



An  
Coimisiún  
Pleanála

## Inspector's Report

### ABP-322630-25

#### Development

Retention: Change of use of Domestic Kitchen to Lounge area at rear of existing bar, External covered yard to outdoor entertainment area, construction of an emergency exit route and covered walkway and all associated site works. This building is a protected structure (RPS 210) (NIAH no.12507060).

#### Location

Ramsbottoms Bar, 101 Main Street,  
Maryborough Portlaoise

#### Planning Authority

Laois County Council

#### Planning Authority Reg. Ref.

2460521

#### Applicant(s)

Jack Wallace

#### Type of Application

Retention Permission

#### Planning Authority Decision

Grant Permission

#### Type of Appeal

Third Party

#### Appellants

1. Liam Campion & Eddie Dunne
2. Daniel & Bridget Dempsey

#### Observer(s)

None

**Date of Site Inspection**

19<sup>th</sup> August 2025

**Inspector**

Aoife McCarthy

## 1.0 Site Location and Description

- 1.1. The site has stated area of 0.072 hectares, and is located at 101 Main Street, in the centre of Portlaoise, Co. Laois.
- 1.2. The site comprises a two storey terraced structure, known as Ramsbottom's Bar. The property is in use as a bar, with outdoor seating to the rear, a covered smoking area /walkway on the western side of the property leading to Main Street. On the day of site visit I note that this area was in use as a smoking area.
- 1.3. The site is bound to the east by a site comprising the former 'County Hotel', in the ownership of Laois County Council. A 4-storey apartment block consented under Part 8 of the Planning and Development Act 2000 (as amended), is currently under construction on this site.
- 1.4. The site is bound to the south by lands in the ownership of Portlaoise Credit Union; and by a small parcel of undeveloped lands in the ownership of Daniel and Bridget Dempsey (an Appellant). A registered right of way extends from north to south across these lands. These lands are bound by lands in the ownership of the local authority to the north and east; lands in the ownership Liam Campion & Eddie Dunne (an appellant) to the south; and lands in the ownership of the Portlaoise Credit Union to the west. These lands are enclosed with intermittent boundary fences.
- 1.5. The appellants, Liam Campion and Eddie Dunne of E&L Property are in the ownership of a parcel of undeveloped lands extending to Meehan Court to the south and to the rear boundaries of properties fronting to Well Road to the east. A registered right of way extends around this eastern, northern and western sides of these lands, connecting to the registered right of way across lands in the ownership Daniel and Bridget Dempsey.
- 1.6. The site is bound to the west by a retail unit, 'Marion Carton' which includes a passageway on its eastern boundary, referred to as McAuliffe's Archway, providing access from Main Street to James Fintan Lalor Avenue to the south.
- 1.7. An unregistered parcel of land lies to the south of this property, extending to the east and south of a property fronting to Main Street (Timeless Elegance) and a small parcel of land noted to be in the ownership of John McAuliffe. These lands are referred to as McAuliffe's lands in the appeal documentation.

- 1.8. This building is a Protected Structure (RPS 210) and located within the Portlaoise ACA, as designated under the Laois County Development Plan 2021-2027.
- 1.8.1. I refer the Commission to Drawing 24-24I-067-ABP-001, Appendix A of the first party appeal, which includes registered lands as per [landdirect](#).

## **2.0 Proposed Development**

- 2.1. The development consists of retention for change of use of:
- Domestic Kitchen to Lounge area at rear of existing bar;
  - External covered yard to outdoor entertainment area;
  - Previously used bar stores to new bar and emergency exit;
  - Smoking area to the rear of the site.
- 2.2. Retention is also sought for the construction of an emergency exit route and covered walkway and all as associated site works.
- 2.3. The development has a stated total existing floor area of 338m<sup>2</sup> and total floor area to be retained of 328m<sup>2</sup>.

## **2.4. Planning Authority Decision**

### **2.5. Decision**

- 2.5.1. The Planning Authority issued a Notification of a Decision to Grant Permission on 1<sup>st</sup> May 2025, subject to 7 no. conditions.

## **2.6. Planning Authority Reports**

- **Planning Report (1<sup>st</sup> February 2024)**
- The report refers to planning history on the subject site (P.A. Reg. Ref.: 03/1056); and a subsequent enforcement case (UD: 24/41).
- The report refers to relevant local planning policy context.
- The Planner considered the public house to be a long-standing established use and that the proposed development would be open for consideration on lands

subject to Town Centre zoning objective under the Portlaoise LAP and Laois County Development Plan.

- The report includes a detailed assessment of the siting and design of the subject proposal.
- The report includes a summary of 3 no. submissions received on the file. The report notes that all third parties indicate that the development as constructed is over a right of way which is now blocked and unusable due to the subject development works.
- The Planner notes that during the site inspection that both access points to the site were blocked; at the rear of the Credit Union by a locked gate; and to the rear of JFL House by large concrete blocks; and that these barriers are in the control of the respective properties. The report notes that no documentary evidence had been submitted to support these cases.
- The report notes that from a review of landdirect resource, no such rights of way appear to be registered; and that the only right of way that is indicated extends from the rear (south) of the subject site on both sides of JFL House and to the east of the Credit Union Building.
- The report notes that the concrete block barrier prevents any party availing of this right of way and that the barrier is not on the applicant's lands.
- The report refers to a solicitor's letter received with the application referring to an area of land to the side of the property upon which the emergency exit route and covered walkway is constructed. The report notes that these lands were in the possession of the owners of the public house and is unregistered, and that legal enquiries are on-going. (I note that this legal letter does not form part of the subject application. A legal letter from the applicant is noted to form part of the first party appeal, however it is not clear if this the same document.)
- The report notes that establishing ownership of this area and whether or not any third parties have a right of way over the subject site, is not within the remit of the Planning Section, referring to Section 5.13 of Development Management Guidelines for Planning Authorities, DoEHLG which advises that the planning system is not designed to resolve disputes title to land, referring to section 34(13)

of the Planning and Development Act 2000, as amended, which states that ‘a person shall not be entitled solely by reason of permission under this section to carry out any development’.

