



An
Bord
Pleanála

Inspector's Report 320831-24

Development

Retain erection of mobile coffee and food snack container in grounds of Portarlinton GAA Club, along with connections to mains water and electricity from Portarlinton GAA clubhouse and all associated site works.

Location

Portarlinton GAA Club, McCann Park, Canal Road, Portarlinton.

Planning Authority

Laois County Council

Planning Authority Reg. Ref.

24/60381.

Applicant

Owen Donegan

Type of Application

Permission for retention.

Planning Authority Decision

Refuse permission

Type of Appeal

First Party

Appellant(s)

Owen Donegan

Observer(s)

None

Date of Site Inspection

5th February 2025.

Inspector

Ann Bogan

1.0 Site Location and Description

- 1.1. The site is located in Portarlington, Co Laois, at Portarlington GAA grounds, approximately 2.4km from the town centre. The container, which is the subject of the application for retention, is sited within the car park of the GAA Club, backing onto the 2m+ roadside boundary wall, and is accessed off Canal Road (L-3158). A one-way vehicular traffic system operates around the perimeter of the car park.
- 1.2. The site is in a mixed-use area, with a primary school on adjacent site, an industrial use (Odlums factory) and a Lidl supermarket on the opposite side of the street, retail/commercial uses at the roundabout to the west and residential uses in the wider vicinity.

2.0 Proposed Development

- 2.1. The development to be retained consists of a converted shipping container, described as 'a mobile coffee and food snack container'. The container is located centrally on the north-western boundary of the car park, backs onto the road boundary and has a roped off seating area to one side. It is connected to existing mains water and sewerage supply via existing GAA clubhouse connections.
- 2.2. Floor area of structure is 12.25sqm and it is 2.39m in height. Structure has a wooden cladding to front and on side elevations, and a metal finish to rear elevation.
- 2.3. Drawings show a 'car service window' in the front (south-east) elevation and a 'walk in service window' in the side (south-west) elevation.
- 2.4. The container is not visible from the public road. Signage advertising 'Drive-Thru Coffee' is located at the entrance to the GAA club on Canal Road and further along Canal Road opposite the exit road from Lidl shopping centre.
- 2.5. Letter of consent to make the application from Chair of Portarlington GAA Club included.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Refuse permission for the following reason:

‘The proposed development is located on lands zoned Open Space and Amenity in the Portarlington Joint Local Area Plan 2018 – 2024. A café or a retail use (convenience<100sqm) are not permissible on lands zoned Open Space and Amenity. The proposed development would, if permitted, materially contravene the Portarlington Joint Local Area Plan 2018 – 2024 and would therefore be contrary to the proper planning and sustainable development of the area’.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- Planning Officer noted that café and retail uses are not normally acceptable in sites zoned ‘Open Space and Amenity’ and that the use operated independently from the GAA activities. Concluded that the use to be retained could not be considered ancillary to the established use of the site and therefore materially contravened the local area plan.

Other Technical Reports

- None on file

3.3. Prescribed Bodies

HSE response – no comments to make

3.4. Third Party Observations

None

4.0 Planning History

- 18/405: Permission granted to Portarlington GAA to construct new changing rooms, plant room and all associated site works under the existing stand.

- 16/115: Permission granted to Portarlington GAA to demolish the existing dressing rooms and construction of a new single storey extension to the existing public hall incorporating four new dressing rooms and all associated site works.

5.0 Policy and Context

5.1. Laois County Development Plan 2021-2027

The Laois County Development Plan 2021-2027 was adopted on 25th January 2022 and came into effect 8th March 2022. It states intention to prepare an updated Local Area Plan for Portarlington and that existing LAP will continue to apply until new plan adopted, save where a conflict arises between plans, when the County Development Plan will take precedent. (See section 1.6.4 of Volume 1).

