



An  
Bord  
Pleanála

## Inspector's Report

**ABP-319969-24**

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### Development

Alterations to elevations, inclusive of new shopfront to hotel; internal alterations to 3 bedrooms; conversion of function room/nightclub and ancillary areas to provide 11 new bedrooms with car parking area at rear (11 no. spaces) and all ancillary site works.

### Location

The Phoenix, Main Street, Kinnegad, Co. Westmeath

### Planning Authority

Westmeath County Council

### Planning Authority Reg. Ref.

23155

### Applicant(s)

Simco Ventures Ltd

### Type of Application

Permission

### Planning Authority Decision

Grant permission with conditions

### Type of Appeal

Third Party

### Appellant(s)

Denis Leonard and Eric Lovett

### Observer(s)

None

### Date of Site Inspection

22/8/2024

### Inspector

Bébhinn O'Shea

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## 1.0 Site Location and Description

The site is located on Main Street in Kinnegad Co. Westmeath. It contains a two-storey redbrick building, with shallow pitched gable roof with chimney at either end, and is currently vacant. There are arched openings and fenestration at ground floor level to street. There are single and first floor elements to rear, with first floor windows oriented to the sides of the property. There is an undeveloped area to the rear of the building, and access gates from same to the rear of the site are indicated on plans.

There is a gated laneway to the west of the site, c. 2m in width, but varying, where a right of way is indicated. Adjoining to the east of the site is a two-storey rendered building, currently in use as a restaurant. The site wraps to rear of this building, in part, and there is also a partial laneway serving the eastern side of the application site.

The area to the rear is currently inaccessible and unused due to large amounts of rubble.

## 2.0 Proposed Development

The proposed development is for

- alterations to existing elevations, including (at front elevation) provision of 2 no. shopfronts, napp render at ground level, additional first floor window, hanging sign.
- Internal alterations to 3 No. existing bedrooms at first floor level
- Conversion of function room/night club and ancillary areas at ground floor level to provide 11 No. new bedrooms including an internal courtyard at eastern boundary
- New car parking area with 11 spaces to rear
- Ancillary works

### 3.0 Decision

The Planning Authority initially sought Further Information regarding the design/layout of the development, car parking and access.

Following receipt of Further Information, permission was granted by Order dated 30/5/2024 subject to 5 No. conditions including

Condition 2: Omission of bedroom 1 at ground floor level

Condition 4: Development Contribution relating to shortfall of 4 parking spaces.

### 4.0 Planning Authority Reports

#### 4.1 Planning Report

4.1.1. The first planning report sought Further Information relating to:

- Design:
  - It was stated that the proposed layout does not reflect a typical hotel layout and fails to provide high quality accommodation given access arrangements, circulation area, adequacy of dining, bar/lounge and lobby areas.
  - Access of bedrooms via dining area and arrangement of ground floor courtyard serving 3 No. bedrooms was considered inappropriate.
  - The need for two entrances on front elevation queried.
  - It was noted that some bedrooms did not provide adequate washing facilities.
  - No outdoor circulation space was provided for future users.
- Car-parking
  - Lack of direct access from the rear to proposed car-parking was noted and alternative arrangements sought.
  - Swept path analysis and parking requirements as per the requirements of the County Development Plan to be submitted.

4.1.2. Revised plans were submitted in response to Further Information which

- omitted most bedrooms at ground floor level,
- removed one access point on the front elevation,
- introduced a restaurant/dining area, and
- omitted parking to the rear.

4.1.3. The second planning report considered that, subject to omission of one additional bedroom, the revised plans addressed the issues raised at Further Information stage in terms access arrangements, circulation area, adequacy of lobby/dining areas, internal courtyard and the provision of outdoor area. This results in a net increase of 4 bedrooms. A contribution in lieu of parking shortfall was considered appropriate.

A grant of permission was recommended.

## 4.2 Other Technical Reports

- **District Engineer** report dated 16/01/2024 sought Further Information in relation to car park usability, swept path analysis, and parking provision. Report following receipt of Further Information recommended conditions.
- **Fire Officer** report (undated) sought Further Information in relation to means of escape.

## 4.3 Conditions

Permission was granted subject to 5 No. Conditions including

Condition 2: Omission of bedroom 1 at ground floor level

Condition 4: Development Contribution relating to shortfall of 4 parking spaces.