- Notwithstanding, the report states that it is considered that the issue of a right of way across the property should be put to the applicant and to seek a proposal as to how any right of way maybe protected.
- The Planner considers that the principle of the development is broadly acceptable given the established use on site and its land use zoning objective.
- The local authority considered it appropriate therefore to seek Further Information relating to (1) a noise assessment, (2) a noise policy; (3) to comment on third party submissions relating to rights of way across the site.
- **Planning Report (30<sup>th</sup> April 2024)**
  - With respect to Items 1 and 2, the report notes that the applicant has submitted a noise impact assessment including details relating to compliance with music volume impacts, policy measures relating to noise control, staff training, management of deliveries and dispersal of customers.
  - The report notes the applicant had engaged a legal advisor to conduct a comprehensive search for any official confirmation of the alleged rights of way over his property. To date, no such rights have been identified or substantiated by official documentation from any third party.
  - The report notes that the applicant is willing to continue to facilitate a right of way for People’s First Credit Union indefinitely, on lands within the applicant’s ownership.
  - This is a long-established town centre venue where the existing and proposed uses would be common.
  - The proposed works are not readily visible to the public view, save those travelling on the side laneway.
  - In response to RFI Item 3, the report includes a summary of the Applicant’s response to the third-party submissions.

- With respect to the alleged right of way from Main Street, the response notes that this was obstructed by the third parties during construction works undertaken on their property. Consequently, the first party state that this cannot be considered an active right of way. With respect to the submission from People First Credit Union, the response acknowledges an active right of way through the applicant's property. In recognition of this, amendments have been implemented to the structure, ensuring unrestricted access for patrons of People's First Credit Union towards Main Street.
- The report notes that the agent's response to the Further Information request to be generally satisfactory. Notwithstanding the issues raised by the third parties, the report recommends that planning permission is granted, subject to conditions.
- The report recommends that a financial contribution condition should be included based on the floor area of the development as per the Council's Development Contribution Scheme, 2023 - 2029.
- The development is not specified in Part 2 of Schedule 5 of the Planning and Development Regulations 2001(as amended). Having regard to nature, size and location, the proposed development would not be likely to have significant effects on the environment, EIA is not required.

2.6.1. **Roads Design Office:** No observation.

## **2.7. Prescribed Bodies**

2.7.1. **Uisce Éireann:** No objection subject to condition.

## **2.8. Third Party Observations**

2.8.1. A total of 3 no. submissions were received, the grounds of which can be summarised as follows:

- The extension encroaches on a public right of way that has historically been used as pedestrian link between James Fintan Lalor Avenue to Main Street.
- The obstruction of the right of way has created difficulties, particularly for pedestrians and cyclists. The restricted access makes it impossible for people

to use the right of way, diminishing quality of life for those who live and work nearby.

- The extension has altered the character of the area, introducing a structure that is out of place and detracts from the overall aesthetic and functionality of the area.
- The structure is an eye sore and does not integrate with surrounding buildings. The roof is covered with cladding and most of the walls are made up with steel mesh, which gives the appearance of an agriculture building.
- There are a number of properties in close proximity to Ramsbottoms Bar with direct access to the right of way, including the Golden Grill Restaurant, People First Credit Union, Laois County Council (former County Hotel) and James Fintan Lalor House.
- E & L Property Ltd. is the registered owner of lands to the rear of 102 Main Street with a right of way from Main Street via McAuliffe's Archway at 100 Main Street to James Fintan Lalor Avenue.
- The proposal would affect future development plans of lands in the ownership of Liam Campion & Eddie Dunne, E & L Property Limited.
- Mouteagle House Ltd. is the registered owners of Ramsbottoms Bar; they not the owners of the adjacent right of way. The structure is built on property that does not belong to Mouteagle House Ltd.
- The description is misleading, as it does not explicitly refer to the extension constructed on the lane way.
- Proposed smoking area appears as part of the existing bar.
- The People's First Credit Union Limited is in legal dispute with the applicant in relation to the blocking of their registered Statuary Right of Way from the rear of the Credit Union premises to Main Street.
- The extension was constructed without adequate public consultation.
- Granting retention would reward non-compliance, undermining the integrity of the planning process and setting a concerning precedent for future development.



## 3.0 Planning History

### 3.1. Subject Site

3.1.1. The following relevant planning history relates to the subject site:

**03/1056:** Permission granted for the demolition of toilets, cold room, boundary yard wall and storage facilities to rear of Ramsbottoms public house, the demolition of internal partition walls and derelict nightclub to rear of County Hotel, construction of new bar and toilet facilities to County Hotel, new access to rear of Ramsbottoms public house, new shop front to County Hotel with associated signage, new works to all rear walls and internal party wall of Ramsbottoms, Re-instatement of use of County Hotel bar facilities and all associated site and enabling circulation works.

3.1.2. The following enforcement file is noted:

**UD 24/41:** Warning Letter issued on 28/05/24 for Alleged/ unauthorised development comprising of, but not limited to, a structure and a change of use of a store to a lounge to the rear at Ramsbottom and Sons, Main Street, Portlaoise, Co. Laois.