Portarlington Joint Local Area Plan 2018-2024

As there are no zoning objectives for Portarlington contained in the County Development Plan, the zoning in the Local Area Plan applies. Site is zoned 'Open Space and Amenity' with objective to preserve, provide for and improve active and passive recreational open space. The zoning matrix in the LAP classifies small retail uses less than 100sqm as a use that will not normally be acceptable within this land use zoning, and states such uses 'will not be entertained by the Local Authority except in exceptional circumstances'.

Draft Portarlington Local Area Plan 2025-2031 (issued for consultation 12th November 2024)

Proposed zoning of site is unchanged (apart from inclusion of reference to public and private open space). Objective: To preserve, provide for and improve active and passive recreational public and private open space.

5.2. Natural Heritage Designations

River Barrow and River Nore SAC is 1.4km north of site.

5.3. EIA Screening

Having regard to the limited nature and scale of development and the absence of any significant environmental sensitivity in the vicinity of the site, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

(See accompanying EIA Pre-Screening and Preliminary Examination)

6.0 The Appeal

6.1. Grounds of Appeal

- Notes refusal was on basis that café or retail use is not permissible on lands zoned Open Space and Amenity.
- Cites permission granted for similar development in Newbridge by Kildare Co Council (ref 24/60352) where site is in grounds of Sarsfields GAA Club with clubhouse and car park. Site is also zoned Open Space and Amenity and was considered to be ancillary to the clubhouse use, even though there are no compatible uses in the zoning matrix to support the use in its own right.
- Contends that use of Portarlinton site for mobile café and snack container is ancillary to existing GAA club house use and should be acceptable in principle at this location
- Zoning is to improve active and passive recreational open space. The use is located on a walking route and provides a service for people using the space for recreational purposes
- Footprint of development at 14sqm is very small and has attracted people to GAA grounds when car park is not full
- Contends no loss of open space as its already a car park
- Container takes up just 2 parking spaces and is not impeding anything or anyone.
- Provides employment for 7 people and is the applicants livelihood

6.2. Planning Authority Response

- None on file

6.3. Observations

- None on file

6.4. Further Responses

- None

7.0 Assessment

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

- Compliance with zoning objectives
- Car parking
- Design and other issues

7.2. Compliance with zoning objectives

- 7.2.1. The site is zoned 'Open Space and Amenity' in the Portarlington Joint Local Area Plan 2018 to 2024 with an objective is to preserve, provide for and improve active and passive recreational open space. The zoning matrix in the LAP classifies small retail uses, such as the coffee and food snack business to be retained, as a use that will not normally be acceptable within the open space and amenity zoning, except in exceptional circumstances.
- 7.2.2. The applicant in the appeal submission cites a grant of permission he received for a similar development in a GAA club in Newbridge in Co Kildare, on the basis that the

use was considered ancillary to the clubhouse use on the site. Every case must be considered on its particular circumstances and merits, including the policy framework that applies in each location. I note in the case cited, a temporary 18 month permission was granted, to give the Local Authority the opportunity to consider the proposal again, should the nature and scale of the operation expand beyond what is considered ancillary.

7.2.3. In the subject case, the planning officer's report states that the business operates 7 days a week, 7am to 4pm Monday to Friday, from 8am to 3pm on Saturdays and from 9am to 3pm on Sundays. Based on the drawings submitted, a drive through operation is in place via the hatch in the front of the container. Observation during the site inspection (mid-day Wednesday) confirmed a steady flow of custom from cars arriving and departing from the adjoining road, independent of GAA or clubhouse activities. Advertising signs for 'Drive Thru Coffee' on the roadside at the entrance and 100m further along Canal Road opposite the Lidl entrance road, further indicate the business is aimed at trade independent from the sports club for much of the time. The appeal refers to the businesses being located on a walking route, however apart from a standard footpath along the road, I see no indication in the documentation or on site of a specific amenity route in the area that might be served by the facility.

