



Planning and Development Acts 2000 to 2020

Planning Authority: Louth County Council

Planning Register Reference Number: 20166

Appeal by Frank O'Brien of Old Schoolhouse, Backlane, Carlingford, County Louth against the decision made on the 18th day of June, 2020 by Louth County Council to grant subject to conditions a permission to Maureen Johnston care of McNamee Chartered Building Surveyors, Excelsior House, Jocelyn Place, Dundalk, County Louth in accordance with plans and particulars lodged with the said Council.

Proposed Development: Change of use from Church to Chapel of Ease to include use as a wedding venue/reception area including the serving of food by outside caterers, community centre and meeting room, to include alterations to existing WC area, installation of fire alarm system, emergency lighting and signage and all associated site works at Carlingford Presbyterian Church Newry Street, Carlingford, County Louth. The building is a protected structure within the Louth County Development Plan 2015-2021, Reference ID LHS005-057, NIAH Number N3825052.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions 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

Having regard to the location of the proposed development within an area zoned Village Centre where it is an objective of the Louth County Development Plan 2015-2021 to provide, protect and enhance village centre facilities and enable town centre expansion, to the proposed change of use of the former Carlingford Presbyterian Church, which is a Protected Structure within an Architectural Conservation Area (ACA), to a wedding venue and community centre, and to the limited extent of the proposed modifications to the structure, it is considered that the proposed development would not seriously injure the visual or residential amenities of the area, and would provide an appropriate use for the building whilst retaining the character and setting of the structure within the Architectural Conservation Area. The proposed development would, therefore, in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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. The developer shall facilitate the preservation, recording and protection of built fabric of merit and interest of this Protected Structure and within its curtilage. In this regard, the developer shall:
 - (a) notify the planning authority in writing at least four weeks prior to the commencement of any on site works relating to the proposed development,
 - (b) employ a qualified professional with specialised conservation expertise who shall monitor all site works,
 - (c) comply with the following requirements in relation to the restoration, conservation and preservation of the protected structure, which shall be carried out in accordance with the document: “Architectural Heritage Protection – Guidelines for Planning Authorities” issued by the Department of Arts, Heritage and the Gaeltacht in 2011 and,
 - (d) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any historic built fabric which the planning authority considers appropriate to remove as part of the proposed development.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: To ensure that the proposed works are carried out in accordance with best conservation practice and in order to ensure an appropriate standard of works for this Protected Structure.

3. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

4. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

Reason: In the interest of public health.

5.
 - (i) Details of all associated signage shall be submitted to the planning authority for written agreement prior to commencement of development. Any changes to the particulars agreed shall be authorised by a further grant of planning permission.
 - (ii) No other signage, advertising structures/advertisements, security shutters, projecting elements, including flagpoles, or lighting fixtures shall be erected to the exterior of this Protected Structure or within its curtilage unless authorised by way of a further grant of planning permission.

- (iii) No additional development shall take place above roof parapet level, including air handling equipment, ducts or other external plant, telecommunication aerials, antennas, or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the intrinsic character of the Protected Structure, to protect the residential and visual amenities of the area.

- 6. (a) Amplified music or other specific entertainment noise emissions from the premises shall not exceed the background noise level by more than 3 dB(A) during the period 0800 to 2200 hours and by more than 1 dB(A) at any other time, when measured at any external position adjoining an occupied dwelling in the vicinity. The background noise level shall be taken as L90 and the specific noise shall be measured at LAeqT.
- (b) The octave band centre frequencies of noise emissions at 63 Hz and at 125 Hz shall be subject to the same locational and decibel exceedance criteria in relation to background noise levels as set out in (a) above. The background noise levels shall be measured at LAeqT.
- (c) The background noise levels shall be measured in the absence of the specific noise, on days and at times when the specific noise source would normally be operating, either
 - (i) during a temporary shutdown of the specific noise source, or
 - (ii) during a period immediately before or after the specific noise source operates.

- (d) When measuring the specific noise, the time (T) shall be any five-minute period during which the sound emission from the premises is at its maximum level.
- (e) Any measuring instrument shall be precision grade.

Detailed plans and particulars indicating sound-proofing or other measures to ensure compliance with this condition shall be submitted to, and agreed in writing with, the planning authority prior to use of the premises. An acoustical analysis shall be included with this submission to the planning authority.

Reason: In order to protect the amenities of residential properties in the vicinity having regard to the nuisance potential of low frequency sound emissions during night-time hours.

- 7. A plan containing details for the management of waste of the proposed development, including the provision of adequate facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing management of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

8. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

9. The construction of the development shall be managed in accordance with a Construction Management Plan which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

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

Dated this day of 2020.