### 3.2. Adjoining Site

3.2.1. The following planning history relates to lands to the immediate east of the subject site:

**102 Main Street:** Consent approved under Part 8 of the Planning and Development Act 2000 (as amended) for the demolition of the derelict, three storey 'County Hotel' building and construction of a new, three storey, 864 m<sup>2</sup> apartment building, comprising 10 residential units (8 no. 1 bed apartments and 2 bed apartments), a communal/enterprise space at ground level, the construction of an additional pedestrian access point to the site, varied boundary treatments and landscaping works and all ancillary site works. The existing "County Hotel" building is a Protected Structure in the Laois County Development Plan 2021-2027 (RPS 947). The proposed development is within the Portlaoise architectural conservation area.

## 4.0 Policy Context

### 4.1. Portlaoise Local Area Plan 2024-2030

- 4.1.1. The Portlaoise Local Area Plan (LAP) came into effect on 5<sup>th</sup> February 2025, and in addition to the Laois County Plan 2021-2027, constitutes the relevant current local planning context for the subject application.
- 4.1.2. I note that the application was lodged in April 2024; and a decision was made in May 2025, subsequent to the new LAP coming into effect.

### 4.2. Zoning

- 4.2.1. The subject site is subject to Town Centre zoning objective, with a stated objective “to protect and enhance the special physical and social character of the existing town centre and to provide for and improve retailing and commercial activities”.
- 4.2.2. Bar and Restaurant uses are Open for Consideration under the zoning objective.
- 4.2.3. The LAP includes the following relevant policies and objectives:

**PCO 1** To support and facilitate sustainable intensification and consolidation of the town centre and in established residential areas.

**PCO 2** To promote balanced economic development and employment ensuring a diverse range of economic sectors are developed and supported.

**TCR P2** Promote the reuse of existing town centre buildings through appropriate design and adaptation.

**TCR P6** Encourage the maintenance of original shopfronts, or the reinstatement of traditional shopfronts where poor replacements have been installed.

**TCR O3** Promote the consolidation of the town centre through the use of brownfield and backland sites without compromising streetscapes.

**TCR 10** Promote an appropriate mix of day and night-time uses.

**PM 03** Provide for a high-quality public realm and public spaces by promoting quality urban design that accommodates creative patterns of use having regard to the physical, cultural, and social identities of individual settlements.

**BH 02** Conserve, protect and enhance the built heritage of Portlaoise, including the Architectural Conservation Area, all Protected Structures and attendant grounds,

Recorded Monuments and Places and the Zone of Archaeological Significance in accordance with best conservation practice.

**BH 07** Consider the change of use of protected structures, provided that it can be shown that the structure, character, appearance and setting will not be adversely affected or where it can be shown it is necessary to have an economic use to enable its upkeep.

**BH 09** Ensure the design of any development in Architectural Conservation Areas, including any changes of use of an existing building, should preserve and / or enhance the character and appearance of the Architectural Conservation Area as a whole.

#### **4.3. Laois County Development Plan 2021-2027**

4.3.1. The County Plan includes the following relevant management standards;

**DM TC 2** Night clubs and disco bars play an important role in urban areas providing a night use which adds to the attraction of a town. They will not, however, be permitted in residential areas. In dealing with applications for such developments the Planning Authority will have regard to the following:

1) The effects on the amenities of adjoining properties particularly as regards hours of operation, noise and general disturbance;

2) The anticipated levels of traffic generation (a traffic and car parking statement shall accompany any application for such a change of use);

3) The generation, storage and collection of waste;

4) Quality signage proposals – plastics and neon signage will not be permitted.

Noise levels at the boundaries of these establishments will be monitored as circumstances require and mitigation measures will be required at the time of the submission of the planning application.

Noise levels at the boundaries of these establishments will be monitored as circumstances require and mitigation measures will be required at the time of the submission of the planning application.

**DM TC 5** Canopies, Smoking Shelters and outdoor seating areas

The council will ensure canopies, outdoor seating and displays add to the attractiveness and vibrancy of an area and do not disrupt movement along footpaths. A high standard of overall design will be required, relating to the scale, design and position of canopies. The following will apply:

- 1) Straight canopies are generally acceptable provided the footpaths are sufficiently wide and a clearing head height is provided;
- 2) Dutch canopies may be acceptable depending on location;
- 3) Advertisements placed on canopies will not generally be accepted.

Outdoor seating can contribute to the vitality and vibrancy of a town centre. Outdoor seating to the front of premises either on private forecourt or on the public footpath is subject to a Planning Authority license and will be considered generally acceptable if:

- sufficient space is available;
- access arrangements are not impacted upon;
- minimal impact on the amenities of nearby residents.
- The provision of beer gardens or smoking shelters at public houses will be considered having regard to the following:
  - The location of the beer garden or smoking shelter;
  - The impact on adjacent properties; the hours of use, which may be restricted if it is considered that the noise generated would adversely affect the amenities of nearby residents.

4.3.2. **PS 2** Protect and conserve buildings, structures and sites contained in the Record of Protected Structures in accordance with 'Architectural Heritage Protection Guidelines for Planning Authorities' 2004 and ensure the effective promotion of the Architectural Heritage provisions of Planning and Development Act 2000 (as amended) and therefore the protection of Laois's built heritage, including Architectural Conservation Areas (ACAs) and Protected Structures.

**PS 3** Any development, modification, alteration, or extension affecting a Protected Structure must be prepared by suitably qualified persons and Accompanied by appropriate documentation as outlined in the Architectural Heritage Protection Guidelines for Planning Authorities [DAHG, 2011] to enable a proper assessment of

the proposed works and their impact on the structure or area and be carried out to best practice conservation standards. Its setting will be considered against the following criteria, and whether it is:

- a) Sensitively sited and designed;
- b) Compatible with the special character;
- c) Views of principal elevations of the protected structures are not obscured or negatively impacted;
- d) Of a premium quality of design and appropriate in terms of the proposed scale, mass, height, density, layout, and material so that the integrity of the structure and its curtilage is preserved and enhanced. Where appropriate, the Protected Structure status is used as a stimulus to the imaginative and considered design of new elements.

