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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Louth County Council**

**Planning Register Reference Number: 211390**

**Appeal** by Elaine and Thomas Gilsean and Others of 5 Castle Road, Dundalk, County Louth against the decision made on the 4<sup>th</sup> day of November, 2022 by Louth County Council to grant subject to conditions a permission to Laurence Tuite care of Reid Associates Chartered Town Planners of 2 Connaught Place, Crofton Road, Dún Laoghaire, County Dublin in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** The conservation, extension and change of use of former Saint Joseph's Female Orphanage and Industrial School (a protected structure – Recorded Protected Structure: D290) and St. Malachy's Convent (a protected structure - Recorded Protected Structure: D292) to residential use, which is in an Architectural Conservation Area (ACA). The development will consist of: (i) The complete restoration and refurbishment of the two protected structures to the front of the site at Seatown Place, comprising.

- (a) The removal of non-original dormer and rooflights to the front and rear of the buildings and the re-roofing of the retained buildings in natural slate and the renewal of all metal valleys and cast iron gutters.

- (b) The replacement of the non-original aluminium windows to the front and side of the retained buildings with traditional replica timber weighted up and down sash windows.
- (c) The conservation, draft proofing and refurbishment of the original up and down sash windows to the rear of the building.
- (d) The removal of the existing sand and cement render to the front, side and rear facades of the convent building and the complete restoration and repair of all façade finishes.
- (e) The restoration of the refectory staircase to the convent extension and the provision of an additional new staircase to all remaining floors.
- (f) The removal of an external religious metalwork and iconography to the front of the building including a statue of Saint Joseph, its alcove and their appropriate archival along with and the reinstatement of the concealed window behind, along with all associated fenestration amendments, ope, and metalwork to the front façade of the industrial school.
- (g) The reinstatement of the original front door ope, approach steps and railings to the front façade of the industrial school, along with a contemporary replica door and surround.
- (h) The dry rot remediation, structural repair and fireproofing of the existing floor structure and finishes throughout along with the provision of under floor heating on completion.
- (i) The restoration, conservation, and fireproofing of all original doors and associated retained historical timber elements throughout along with the

provision of all required additional fire-fighting facilities and services throughout.

- (j) The removal of the modern internal lift and staircase and the restoration of the original staircase to the rear of the convent building.
- (k) The widening of the existing basement court to the rear of the convent building along with a new external staircase and access lift platform to provide level access and a new entrance door to the rear of the convent extension.
- (l) The demolition of the intermediate boundary wall to the rear of the property and the provision of a memorial garden to the rear of the property, along with all associated planting and boundary treatments.
- (m) The change of use of buildings to the front of the property from institutional convent, industrial school and associated residential use respectively, to residential use along with all associated non-original fabric removal and revisions to internal partitions and doors, the provision of bathroom, kitchen and robe pavilion insertions throughout and associated servicing to provide three number studio apartments, 16 number one-bedroom units, 11 number two-bedroom units and one number three-bedroom unit in the provision of 31 units in total in the retained convent and industrial school, along with associated estate office and community room.
- (n) The demolition of the twentieth century, three-storey toilet block, along with associated fenestration amendments to the rear of the industrial school building façade.
- (o) The demolition of the single storey lean to the basement refectory to the rear of the industrial building and their reinstatement in the conserved

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rear façade to the basement refectory.

(p) The provision of a platform lift and staircase to the front of the building to access the basement from the street level and associated access and fenestration revisions.

(ii) The demolition of the existing gymnasium, classroom, laundry and workshop building to the rear of the property at Castle Street, including all associated lean to and flat roofed annexes, a covered link to the industrial school, a single storey twentieth century laundry annex and fire escape, along with the adjoining grotto and twentieth century greenhouse and the cataloguing, removal and appropriate historical archival of all redundant laundry equipment; (iii) The construction of a new four-storey apartment building with a recessed fifth floor to the rear of the site facing onto Castle Street comprising one number one-bed studio apartment, nine number-one bedroom apartments, 15 number two-bedroom apartments and two number three-bedroom units or 27 units in total. (iv) Along with all associated terraces, balconies, lifts, rooflights, solar panels, refuse stores, drainage and site works. (v) The landscaping of the existing yard to the rear of the building, hard standing and garden to accommodate 19 number car parking and 58 bicycle spaces using the existing vehicular access onto Castle Street along with the restoration of the pedestrian access and the provision of new steel and glass vehicular gates. (vi) All ancillary development, site services, drainage and landscaping works. The completed development will provide for 58 apartments in both blocks, 31 apartments in the front block, 27 apartments in the rear block comprising, four number one-bed studio apartment, 25 number one-bedroom units, 26 number two-bedroom units and three number three-bedroom units, at Seatown Place, Castle Street, Dundalk, County Louth. The proposed development was revised by further public notices received by the planning authority on the 12<sup>th</sup> day of October 2022.



## 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.**

## Reasons and Considerations

Having regard to the provisions of the Louth County Development Plan 2021-2027, including HOU 11, 15 and 17, the town centre location of the site, which is in proximity to a wide range of community services and social facilities, the pattern and character of existing development in the area, and the design, scale and layout including public and communal open space of the proposed development on what is a centrally-located, urban, brownfield site, it is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable quantum of development in this accessible urban location, would be acceptable in terms of pedestrian and traffic safety, would constitute an acceptable form of development and use at this Protected Structure and would not seriously injure the amenities of surrounding properties or seriously detract from the character or built heritage of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

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## Conditions

1. The proposed 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 received by the planning authority on the 12<sup>th</sup> day of October 2022, 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. Details relating to the provision of a privacy strip, 1.5 metre in depth, alongside the rear (eastern side) of Apartment B6 shall be submitted to, and agreed in writing with, the planning authority, prior to commencement of development.

