



An
Bord
Pleanála

Board Direction
BD-003758-19
ABP-304185-19

The submissions on this file and the Inspector's report were considered at a Board meeting held on 12/8/2019.

The Board decided to refuse permission for the following reasons and considerations.

Reasons and Considerations

1. Policies of the Louth County Development Plan, 2015 to 2021 and government policy in respect of retail planning 'Retail Planning – Guidelines for Planning Authorities, 2012' restricts the maximum permitted net retail floor area of a petrol filling station to 100sqm. The proposed development provides in excess of 100sqm of retail floorspace and does not comply with this policy requirement. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.
2. Government policy in respect of retail planning 'Retail Planning – Guidelines for Planning Authorities, 2012' advocates a plan led approach to retail planning including the identification of local retail units in development plans. Policies of the Dundalk and Environs Development Plan 2009 to 2015 (as extended) provide a retail hierarchy for the town and its environs as set out in Table 3.2 and Map 3.7 of the Plan. The proposed development does not fall within the identified locations of retail space within Map 3.7 and fails to comply with the stated requirements for a Local Shop. The proposed development

would therefore be contrary to the proper planning and sustainable development of the area.

3. Having regard to the RES 1 zoning for the site with an objective to protect and improve existing residential amenities and to provide for infill and new residential development as set out in the Dundalk and Environs Development Plan 2009-2015 (as extended), to the nature, scale and form of the proposed student accommodation element of the proposed development which comprises a part change of use of the existing first floor of a petrol filling station from commercial storage to student accommodation, to the absence of associated open space and to the potential for overlooking from the east facing bedrooms of the student accommodation to the houses and rear gardens of properties to the east, the Board considered that the proposed development would not provide a satisfactory level of accommodation for future inhabitants and would seriously injure the residential amenities of the area and property in the vicinity and would therefore be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to issue a split decision and to grant permission for the student accommodation, the Board noted the proximity of the proposed development to Louth County Hospital and the Dundalk Institute of Technology but was not satisfied that the proposed development would provide a satisfactory level of residential amenity for future occupants due to the location of the student accommodation over a petrol filling station without access to any associated open space. Furthermore, the Board considered that the proposed development would seriously injure the residential amenities of the adjacent residents of Glenwood located to the east of the site by reason of overlooking from first floor student accommodation bedroom windows. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

Board Member

Date: 12/08/2019

Maria FitzGerald