**PS 6** Favourably consider the change of use of any structure included on the Record of Protected Structures provided such a change of use does not adversely impact on its intrinsic character. In certain cases, the Planning Authority may relax site zoning restrictions / development standards in order to secure the preservation and restoration of the structure.

#### **4.4. Protected Structure**

- 4.5.** This property is listed as a Protected Structure (RPS 210) on the Record of Protected Structures of the Development Plan, which referred to at the following address "Ramsbottom & Sons" Shop, Main Street, Portlaoise".

#### **4.6. Portlaoise ACA**

- 4.7.** The subject site is also located within the Portlaoise Architectural Conservation Area (ACA), noting the following:

"Main Street continues to operate as the commercial core of the town and benefits from recent public realm improvement works limiting vehicular transport through the street."

- 4.8.** Threats to that character of the ACA are noted to include the following:

- stripping of render from elevations;
- removal of doorways to the upper storeys of buildings along the main street;

- replacement of natural slates with artificial materials;
- replacement of cast iron rainwater goods with uPVC;
- replacement of timber sliding sash windows with uPVC;
- loss of historic shopfronts and related advertisements;
- insensitive infill development;
- wholesale demolition of historic buildings;
- the most serious threats to the special character of Portlaoise ACA include underuse, vacancy and dereliction.

#### **4.9. Architectural Heritage Protection Guidelines for Planning Authorities, 2011**

##### **4.9.1. The Guidelines state the following with respect to development within the Attendant Grounds:**

When dealing with applications for works within the attendant grounds of a protected structure, a visit to the site should be considered an essential part of the assessment. The planning authority should consider:

- a) Would the development affect the character of the protected structure?
- b) Would the proposed works affect the relationship of the protected structure to its surroundings and attendant grounds?
- c) Would the protected structure remain the focus of its setting? For example, a new building erected between a structure and a feature within the attendant grounds will alter the character of both;
- d) Do the proposed works require an alteration of the profile of the landscape, for example, the creation of a golf course? How would this affect the character of the protected structure and its attendant grounds?
- e) Do the proposals respect important woodland and parkland? Do they conserve significant built features and landscape features?
- f) Are there important views of or from the structure that could be damaged by the proposed development? Would important vistas be obstructed by new development?
- g) Would distant views of important architectural or natural landmarks be blocked or changed? Would a significant skyline be altered?

- h) Even where the proposed development is at a distance from the protected structure, could it still have an impact? This could include tall or bulky buildings interrupting views of or from the protected structure and other features of the designed landscape;
- i) Where the new works would not be directly visible from the protected structure, would they be visible from the approaches to the structure or from other important sites or features within the attendant grounds? If so, would this be acceptable?
- j) What effect would the scale, height, massing, alignment or materials of a proposed construction have on the protected structure and its attendant grounds.

#### **4.10. ISO Recommendation ISO/R 1996-1971**

- 4.10.1. The Guidance relates to noise ratings, used to determine acceptable indoor environment for hearing preservation, speech communication and annoyance. Noise graphs are plotted at acceptable sound pressure levels at different frequencies.
- 4.10.2. NR 40 is a noise rate level which relates to halls, corridors, cloakrooms, restaurants, night clubs, offices and shops. The rating curve extends from 33dB at an octave band frequency of 8,000 Hz to 83 dB at 31.5Hz.

#### **4.11. World Health Organisation Guideline for Community Noise 2000**

- 4.11.1. Community noise (also called environmental noise, residential noise or domestic noise) is defined as noise emitted from all sources except noise at an industrial workplace.
- 4.11.2. This guideline for community noise, recommends daytime of 55dB LAeq 16 hours (LAeq is the A-weighted, equivalent continuous sound level, in decibels having the same total sound energy as the fluctuating level measured) and nighttime range from 45dB LAeq 8 hours; increasing to maximum of 60dB.

#### **4.12. Natural Heritage Designations**

- 4.12.1. There are no European sites within the subject site.
- 4.12.2. The closest European site to the subject site is the River Barrow and River Nore SAC (Site Code: 002162), located c.8.2km to the north-west of the site.

4.12.3. The closest Natural Heritage Area is the Ridge of Portlaoise pNHA (Site Code: 000690), located 382.6m to the east of the site.

#### **4.13. EIA Screening**

**4.14.** The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

##### **4.14.1. Water Framework Directive**

4.14.2. The closest waterbody is Triogue River (TRIOGUE\_020 (EPA Code: IE\_SE\_14T010200), located 146 m the north-east of the site.

4.14.3. The proposed development consists of Retention Permission for Change of use of domestic kitchen to lounge area, external covered yard to outdoor entertainment area, construction of an emergency exit route and covered walkway and all associated site works.

4.14.4. No water deterioration concerns were raised in the planning appeal.

4.14.5. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface and ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. 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 surface and/or groundwater water bodies either qualitatively or quantitatively.

4.14.6. The reason for this conclusion is as follows:

- the small scale and nature of the development.
- distance from nearest water bodies.



4.14.7. I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

## **5.0 The Appeal**

### **5.1. Grounds of Appeal**

- 5.1.1. From a review of the documentation there are a number of planning matters common to both appeals. These which are presented under relevant headings at the outset.
- 5.1.2. I also note that the appeal on behalf of Liam Campion and Eddie Dunne appears is missing the second page.

