



An
Bord
Pleanála

Board Order
ABP-319748-24

Planning and Development Acts 2000 to 2022

Planning Authority: Louth County Council

Planning Register Reference Number: 2360499

Appeal by Michael McCourt and others care of 1 Francis Street, Dundalk, County Louth against the decision made on the 2nd day of May, 2024 by Louth County Council to grant subject to conditions a permission to Shane McGuinness care of O'Callaghan Planning of 20 Castle Street, Newry, County Down in accordance with plans and particulars lodged with the said Council.

Proposed Development: Change of use of former public house/nightclub to five number self-contained residential units and one number commercial unit, with restored shopfront, internal alterations and extensions to rear of premises at 3A Francis Street, Dundalk, County Louth. The proposed development was revised by further public notices received by the planning authority on the 10th day of April, 2024.

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 the zoning objective for the site ('B1 – Town/Village Centre'), which is to support the development, improvement and expansion of town or village centres, and Policy Objectives HOU 11, 15 and 18, and to the location of the site in proximity to a wide range of community services and social facilities, the existing pattern and character of development in the vicinity, and the design, scale and layout 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, and would not seriously injure the residential or visual amenities of the area, or detract from its character or built heritage. The proposed development would, therefore, be 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, as amended by the further plans and particulars received by the planning authority on the 10th day of April, 2024, 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 ground floor commercial unit may only be used as a 'shop' as defined under Class 1 of the Planning and Development Regulations 2001, as amended. Any other use requires prior written consent from the planning authority or the grant of a separate planning permission.

Reason: To regulate the development.

3. The three east facing windows proposed to be positioned in the studio apartment at second floor level, along the site boundary and immediately abutting and facing onto a private lane, shall be omitted or replaced with roof windows.

Reason: To protect adjoining amenities.

4. 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.

5. (a) Details of the proposed awning at the shopfront, including colour(s), shall be submitted for written agreement of the planning authority prior to commencement of development and shall be in accordance with the design submitted by way of further information received by the planning authority on the 10th day of April 2024.

(b) No signage, advertisement or advertisement structure (including that which is exempted development under the Planning and Development Regulations, 2001, as amended), other than those shown on the drawings submitted with the application, shall be erected or displayed on the buildings or within the curtilage of the site, unless authorised by a further grant of planning permission.

- (c) No external security shutters shall be erected on any of the commercial premises, unless authorised by a further grant of planning permission. Details of all internal shutters, which shall be of an 'open lattice' design and not contain any form of advertising, shall be submitted for the written agreement of the planning authority prior to commencement of development, and all internal shutters shall conform to that written agreement.

Reason: In the interest of visual amenity and to protect the character of this Architectural Conservation Area.

- 6. (a) The developer shall retain the services of a suitably qualified Landscape Architect to oversee the construction phase.
- (b) The approved landscaping scheme shall be implemented fully in the first planting season following the commencement of the development and finalised prior to the occupation or sale of any of the residential units hereby granted planning permission.
- (c) 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 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.

7. The development shall provide swift nest boxes or other equivalent proposals to support the population of nesting swift. Details of these proposals and the number of boxes/other equivalent proposals shall be submitted to and agreed in writing with the planning authority, prior to the commencement of the development.

Reason: In the interest of safeguarding biodiversity of the area.

8. 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 hours of working, noise and traffic management measures and off-site disposal of construction/demolition waste.

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

9. 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 proper planning and sustainable development.

10. 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 interest of visual and residential amenity.

11. Prior to the commencement of development, the developer shall enter into a Connection Agreement (s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

12. Site development and building works shall be carried out only between the hours of 0800 and 1800 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.

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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 public open spaces and 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. Proposals for a name and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs and apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.

15. (a) A qualified archaeologist shall be employed to monitor all groundworks associated with the development.
- (b) If, during the course of site works, any archaeological material is discovered, the planning authority shall be notified immediately. (The developer is further advised that in this event that under the National Monuments Act, the National Monuments Service, Department of Housing, Heritage and Local Government and the National Museum of Ireland require notification.)

Reason: In the interest of preserving or preserving by record archaeological material likely to be damaged or destroyed in the course of development.

16. 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 transfer of a percentage of the land, to be agreed with the planning authority, in accordance with the requirements of section 94(4) and section 96(2) and 96(3)(a), (Part V) of the Planning and Development Act 2000, as amended, and/or the provision of housing on lands in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended], unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall 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 for the area.

17. 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 of roads, footpaths, watermains, drains, 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 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 of the development.

18. 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. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

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.



Patricia Calleary

Patricia Calleary

Member of An Bord Pleanála

duly authorised to authenticate
the seal of the Board.

Dated this 30th day of December 2024.