



Planning and Development Acts 2000 to 2020

Planning Authority: Louth County Council

Planning Register Reference Number: 19984

Appeal by Orla Keegan of The Arch, Seatown Place, Dundalk, County Louth against the decision made on the 3rd day of December, 2020 by Louth County Council to grant subject to conditions a permission to KJR Holdings care of Joseph O'Doherty and Associates of The Strand Field, Bellurgan, Dundalk, County Louth in accordance with plans and particulars lodged with the said Council:

Proposed Development: Change of use of existing building from guesthouse to six number one bedroom apartments and two number two bedroom apartments, eight number apartments in total, including all necessary internal/external works and all site development works. Existing building has connections to public water and sewer. These buildings are listed as Protected Structures registered D293 and D294 in the current Development Plan, all at Kincora House, Numbers 1 and 2 Seatown Place, Dundalk, County Louth. The proposed development was revised by further public notices received by the planning authority on the 12th November, 2020 which includes renewing existing space to change basement apartment from one to two bedroom and amendments to site layout.

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 planning history of the site, to the Town Centre Mixed Use zoning objective for the appeal site, to the Protected Structure Status of Numbers 1 and 2 Seatown Place, Dundalk, and to the location of the proposed development within an Architectural Conservation Area (ACA), the Board was satisfied that, subject to compliance with the conditions set out below, the proposed development would not adversely affect the character and setting of the Protected Structures or the ACA, would provide a satisfactory level of residential amenity for future occupants, would be acceptable in terms of pedestrian and traffic safety, and would not seriously injure the visual and residential amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board noted the planning history of the site and was satisfied that the principle of using the eastern laneway to access the rear of the site for parking was established in principle and was satisfied that this laneway could safely accommodate the quantum of residential units proposed in Numbers 1 and 2 Seatown Place, and that access and sightlines would not be a significant issue in an town centre context where traffic speeds would be constrained. Furthermore, the Board was satisfied that the use of the laneway for waste management could be addressed by the imposition of appropriate conditions for the management of the development including the management of operational waste.

In relation to the Inspector's second proposed reason for refusal, the Board was satisfied that the residential amenity provided by the proposed apartment units, subject to the specific amendments provided for in condition number 2 set out below, was satisfactory and the apartments delivered considerable planning gain in terms of the bringing the historic buildings back into residential use and the provision of residential apartments in a town centre location that is well served by bus and rail transport. The Board also noted that the proposed development provided for the extensive upgrade and conservation of the Protected Structures that would safeguard the future survival of these important structures and would improve the overall visual amenity of the properties within the Architectural Conservation Area. The Board was satisfied that other issues in relation to communal areas could be satisfactorily addressed by the imposition of relevant conditions.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 12th day of November, 2020, 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 proposed development shall be amended as follows:
 - (a) Basement Apartments 1 and 2 shall be amended to provide 1-bed apartments instead of 2-bed apartments. To achieve this amendment, the second bedrooms to the rear of the building within basement Apartments 1 and 2 shall both be omitted and replaced with larger bathrooms serving each of these apartments.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of residential amenity.

3. Prior to commencement of development, detailed structural drawings and a construction methodology statement (including the results of detailed structural surveys of the protected structure and all building facades to be retained) indicating the means proposed to ensure the protection of the structural stability and fabric of all these retained structures shall be submitted to, and agreed in writing with, the planning authority. These details shall include demonstrating the methods proposed to upgrade and replace windows and to retain other existing facades as proposed, demolition and excavation arrangements, the proposed foundation system and underpinning, structural bracing and support and method of construction.

Reason: In the interests of preserving the architectural integrity and heritage value of the retained structures.

4. Prior to commencement of development, the developer shall provide for the following: -
 - (a) the appointment of a conservation expert, who shall manage, monitor and implement works on the site and ensure adequate protection of the historic fabric during those works,
 - (b) the submission of details of all finishes and of all existing original features to be retained and reused where possible, including interior and exterior fittings/features, joinery, fenestration, plasterwork, features (cornices and ceiling mouldings), roofs, staircases including balusters, handrail and skirting boards.

All repair/restoration works shall be carried out in accordance with best conservation practice as detailed in the application and the 'Architectural Heritage Protection Guidelines for Planning Authorities' (Department of Arts, Heritage and the Gaeltacht, 2011). The repair/restoration works shall retain the maximum amount possible of surviving historic fabric in-situ including structural elements, plasterwork and joinery and shall be designed to cause minimum interference to the building structure and/or fabric.

Reason: To ensure that the integrity of the historic structures are maintained and that the structures are protected from unnecessary damage or loss of fabric.

5. Prior to commencement of development, a detailed construction methodology statement addressing the reinstatement of partitions between Kincora House and the Arch properties and proposed interventions to the plumbing for the Arch that is currently located within Kincora House and in relation to the shared waste piping on the external elevation shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interest of preserving the architectural integrity and heritage value of the retained structures.

6. Bicycle parking spaces shall be provided within the site. Details of the number, layout and marking demarcation of these spaces shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.

7. 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.

8. 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.

9. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

10. Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours 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.

11. The communal garden areas shall be landscaped. A landscaping scheme shall be submitted to, and agreed in writing with, the planning authority prior to commencement of the development.

Reason: In the interest of residential amenity.

12. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

13. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

14. (a) A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities for each apartment unit 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.
- (b) This plan shall provide for screened communal bin stores, the locations and designs of which shall be included in the details to be submitted.

Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

15. 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.

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

DR. Maria FitzGerald

Maria FitzGerald

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this *7th* day of *May* 2021