#### **Common Planning Matters**

- An emergency access could have been provided by way of a direct access from the property onto the laneway.
- There is no need for the roofed access over the laneway.
- The description of development is misleading, as it does not explicitly refer to the extension constructed on the lane way.
- The potential impact of the proposed development on the site was not assessed by the local authority, who should have sought submission of an Architectural Conservation Report due to location of the site within Portlaoise ACA; and on the Record of Protected Structures.
- The proposal constitutes overdevelopment with no provision of useable open space.
- The extension was constructed without adequate public consultation.
- The appellants properties would be significantly devalued.
- No proof of ownership has been submitted with the application.

### **Daniel and Bridget Dempsey**

- The extension encroaches on an historic right of way which provides the only means of access to property in the ownership of Appellant A, adjoining the subject site.
- The right of way also serves lands in the ownership of the Daniel and Bridget Dempsey and the People First Credit Union.
- The laneway is unregistered and is not in the ownership of the First Party.
- Lands to the rear of Ramsbottoms Bar comprising the outdoor smoking area and store are no longer in the ownership of the applicant or the owner of the public house (referred to as “Montgale” House Limited) and is shown incorrectly on Folio Map (LS13502F).
- Part of the lands within the site have been sold to Daniel and Bridget Dempsey; with details as shown on a folio map (LS13502F) incorrectly.
- The proposal would affect future development plans of the appellant on what is referred to as ‘McAuliffe’s land’.
- The proposal results in significant level of disruption removing access to/from property; as well as significant loss of amenity.

### **Liam Campion and Eddie Dunne**

- Liam Campion and Eddie Dunne are joint owners of E&L Property Limited, JFL House, adjoining the applicant’s property [to the south-east of the subject site].
- The appellants are also in discussions to acquire a parcel of land, (marked in green on an accompanying map) located to the west of the proposed access and north of the western ending section of the subject site.
- Access to these lands is via an established right of way over a laneway from Main Street to James Fintan Lalor Avenue.
- The right of way also serves lands in the ownership of Daniel and Bridget Dempsey and the People’s First Credit Union.

- The extension works encroach on this historic right of way which provides the only means of access to these lands and those which the appellant is in the process of acquiring. This would leave lands in their ownership landlocked.
- The laneway is unregistered and is not in the ownership of the First Party.
- The right of way is in the ownership of the Appellant.
- The proposal may affect the exiting sewer line.
- The proposal results in significant level of disruption, removing access to/from property fronting to James Fintan Lalor Avenue.
- The proposal would generate significant levels of noise impact arising.

## **5.2. Applicant Response**

- 5.2.1. The response on behalf of the Applicant has addressed matters raised by each appellant and planning issues common to both appeals.
- 5.2.2. The appeal response includes a letter from the applicant's solicitor and a sworn affidavit regarding rights of way and ownership. A summary of these responses is provided below:

### **1) Common Planning Matters -**

#### **• Rights of Way**

- No right of way exists across the site.
- The laneway provides vital access to the bar, including functioning as a designated emergency access.
- The access route is on private property, forming part of Ramsbottom Bar, in the ownership of Mountgale Limited. A letter of consent has been submitted at the outset from Tom Walsh, the owner to make an application on lands in his ownership.
- The only right of way across the property is to People First Credit Union.
- Description of development is accurate, as no right of way exists across the site.

#### **• Protected Structure**

- The protected status applies to the original structure at the front of the property and does not extend to the ancillary structures to the rear.
- Elements of the application are located entirely to the rear and the only component visible from the public view; is a set of fire doors, finished with timber cladding to complement the overall visual appearance of the premises.

- **Retention Permission**

- Section 34(12) of the Act provides for making an application for retention permission.

- **Residential Amenity/Noise**

- A Noise Impact Assessment and Noise Policy accord with the relevant BS for assessing industrial and commercial noise.

## **2) Daniel and Bridet Dempsey**

- Lands to the rear are not in the ownership of Daniel and Bridet Dempsey the largest section as unregistered.
- Notwithstanding, the bulk of these lands form part of a planned apartment complex to be built by Laois County Council at 102 Main Street.
- The appellant can access Main Street via the laneway.
- There is no registered right of way across the laneway from Main Street. No evidence has been provided to substantiate the appellants claims.
- A sworn affidavit from an employee of a former employee of Ramsbottoms bar; to the effect that no right of way existing during a period of over 40 years ending in 2009/2010.
- The alleged right of way to lands in the ownership of Daniel and Bridget Dempsey has been obstructed at both ends by the appellant for a long period of time.
- Lands within Folio LS13520F are in the ownership of 'Mountgale House Limited' since 2006.

- McAuliffe's lands has an area of 40.64m<sup>2</sup> and would require a right of way to access Main Street. It is not feasible to accommodate 4 no. units, vehicular access and parking on these lands.
- The parcel has always been landlocked and due to the limited size, the development proposal is implausible.
- Lands which abut the application site are vacant and small in area; and as a result, would not be negatively affected by way of noise impact.

### **3) Liam Campion and Eddie Dunne**

- Lands to the rear of No. 102 are in three different ownerships – both appellants and Laois County Council.
- Lands in green are not in the ownership of Liam Campion and Eddie Dunne and should be discounted.
- No right of way exists across the laneway.
- Lands within the ownership of Daniel and Bridget Dempsey lie between the appellants lands and the subject site. These lands been blocked for a number of years, preventing access for the owners to these lands.
- Access to the public wastewater line remains located along the walkway remains unimpeded.

