



Planning and Development Acts 2000 to 2019

Planning Authority: Louth County Council

Planning Register Reference Number: 18529

Appeal by Niall Clarke Oils care of EHP Services of 154 Riverside Drive, Red Barns Road, Dundalk, County Louth against the decision made on the 14th day of March, 2019 by Louth County Council for permission for development comprising (1) part demolition of existing commercial stores, (2) a single storey ground floor extension (114 square metres) to an existing retail shop for use as a sit-down deli, food preparation area and storage area, (3) part change of use of existing first floor area from commercial storage to student accommodation (five number bedrooms with communal kitchen/living and ancillary facilities), (4) a new external access to first floor area, and (5) associated site development works, all at Topaz Service Station, Dublin Road, Dundalk, County Louth in accordance with the plans and particulars lodged with the said Council (which decision was to grant subject to conditions permission for (3) part change of use of existing first floor area from commercial storage to student accommodation (five number bedrooms with communal kitchen/living and ancillary facilities), and (4) a new external access to first floor area and bicycle parking stands, and to refuse permission for (1) part demolition of existing commercial stores, and (2) a single storey ground floor extension (114 square metres) to an existing retail shop for use as a sit-down deli, food preparation area and storage area.

Decision

REFUSE permission for the above proposed development based on the reasons and considerations set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

1. Having regard to the policies of the Louth County Development Plan, 2015 to 2021 and to Government policy in respect of retail planning (Guidelines for Planning Authorities – Retail Planning, issued by the Department of the Environment, Community and Local Government in April 2012) which restricts the maximum permitted net retail floor area of a petrol filling station to 100 square metres, it is considered that the proposed development which provides in excess of 100 square metres of retail floorspace 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 (Guidelines for Planning Authorities – Retail Planning, issued by the Department of the Environment, Community and Local Government in April 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 of property in the vicinity. The proposed development 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.

Maria FitzGerald
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this day of 2019.