The report identified a number of European sites within a 15m radius of the site. It screened out all sites apart from the River Barrow and River Nore SAC, as per Table 4.1 of the NIS. The NIS stated the proposal may result in groundwater pollution with the percolation of polluting materials via bedrock underlying the site and pollution of

stormwater systems during the construction and operational phases. The submission documents of the planning application were the subject of rigorous assessment. The letter of Further Information 02/08/2023 requested revised stormwater and attenuation proposals. These are included in Drawing E2229-PO2a and P02b. The final revised proposals submitted by the applicant on the 13th of October 2023, were accepted by the planning authority.

- 8.5 In addition, a Letter from the Department of Housing Local Government and Heritage (DHLGH) indicated it envisaged no potential impact to NHA, SAC or SPA sites. In the DGLGH submission on the 5th of April 2023 stated the mitigation measures outlined in the Ecological Impact report are recommended. I note the planning authority's Screening for Appropriate Assessment in the Planning Report of the 2nd of August 2023, it considered there was no potential for direct effects on any European sites.
- 8.6 For the reasons outlined above, I do not consider Appropriate Assessment Screening Stage 2 necessary. The issue of potential pollution via the ground water system and surface water system was cancelled out by the omission of soakaways and the provision of preliminary filtration system and connection to the public water system within the neighbouring Aldi site which has a petrol interceptor.
- 8.4. I consider that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on a European Site and appropriate assessment is therefore not required. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

9.0 Recommendation

I recommend the Board Refuse the proposed development for the following reasons.

10.0 Reasons and Considerations

1. Having regard to extent of the site boundaries, the relationship to the main hotel building (a protected structure) on the contiguous site, the description of the proposed development, i.e. 10No. hotel rooms, the public notices

accompanying the planning application do not represent the proposed development as outlined in the submitted drawings, whereby the hotel building is excluded from the site boundaries, and the submitted drawings indicate 20No. hotel rooms. The Board is precluded from considering a grant of permission in this instance

2. The subject site is the curtilage/ attendant grounds associated with a building listed as a Protected Structure in the current Development Plan, having regard to the policies and objectives of the Development plan in particular Development Management Standard DM PS 1 relating to development within the curtilage of a protected structure, it is considered that the proposed development, by reason of its overall layout, scale, and design, would seriously detract from the architectural character and setting of a protected structure. The proposed development would, therefore, materially and adversely affect the character of this Protected Structure, would seriously injure the visual amenities of the area and would be contrary to the proper planning and sustainable development of the area.

3.

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.

Caryn Coogan
Planning Inspector

18th of November 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	318577-23			
Proposed Development Summary	Development of 10No. hotel rooms within the curtilage of a protected structure			
Development Address	East End Hotel, Main Street, Portarlinton, Co Laois			
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X	
		No	No further action required	
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?				
Yes		Class.....	EIA Mandatory EIAR required	
No	X		Proceed to Q.3	
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?				
		Threshold	Comment (if relevant)	Conclusion
No	X	N/A		No EIAR or Preliminary Examination required
Yes		Class/Threshold.....		Proceed to Q.4

4. Has Schedule 7A information been submitted?

No		Preliminary Examination required
Yes		Screening Determination required

Inspector: Caryn CooganDate: 25th of Oct 2024