### **5.3. Planning Authority Response**

5.3.1. None received.

### **5.4. Observations**

5.4.1. None received.

### **5.5. Further Responses**

5.5.1. None received.

## **6.0 Assessment**

6.1. Having examined the application details and all other documentation on file, including the report of the local authority, having inspected the site and having

regard to the relevant local and national policies and guidance, I consider the main issues in this appeal relates are as follows:

- Principle of Development
- Design, Layout and Architectural Heritage
- Site Access / Development Potential
- Residential Amenity
- Site Services

## **6.2. Principle of Proposed Development**

- 6.2.1. The subject application relates to Retention Permission for works to Ramsbottoms Bar, consisting of: a change of use of a kitchen to lounge at rear of existing bar external covered yard to outdoor entertainment area; construction of an emergency exit route and covered walkway and all associated site works.
- 6.2.2. The area to be retained has a stated area of 328m<sup>2</sup>, an increase from 355m<sup>2</sup> within the existing property, almost doubling of the existing premises.
- 6.2.3. The site is subject to Town Centre zoning objective under the Portlaoise Local Area Plan (LAP) 2024-2030. Bar and Restaurant are Open for Consideration under the zoning objective. The public house use is long established use on the subject site.
- 6.2.4. As noted above, the third-party appeals relate to legal considerations, including land ownership and rights of way over the subject site and the wider area.
- 6.2.5. In this context, I consider the proposed development to be acceptable in principle, subject to assessment with respect to design and layout and architectural heritage, residential amenity, site access / development potential and site services.

## **6.3. Design, Layout and Architectural Heritage**

- 6.3.1. The subject structure is listed as a protected structure (RPS 210) of the Laois County Council Development Plan 2021-2027. The property is also included on the NIAH (Ref: (NIAH No.:12507060), with a Moderate Rating, and is located within the designated ACA for Portlaoise.
- 6.3.2. I note that the Development Plan provides limited detail with respect to specific architectural heritage considerations relating to this protected structure.

- 6.3.3. The subject application relates to retention of works to the rear of the bar including retention for a change of use of a domestic kitchen to lounge area at the rear of the bar; roofing of an external yard to use as an entertainment area, the rear section covered with a corrugated barrel shaped roof, and retention of a change of use from a store to a new bar.
- 6.3.4. The proposed development has a stated upper height of 4.503m and is positioned fully to the rear of the existing premises.
- 6.3.5. I note that there is no definitive parameter with respect to the extent of the curtilage or attendant grounds in this case. Notwithstanding, I consider that the proposal could be considered to constitute development within the attendant grounds of a protected structure.
- 6.3.6. With respect to design, I consider that the works are relatively small in scale, and primarily screened from view from the public domain from Main Street by the existing bar. Materials otherwise include the use of rendered concrete, concrete blocks, with barrel shaped roof to the rear of the original structure.
- 6.3.7. I note that timber clad emergency doors are visible from Main Street from the passageway to the immediate east of the site. However, I consider that the choice of materials integrates with the visual appearance established mix of uses to the rear of this site.
- 6.3.8. As such, I consider the layout and design to be acceptable, and that the proposal would not affect the character of this structure; or the relationship to its surroundings, and that the structure would remain the focus of its setting on Main Street.
- 6.3.9. I therefore consider that the proposed works to the rear of this Protected Structure to be acceptable, and in accordance with the provisions of the Guidelines relating to development within the curtilage of a site.

### **ACA**

- 6.3.10. The proposed development does not affect the shopfront or original structure. Moreover, I consider that the works would support the long-term use of an established bar fronting to Main Street, Portlaoise.
- 6.3.11. I therefore consider the proposed development to accord with the provisions of the Portlaoise ACA of the Development Plan. Having regard to the above, I do not

consider that the proposed development would negatively affect the architectural character of Portlaoise ACA.

- 6.3.12. I am therefore satisfied that the development to be retained is acceptable with respect to design, layout and architectural heritage, and permission should not be refused on this basis, subject to assessment with respect to site access / development potential, residential amenity, and site services.

#### **6.4. Site Access / Development Potential**

##### **Land Ownership**

- 6.4.1. From a review of the documentation and Land Direct mapping, I note that the subject site is in the ownership of Mountgale Limited, and that a letter of consent from the owner has been submitted as part of the application in the first instance. I am therefore satisfied that the applicant has sufficient legal interest to make this planning application.
- 6.4.2. With respect to rights of way, I note that these are civil matters and refer the Commission to Section 34(13) of the Planning and Development Act 2000, as amended, which states that “a person shall not be entitled solely by reason of permission under this section to carry out any development”.
- 6.4.3. Notwithstanding, matters raised in this context are addressed hereunder.
- 6.4.4. The subject extension is accessed via an established access to Ramsbottoms bar from Main Street, with access doors to the rear (south) of the extension; leading to the covered walkway on the western side of the extended premises, covered outdoor seating area.
- 6.4.5. As noted above this covered walkway exits to Main Street, passing under McAuliffes’s Archway. From a review of the documentation, though no formal right of way is in place, this laneway has, historically been used as an access route to the bar by staff and patrons, with staff using the laneway to reach the rear of the property.
- 6.4.6. Liam Campion and Eddie Dunne (appellant) outline that there is a long-established right of way across the site of the proposed laneway; and that the subject proposal would hinder access to and development of lands in their ownership to the immediate south of the subject site.