## 5.0 Prescribed Bodies

HSE report dated 24/01/2024 provided comments/advice in relation to the proposed development.

## 6.0 Third Party Observations

2 No. observations were received.

All issues raised are contained within the grounds of appeal below, other than some matters relating to the design of the proposal, common area/recreational areas/parking and number of bedrooms. These aspects, modified by way of Further Information received, are also considered in the assessment of the appeal below.

The submission also contained photographs of tourism initiatives around the town.

## 7.0 Planning History

01/43 Baywick Ltd - New shopfront

81/765 Patrick Dunne - Extend premises

## 8.0 Policy Context

### 8.1 Development Plan

- 8.1.1. The site is zoned Mixed Use under the zoning map for Kinnegad in the Westmeath County Development Plan 2021-2027 (WCDP) where it is an objective to

*Provide for, protect and strengthen the vitality and viability of town centres, through consolidating development, encouraging a mix of uses and maximising the use of land.*

Hotel use is Permitted in Principle under this zoning.

- 8.1.2. Section 6.5 of the WCDP sets out policy objectives for Tourism Infrastructure and Visitor Services. In general, the objective is to promote tourism related developments. Policy/objective CPO 6.27 is to

*Facilitate the development of high-quality tourist accommodation such as hotels, hostels, B&B's / guesthouses, caravan and camping etc. at suitable locations, in both urban and rural settings throughout the county, subject to ensuring a high standard of design, layout, landscape and environmental protection, the provision of adequate infrastructure and compliance with best practice planning considerations.*

### **8.3 Natural Heritage Designations**

Mount Heavy Bog SAC is c. 3.5 km from the site.

### **8.4 EIA Screening**

The proposed development does not fall within the scope of a Class of development for the purposes of EIA (See Appendix 1 attached) therefore EIA screening or EIA is not required.

## **9.0 The Appeal**

### **9.1 Grounds of Appeal**

The appeal is made on behalf of Kinnegad Community Liaison Group, a subgroup of Kinnegad Community Council and states that

- The proposal is not a hotel. The plan is to take away a hotel with bar and function room for local events and turn the accommodation into accommodation for refugees.
- The town is at capacity in terms of refugee resettlement. A 45 bedroom hotel across the road from the site, with capacity for 125 guests, was remodelled in 2022 to allow for 180 refugees/asylum seekers. It is now hostel-type accommodation. The building is not well maintained and is an eyesore.
- The refugee crisis needs to be considered at national level and an appropriate spread of sites ensured. The model may change to 4/5 national designated centres.
- Kinnegad is a Self-Sustaining Growth Town under the WCDP and there is enough economic activity to sustain a hotel with bar and function room. There is a lack of facilities in the town and a functioning hotel is needed.
- A hotel is needed to support Kinnegad's tourism strategy as there is no tourist accommodation in the town. A hotel is needed for worker accommodation and

a bar/function room facility for food options to support enterprise development and e-working and for local/family events.

- The proposed development will not foster inward investment.

The appeal also contains planning context on Kinnegad, take from the WCDP.

## **9.2 Applicant Response**

The response of the Applicant states

- A number of bedrooms have been redesigned to provide ensembles. Others have been redesigned to be more accessible and accommodate people with disabilities. There is a nett increase of 4 bedrooms. There will be a total of 18 bedrooms, not 24.
- The existing building has been closed for more than 14 years. It does not provide visually attractive frontage onto Main Street. The proposed front elevation treatment is considered an improvement to the streetscape and will increase daylight levels to the front bar and restaurant area.
- The removal of the function room/nightclub was included out of consideration for the amenities of the bedrooms above. A new restaurant area was provided in response to the Further Information request.
- The proposal will improve the facilities of the existing hotel and contribute in a positive visual manner; The principal improvements to the hotel under the application are re-stated.
- The appeal contains unqualified assumptions in particular that the proposed works are to accommodate refugees and asylum seekers. The dismissal of the appeal should be considered.