7.2.4. While the operation of the coffee and snack business no doubt serves users of the sports ground and clubhouse at times, based on the hours of operation, external advertising and the emphasis on the drive through business, I agree with the planning officer's conclusion that the enterprise operates largely independent of GAA activities and is not ancillary to the established use of the site. On that basis, and in the absence of any 'exceptional circumstances', I conclude that the development contravenes the zoning objective for the site as set out in the Portarlington Joint Local Area Plan 2018-2024 and I recommend permission for retention of the development be refused.

7.3. Car Parking

7.3.1. The coffee and snack business takes up around 4 parking spaces when the container and a roped off seating area to one side are taken into account. The planning officer's report states the car park is already under pressure with the current

usage. I consider that, as the spaces taken up represent a relatively small proportion of car parking available, the reduction in car parking would not of itself be a reason for refusing permission.

7.4. Design issues

- 7.4.1. The container has a relatively small floor area and the front and sides of the container have a timber cladding and it is well screened from the roadway. I concur with the planning authority that the visual appearance is acceptable.

8.0 AA Screening

- 8.1. I have considered the project in light of the requirements S177U of the Planning and Development Act 2000 as amended. The proposed development comprises the retention of a mobile coffee and snack food container, connected to existing public water services.

The subject site is located 1.4km from the River Barrow/Nore SAC.

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

- Nature and limited scale of the works
- Distance from and lack of connections to the nearest European site

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.

9.0 Recommendation

- 9.1. I recommend that planning permission for retention of the development be refused for the reason and considerations set out below.

10.0 Reasons and Considerations

The development to be retained is located on lands zoned Open Space and Amenity in the Portarlington Joint Local Area Plan 2018 – 2024. A small café or a retail use (convenience less than 100sqm) is not permissible in the Local Area Plan zoning matrix on lands zoned Open Space and Amenity. The development to be retained would, if permitted, materially contravene the Portarlington Joint Local Area Plan 2018 – 2024 and would therefore be contrary to the proper planning and sustainable development of the area.

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.

Ann Bogan
Planning Inspector

21st February 2025

Form 1

EIA Pre-Screening

An Bord Pleanála	320831-24		
Case Reference			
Proposed Development	Retain mobile coffee and food snack container in grounds of Portarlinton GAA Club, along with connections to mains water and electricity, from GAA clubhouse		
Summary			
Development Address	Portarlinton GAA Club, McCann Park, Canal Road, 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	
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	X	Schedule 5 Part 2 Class 10 Infrastructure	Proceed to Q3.
No			
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			EIA Mandatory EIAR required

No	X		Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	X	Class 10(b)(iv) Urban Development. Threshold 10ha. Site area 0.2ha	Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No	X	Pre-Screening conclusion remains as above (Q1 to Q4)
Yes		Screening Determination required

Inspector: Ann Bogan

Date: 21/02/25

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference Number	ABP- 320831-24
Proposed Development Summary	Retain mobile coffee and food snack container in grounds of Portarlinton GAA Club, along with connections to mains water and electricity, from GAA clubhouse
Development Address	Portarlinton GAA Club, McCann Park, Canal Road, Portarlinton, Co. Laois
<p>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</p> <p>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p>	
<p>Characteristics of proposed development (In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p>	<p>The development has a very modest footprint (circa 13sqm), does not require demolition works, does not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.</p>

<p>Location of development</p> <p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>The development is situated in a sports club car park in the outer suburbs of an urban area. The development is removed from sensitive natural habitats and designated sites and landscapes of identified significance in the County Development Plan (is 1.4km from Barrow and Nore SAC)</p>	
<p>Types and characteristics of potential impacts</p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>Having regard to the modest nature of the proposed development, its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.</p>	
Conclusion		
Likelihood of Significant Effects	Conclusion in respect of EIA	Yes or No
There is no real likelihood of significant effects on the environment.	EIA is not required.	No

There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information required to enable a Screening Determination to be carried out.	
There is a real likelihood of significant effects on the environment.	ElAR required.	

Inspector: Ann Bogan _____ Date: _____

DP/ADP: _____ Date: _____

(only where Schedule 7A information or ElAR required)