- 6.4.7. From a review of the documentation, I note that no evidence has been presented to confirm a right of way across the applicant's lands, along the alignment of the covered walkway leading from Main Street.
- 6.4.8. From a review of mapping, the extent of lands as identified on Map 1 of their appeal, does not take account of lands in the ownership of Daniel and Bridget Dempsey to the north-west and those within ownership of the Council, forming part of the approved residential scheme at 102 Main Street.
- 6.4.9. Notwithstanding, a registered right of way is shown across the parcel of land in the ownership of Daniel and Bridget Dempsey, which could connect to the registered right of way around the perimeter of Eddie Campion and Eddie Dunne's lands. As such, I am satisfied that the proposal to be retained, does not affect access to this parcel of land.
- 6.4.10. Liam Campion and Eddie Dunne state that they are in the process of purchasing a parcel of land to the west of the subject site. As it currently stands, these lands are logged as unregistered on Land Direct mapping. In this context, it is considered that development on these lands would require an egress, ideally to Main Street. Notwithstanding, I am satisfied that the development to be retained would not adversely affect any development potential of this site.
- 6.4.11. With respect to the portion of lands in the ownership of Daniel and Bridget Dempsey, to the south of the subject site, it appears that, as noted by the planning authority and first party, access to these lands has been blocked by the appellant with concrete bollards for an unspecified number of years, preventing any passage by patrons along this alleged right of way. Notwithstanding, I note that on the day of site visit, that these bollards have now been removed. As noted above, an established right of way extends across this site, from the southern boundary of the subject site to the right of way extending through lands in the ownership of Liam Campion and Eddie Dunne to the south of this site. As such, I am satisfied that the proposal to be retained would not affect access to these lands.
- 6.4.12. Daniel and Bridget Dempsey also outline that they are in the ownership of a parcel of land to the west of the subject site and that the covered walkway is the only means of exit in the event of an emergency.

- 6.4.13. As noted by the first party, these lands are logged as unregistered on Land Direct, with a small north-western section in the ownership of John McAuliffe (Map 1 of the appeal refers), all to the west of the subject site.
- 6.4.14. As such, development within this area could utilise pedestrian/vehicular exiting to Main Street via McAuliffe's Archway, taking account of the full extent of development to be retained as part of this application.
- 6.4.15. I note that the applicant has agreed to provide a right of way for patrons of the Credit Union to egress across the subject site, including along the covered walkway, to Main Street, via McAuliffe's Archway.
- 6.4.16. The proposal to be retained will continue to utilise an established egress from the property to Main Street, and via a right of way from the walkway to Main Street, via McAuliffe's Archway.
- 6.4.17. Having regard to the above, I am satisfied that the subject proposal to be retained would not affect or impede access within the subject site and its wider environs, as raised in the third party appeals and submissions; refer the Commission again to Section 34(13) of the Planning and Development Act 2000, as amended, which states that "a person shall not be entitled solely by reason of permission under this section to carry out any development".

## **6.5. Residential Amenity**

- 6.5.1. The subject application for retention application to extend to Ramsbottoms bar, includes an extension of the footprint of the property to the south and south-east, as described in Section 3 above.
- 6.5.2. I note that the subject site is bound to the immediate west by a 4 storey residential apartment block, currently under construction at the former County Hotel, 102 Main Street, consented under Part 8 of the Planning and Development Acts 2000, as amended. From a review of these plans, I note that the areas of amenity are primarily oriented to the west and south-west. As such, I do not consider that the subject extension would not affect the amenity of these apartments by way of overlooking, overshadowing.
- 6.5.3. Beyond this, I note the closest residential units include a terrace of single storey bungalows fronting to Well Road. From a review of the plans and site visit, I am

satisfied that the development to be retained would not result in injurious impacts with respect to the scale and bulk of the subject development to be retained.

- **Noise Impact**

- 6.5.4. The application was accompanied by a Noise Impact Assessment and Noise Policy, as submitted in response to a request for Further Information, enquiring whether the structure is sufficient to comply with BS 4142, i.e., the Method for Rating and Assessing Industrial and Commercial Sound. BS 4142 assesses the impact on humans in residential properties; through the assessment of sound levels outside a building.
- 6.5.5. The Noise Survey was undertaken at multiple locations on a Saturday night while music was provided.
- 6.5.6. The noise levels recorded at a range of internal and external locations. Internal levels range from 72.7 dB inside the front bar to 97.3 dB at the centre of the dance floor.
- 6.5.7. External noise locations include the following:
- 4) 47.2 dB at the front of the residential area behind the venue;
  - 5) 60.3 dB within the new smoking area;
  - 6) 56 dB within the alleyway to Main Street.
  - 7) 89.6 dB at venue door.
- 6.5.8. The report outlines that processes have been put in place to ensure that all noise levels are being monitored, including:
- Installation of a dB metre to monitor noise sound level output.
  - Implementation of limits to amplifiers that cannot be altered.
  - The venue sound system to be monitored by staff.
  - Full staff training in use of metre.
  - Provision of ear protection to staff during working hours.
- 6.5.9. The report finds that current noise levels meet BS 4142.

- 6.5.10. By way of reference, ISO/R 1996-1971 recommends acceptable indoor environment for hearing preservation, speech communication and annoyance for halls, corridors, cloakrooms, restaurants, night clubs, offices and shops ranging from 33dB at an octave band frequency of 8,000 Hz to 83 dB at 31.5Hz. It is not clear what octave levels apply in this instance. Notwithstanding, it is noted that the internal noise levels are generally below Noise Curve Level for this type of development as set out in ISO/R 1996-1971.
- 6.5.11. As noted above, the closest receptors to the subject site will be the apartment units within the 4-storey block to the immediate west of the subject site. There are in addition, single storey dwellings fronting to Well Road to the east of the site.
- 6.5.12. WHO Guidelines for Community Noise, 2000, recommend daytime level of 55dB  $L_{Aeq}$  16 hours (LA<sub>EQ</sub>) and nighttime range from 45dB  $L_{Aeq}$  8 hours; increasing to maximum of 60dB  $L_{Amax}$ .
- 6.5.13. Notwithstanding, compliance with BS 4142, I consider that the recorded noise levels to generally accord with WHO Guidelines with respect to Community Noise.
- 6.5.14. In this context, in the event the Commission decide to grant permission, I recommend the inclusion of a condition restricting outbreak of amplified music from any activities, in order to protect the amenities of property in the vicinity of the site.