## **9.3 Planning Authority Response**

None

## **9.4 Observations**

None



## **9.5 Further Responses**

A further response received by the Appellant largely re-iterates the previous objections and grounds of appeal. It also states that

- Disability/access requirements will have to be met anyway.
- The façade was never questioned.
- The bar/function room was removed and left inadequate.
- Many hotels have bedrooms over function rooms and offer a reduced rate.
- The use of the word 'residents' suggests long term residents not visitors/tourists.
- The appellants have a right to natural justice and there are no 'unqualified assumptions' being made given removal of bar and function room.
- There is no parking in the town.

## **10.0 Assessment**

Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of the development.
- Design and layout to support proposed function.
- Parking.
- Other issues.

### **10.1 Principle of the development**

The principal of hotel development, including alterations and extensions, is acceptable having regard to the zoning of the site, and having regard to CPO 6.27 of

the CDP. Having regard to the vacant nature of the site and poor appearance, I consider the re-development of the hotel site would be in the interest of the proper planning and sustainable development of the area.

## **10.2 Design and layout to support proposed function**

I have reviewed the drawings of the proposed development, as initially submitted, and as revised in response to the Further Information request of the Planning Authority.

I consider that the proposed alterations to the front elevation represent an improvement to the built character of the streetscape at this location. I consider that the introduction of shopfronts will introduce a greater sense of surveillance of the public realm and that the materials and finishes will lift this section of streetscape in visual terms.

I am of the view that the initial layout did not, as stated by the Planning Authority, reflect a typical hotel layout, and was inadequate in terms of access, comfortable circulation/lobby/waiting/outdoor spaces, and adequacy of dining/lounge areas. I consider that the revised layout submitted in response to Further Information adequately addresses these issues. I note the provision of a dining area accommodating 14 tables which, for a hotel with 18 bedrooms, and noting the additional bar/bistro/dining area, I consider adequate. I note this area will also be potentially larger with the omission of bedroom 1 (see below).

I agree with the Planning Authority that the position of Bedroom 1 on the ground floor relates poorly to the remainder of the hotel and offers poor amenities to the occupants of that bedroom. I therefore agree that this should be omitted by condition, in the event of a grant of permission, to support the development of high-quality accommodation as per policy objective of CPO 6.27 of the WCDP.

I observe, in relation to the entrance to the hotel, that the double doors on the front elevation open into a section of the reception area, very close to the stairs serving 13 no. bedrooms upstairs. This area is also now the entrance to the bar. There is an additional (existing) single door from the western side elevation, behind the stairs. There seems significant potential for obstruction and congestion on entering the building. A revision to the layout or the re-positioning of the entrance further east on

the shop front would help address this and support the development of high-quality accommodation as per CPO 6.27.

I note the Planner's report queried the need for two entrances on the front elevation. I consider that it is quite common for a hotel to have a separate bar entrance and do not object to this, subject to satisfactory internal seating layout. I consider that this may be re-introduced, as part of any revision to the ground floor layout. It is noted that design of the front elevation was not contained within the objection or grounds of the appeal as such it is not considered that this change would be prejudicial to third parties.

The area to the rear of the structure is, following response to Further Information, now proposed to be made available as an outdoor amenity area to serve the development. Noting the current condition of this space, a condition requiring proposed landscaping details, and appropriate timeframe for implementation, is appropriate.

#### **10.4 Access & Parking**

Proposed access to the rear of the site has been omitted in response to the Further Information request. I could not identify the access point at the rear of the site upon site inspection and no right of way is indicated on plans. I therefore consider this amendment appropriate.

The existing structure previously contained a 14 bedroom hotel. The proposed development, as per revised drawings submitted in response to Further Information, is for 19 bedrooms. The omission of bedroom 1 results in 18 bedrooms, a nett increase of 4 bedrooms. In this regard I do not consider that the proposed development, in the absence of on-site parking, will generate a significant demand on parking within the town.

The Planning Authority has attached a condition requiring a financial contribution in lieu of parking provision, under Class 16 of Section 6 of the Westmeath County Council Development Contribution Scheme 2022. The applicant has not commented on or appealed this condition. Given the town centre location and on-street parking in the vicinity I consider this reasonable.

## **10.5 Other issues**

The Appellants' concerns regarding a future use of the hotel to accommodation for refugees and asylum seekers are noted.

The planning application has been made for alterations to the existing building, providing an additional number of bedrooms, shopfronts etc, and in its layout the proposed development expresses as a hotel.