**Reason:** In the interests of residential amenity.

3. Details of the materials, colours and textures of all the external finishes of the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

4. 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 and surface water management.

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5. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreements with Uisce Éireann.

**Reason:** In the interest of public health.

6. The development shall be carried out in accordance with the Conservation Methodology Statement Addendum, and the Revised Conservation Appraisal Report, received by the planning authority on the 12<sup>th</sup> day of October 2022.

**Reason:** To protect the architectural heritage in the interests of the common good and the proper planning and sustainable development of the area.

7. Prior to the commencement of development on the protected structures the applicant/developer shall submit for the written agreement of the planning authority confirmation that:

- (a) the construction phase for the development shall be monitored by a suitably qualified conservation architect (minimum Grade 2) with conservation expertise and accreditation, and
- (b) competent site supervision, project management and crafts personnel shall be engaged, suitably qualified and experienced in conservation works.

**Reason:** To secure the authentic preservation of the protected structures and to ensure that the proposed works are carried out in accordance with best conservation practice.

8. (a) The temporary widening of the existing vehicular site access from Castle Road shall be permitted and facilitated for the duration of the

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construction phase only, with all original stonework and related items numbered and retained for future reinstatement in its original location and form following completion of the development. All works shall be supervised by an onsite conservation architect.

- (b) Details of the procedures to be followed in respect of the temporary widening of the site access and subsequent reinstatement of the wall shall be submitted in a method statement to the planning authority, and agreed in writing, prior to the commencement of development.

**Reason:** In order to protect the character of this protected structures and in accordance with best practice conservation practice.

- 9. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall:

Include a plan to scale of not less than 1:500 showing –

- (a) Existing trees, hedgerows, shrubs, stone walls, etc., specifying which are proposed for retention as features of the site landscaping.
- (b) The measures to be put in place for the protection of these landscape features during the construction period.
- (c) The species, variety, number, size and locations of all proposed trees and shrubs, which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder.



- (d) Details of boundary planting.
- (e) Details of any roadside/street planting.
- (f) Hard landscaping works, specifying surfacing materials, SuDS measures, furniture, and finished levels.
- (g) Full details of play equipment and seating within the play area.
- (h) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment.

The landscaping measures shall be carried out within the first planting season following substantial completion of external construction works. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

**Reason:** In the interest of residential and visual amenity.

10. Prior to the commencement of development on the protected structures samples of materials and/or workmanship shall be submitted for the written agreement of the planning authority, and all works shall be carried out in accordance with this written agreement.

**Reason:** In the interest of the protection of architectural heritage.



11. (a) Prior to the commencement of development, the developer shall submit details (design and materials) of the proposed commemorative plaque(s) in relation to the historic and cultural importance of the site and its associated buildings for the written agreement of the planning authority. Elevation drawings shall also be submitted to illustrate the location and scale of the proposed commemorative plaque(s).
- (b) The existing statue of Saint Joseph and crucifixes associated with the convent building shall be removed in such a manner as to enable them to be recorded, photographed and their appropriate historical archival in the care of a museum.
- (c) The equipment and machinery associated the former laundry building shall be removed in such a manner as to enable them to be recorded, photographed and their appropriate historical archival in the care of a museum.

**Reason:** In the interest of proper planning and to ensure the cultural and historic importance of the site is acknowledged.

12. The construction of the development shall be managed in accordance with a Construction Management Plan (CMP), 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 and traffic management measures and off-site disposal of construction/demolition waste.

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

13. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the Environmental Protection Agency's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

**Reason:** In the interest of sustainable waste management.

14. (a) A Road Safety Audit (Stages one and two) shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development, in order to demonstrate that appropriate consideration has been giving to all relevant aspects of the development including in accordance with the road design standards of Transport Infrastructure Ireland.
- (b) The measures recommended by the auditor shall be undertaken, unless the planning authority approves any departure in writing. A detailed drawing(s) showing all accepted proposals and a feedback report should also be submitted.

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

15. (a) A Mobility Management Plan shall be completed within six months of the opening of the proposed development. The Mobility

Management Plan shall be submitted for the written agreement of the planning authority.

- (b) Prior to commencement of development, the developer shall submit a developed Construction Traffic Management Plan for the written agreement of the planning authority.
- (c) Details of the proposed public lighting system to serve the development shall be submitted to and agreed in writing with the planning authority, prior to commencement of development.
- (d) Details of an automated pedestrian warning system to alert pedestrians of vehicles exiting the development onto Castle Road shall be submitted to and agreed in writing with the planning authority, prior to commencement of development.
- (e) The permitted garden of commemoration shall remain be open to the public during daylight hours (0900 to 1800 hours, seven-days a week).

**Reason:** In the interest of public safety and visual and residential amenity.

16. (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.

17. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and
- (b) employ a suitably qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works. The assessment shall address the nature and location of archaeological material on the site and the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

**Reason:** In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

18. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

**Reason:** In the interest of visual amenity.

19. Site development and building works shall be carried out only between the hours of 0800 and 1900 from Mondays to Fridays inclusive, between 0800 and 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.

20. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

**Reason:** To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

21. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** To ensure the satisfactory completion and maintenance of the development until taken in charge.

22. The developer shall pay to the planning authority a financial contribution 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.



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**Peter Mullan**

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

Dated this *5th* day of *April*, 2024.