## **6.6. Site Services**

- 6.6.1. The proposed development would be served by an existing connection to water supply, public waste and surface water connections.
- 6.6.2. I am satisfied that the proposed development would not give rise to adverse impacts with respect to public health.

## **7.0 AA Screening**

- 7.1. Screening the need for Appropriate Assessment: Screening Determination (Stage 1, Article 6(3) of Habitats Directive).
- 7.1.1. I have considered the proposed retention of a change of use of domestic kitchen to lounge area, external covered yard to outdoor entertainment area, an emergency exit and all associated site works in light of the requirements S177U of the Planning and Development Act 2000 as amended.
- 7.1.2. The closest European site to the subject site is the River Barrow And River Nore SAC (Site Code: 002162), located c.8.2km to the north-west of the site.
- 7.2. No nature conservation concerns were raised in the planning appeal.
- 7.3. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.
- 7.4. The reason for this conclusion is as follows:
- The small scale and nature of the subject proposal.
  - The distance from nearest European site.
- 7.5. I conclude, 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.
- 7.6. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

## **8.0 Recommendation**

- 8.1. I recommend that full planning permission is granted, subject to condition, for the reasons and considerations as set out in Section 9.0.

## 9.0 Reasons and Considerations

- 9.1. Having regard to the nature and scale of the development proposed to be retained, it is considered that subject to compliance with the conditions below, the proposed development would not adversely affect the setting of the ACA, would be acceptable in terms of architectural heritage, residential amenity and would not adversely affect the development potential of sites in the vicinity of this site, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 11<sup>th</sup> September 2024 and 4<sup>th</sup> April 2025, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. No material change of use shall take place without prior planning permission.

**Reason:** In the interest of the proper planning and sustainable development of the area.

3. (a) All surface water run-off from the proposed development shall be collected and disposed of to the public surface water sewer network. No such surface water run-off shall be allowed to flow onto the public roadway or adjoining properties.  
  
(b) The proposed development shall not interfere with existing land or road drainage.

**Reason:** To prevent flooding of the public road, in the interests of traffic safety and in the interests of public health.

4. Any external lighting shall be cowled and directed away from the public roadway and adjoining properties.

**Reason:** In the interests of traffic safety and residential amenity.

5. There shall be no outbreak of amplified music from any activities, at nearby noise sensitive locations.

**Reason:** In the interest of protection of residential amenities of property in the vicinity of the site.

6. The developer shall pay to the planning authority a financial contribution of €11,152.00 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 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.

**Reason:** 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.

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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Aoife McCarthy  
Planning Inspector

12<sup>th</sup> September 2025



### Form 1 - EIA Pre-Screening

<b>Case Reference</b>	322630-25
<b>Proposed Development Summary</b>	Retention Permission for Change of use of Domestic Kitchen to Lounge area at rear of existing bar, External covered yard to outdoor entertainment area, emergency exit route and covered walkway and all associated site works. This building is a protected structure (RPS 210).
<b>Development Address</b>	Ramsbottoms Bar, 101 Main Street, Maryborough, Portlaoise
	<b>In all cases check box /or leave blank</b>
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>  (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes,  - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.  <input type="checkbox"/> No, No further action required.
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1.  <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<b>3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?</b>	
<input checked="" type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed	

<p>type of proposed road development under Article 8 of the Roads Regulations, 1994.</p> <p><b>No Screening required.</b></p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p><b>EIA is Mandatory. No Screening Required</b></p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p><b>Preliminary examination required. (Form 2)</b></p> <p><b>OR</b></p> <p><b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b></p>	

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes <input type="checkbox"/>	
No <input checked="" type="checkbox"/>	

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

R

## Form 2 - EIA Preliminary Examination

<b>Case Reference</b>	322630-25
<b>Proposed Development Summary</b>	Retention Permission for Change of use of Domestic Kitchen to Lounge area at rear of existing bar, External covered yard to outdoor entertainment area, emergency exit route and covered walkway and all associated site works. This building is a protected structure (RPS 210).
<b>Development Address</b>	Ramsbottoms Bar, 101 Main Street, Maryborough Portlaoise
<b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b>	
<b>Characteristics of proposed development</b>  (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>The proposed use will operate to noise limits to take account of apartments to the immediate west and wider environs of the site.</p> <p>The operational development will be served by existing water supply and wastewater systems.</p> <p>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>
<b>Location of development</b>  (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>The site is located within the centre of Portlaoise.</p> <p>Works include those to the rear of a protected structure comprising bar with shopfront. The site is also located within Portlaoise ACA.</p> <p>The development is otherwise removed from sensitive natural habitats, designated sites, protected views, as designated within the Development Plan.</p> <p>The subject site is not located within or adjacent to any Natura 2000 sites.</p> <p>The closest European site River Barrow and River Nore SAC is 8.2km from the subject site.</p>
<b>Types and characteristics of potential impacts</b>  (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>Having regard to the scale and nature of works, distance of the site from sensitive habitats, 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
There is no real likelihood of significant effects on the environment.	EIA is not required.
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	
There is a real likelihood of significant effects on the environment.	

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

DP/ADP: \_\_\_\_\_ Date: \_\_\_\_\_

(only where Schedule 7A information or EIAR required)