I accept that the Appellants' concerns relate to the provisions of the Planning and Development Regulations 2001 (as amended), in particular Class 14 of Schedule 2 Part 1. Class 14 (g) and (h) allows for change of use from a hotel to accommodation/emergency reception/orientation centre for protected persons to be exempt from the requirement to obtain planning permission.

In the absence of any national, regional or local planning policy relating to protected persons applicable to this particular location, there is no basis for the removal of the right to apply such exempted development provisions to the proposed development at a future stage.

Any potential future use within the provisions of the planning and development legislation, along with the national policy approach to accommodation for protected person, is beyond the scope of this appeal.

## **10.6 Development Contributions**

There is no additional floor area, therefore General Development Contributions are not applicable.

## **11.0 AA Screening**

I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended.

The subject site is located c. 3.5 km from Mount Heavy Bog SAC.

The proposed development comprises the alteration of an existing hotel building.

No nature conservation concerns were raised in the planning appeal.

Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows:

- The small scale and nature of the development and location within a serviced urban location
- The location and distance from the nearest European site and lack of connections
- Taking into account the screening report/determination by Westmeath County Council.

I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

## **12.0 Recommendation**

I recommend that permission be granted for the reasons and considerations set out below.

## **13.0 Reasons and Considerations**

Having regard to

- the provisions of the Westmeath County Development Plan 2021-2027, including the Mixed Use zoning objective of the site and policy objective CPO 6.27,
- the location of the site on Main Street within the town,
- the nature and most recent use of the existing structure on site and
- the plans and details submitted with the application,

it is considered that, subject to conditions, the proposed development would be in accordance with the objectives for the site as set out in the Westmeath County

Development plan and would be in accordance with the proper planning and sustainable development of the area.

## 14.0 Conditions

1.	<p>The development shall be carried out 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 3<sup>rd</sup> day of May 2024, 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.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>Prior to the commencement of development, revised plans shall be submitted for the written agreement of the Planning Authority which shall provide for</p> <ul style="list-style-type: none"><li>a) The omission of bedroom no. 1 located on the ground floor and the amalgamation of this floor area with the restaurant.</li><li>b) A revision of the ground floor layout at the entrance to the proposed development, to provide additional circulation space in the vicinity of the stairs and to avoid obstruction and congestion immediately inside the entrance doors.</li></ul> <p><b>Reason:</b> In the interest of the amenities of the occupants of the development</p>
3.	<p>A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:-</p> <ul style="list-style-type: none"><li>(a) details of all proposed hard surface and/or permeable surface finishes;</li></ul>

	<p>(b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings;</p> <p>(c) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes.</p> <p>(d) timescale for implementation.</p> <p>The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
4.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
5.	<p>All external shopfronts and signage shall be in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to the provision of such shopfronts and signage. Where agreement cannot be reached between the applicant/developer and the local authority the matter shall be referred to An Bord Pleanála for determination. The signage shall be lit by external illumination only.</p> <p>Reason: In the interest of visual amenity.</p>
6.	<p>The developer shall pay to the planning authority a financial contribution of €13,062.72 (Thirteen Thousand and Sixty Two Euro and Seventy Two cent) 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 (Class 16: Shortfall in provision of car-parking), made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or 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.</p>

<p><b>Reason:</b> 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.</p>
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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.

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Senior Planning Inspector

2/10/2024



## Appendix 1 - Form 1

### EIA Pre-Screening

[EIAR not submitted]

<b>An Bord Pleanála</b>			
<b>Case Reference</b>			
<b>Proposed Development Summary</b>			
<b>Development Address</b>			
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	✓
		<b>No</b>	No further action required
<b>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?</b>			
<b>Yes</b>		Class.....	EIA Mandatory EIAR required
<b>No</b>	✓		Proceed to Q.3
<b>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]?</b>			
		<b>Threshold</b>	<b>Comment (if relevant)</b>
<b>Conclusion</b>			
<b>No</b>	✓	N/A	No EIAR or Preliminary Examination required
<b>Yes</b>		Class/Threshold.....	Proceed to Q.4

**4. Has Schedule 7A information been submitted?**

<b>No</b>		<b>Preliminary Examination required</b>
<b>Yes</b>		<b>Screening Determination required</b>

**Inspector:** \_\_\_\_\_**Date:** \_\_\_\_\_