



An
Bord
Pleanála

Inspector's Report PL15.248532

Development	Retention of change of use from residential house to self-catering accommodation and permission for replacement of side access gates and external door to rear.
Location	Woods Lane, Carlingford, Co. Louth
Planning Authority	Louth County Council
Planning Authority Reg. Ref.	16/541
Applicants	Bouleo Ventures Ltd.
Type of Application	Retention and Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Deepka and Anu Abbi
Observer(s)	None
Date of Site Inspection	18 th August 2017
Inspector	Niall Haverty

1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 0.022 ha, is located on the western side of the R176 in Carlingford village centre, Co. Louth. The site accommodates a two storey whitewashed stone building with red brick detailing around the windows, a pitched slate roof and a stated gross floor space of 255.74 sq m. The site is separated from the R176 by a triangular grassed area and it faces onto Carlingford Lough.
- 1.2. The site is bounded by Woods Lane to the south, the R176 to the east, residential properties to the north and both residential and commercial properties to the west. There is a public house immediately to the west which is in the same ownership, with a yard area between the public house and the appeal site.

2.0 Proposed Development

- 2.1. The proposed development consists of:
 - Retention permission for the change of use of a two storey dwelling house to a two storey, seven bedroom, short-stay self-catering holiday accommodation unit and associated signage.
 - Permission for replacement of side access gates, replacement of external access stairs and gangway, new external doors to west (rear) elevation and all associated site development works including car parking.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Louth County Council decided to grant planning permission subject to eight conditions, including the following summarised conditions:
 - **C4:** No changes to the exterior of the structure unless permitted by written agreement or by way of a subsequent planning application.
 - **C5:** Landscaping to gangway and stair shall be carried out prior to completion of works.

- **C6:** Details of access gates from Woods Lane to be submitted.
- **C7:** Archaeological monitoring.
- **C8:** Special contribution of €12,800 in lieu of the shortfall in the provision of car parking.

3.2. Planning Authority Reports

3.2.1. The Planning Officer's reports can be summarised as follows:

- Retained development is acceptable in principle as it seeks to provide self-catering short-stay holiday accommodation within the village setting and it complies with Policies EDE 26 and EDE 27.
- Amendments to gangway and stairwell on foot of RFI might assist with noise reductions at this location.
- Regulation of self-catering accommodation lies outside the scope of planning. The provision of such accommodation fully accords with Policy EDE 27.
- Reductions in development contributions do not apply for retention applications.
- CDP does not include car parking standards for self-catering accommodation. Special development contribution can be applied in lieu of car parking.
- Proposal is unlikely to have any adverse impact on the Natura 2000 sites in the area given that the building is existing and serviced by mains drainage.
- Subject site is within an area that is liable to flood. As no extensions are planned and the use of the building is being retained then the development does not warrant special conditions being attached.

3.3. Other Technical Reports

3.3.1. **Infrastructure Section:** Application should be levied for the provision of car parking spaces.

3.4. Prescribed Bodies

- 3.4.1. **Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs:** No objection subject to condition regarding archaeological monitoring.

3.5. Third Party Observations

- 3.5.1. Two observations were made by the appellants and Michael Thornton, respectively. The issues raised in the observations are generally as per the appeal, as well as the following:
- Site notice was not visible, as it was attached behind a grill.
 - Car parking is mentioned in the application but there is no drawing to indicate where they intend to park cars.

4.0 Planning History

4.1. Appeal Site

- 4.1.1. **Reg. Ref. 06/970:** Permission granted for extension and alterations to existing two storey structure to incorporate 3 No. two bedroom dwelling houses, structures to the rear to accommodate private amenity space requirements, along with all associated site works.
- 4.1.2. **Reg. Ref. 04/504:** Permission granted for alterations and extension to the bar at entry level to include new entrance, new shop front and signage, relocation of toilets, new fire escape stairs, new stairs from ground level to existing residential accommodation at 1st and 2nd floor level extension to the rear of existing residential accommodation at 1st and 2nd floor level, alterations to and change of use at ground and first floor level of existing guest accommodation fronting onto public road R176 to licensed premises/bar/restaurant to include new shop front and signage, to licensed premises/bar/restaurant to include new shop front and signage to Savages lane, change of use of existing dining room to kitchen and extension to same to join with existing guest accommodation building at first floor level, removal of existing walkway and fire escape stairs, the taking down of two existing sheds in the yard and the construction of a single storey [*sic*].

- 4.1.3. **Reg. Ref. 94/217:** Permission granted for conversion of three bedrooms to B&B use.
- 4.1.4. **Reg. Ref. 93/48:** Permission granted for conversion of store to dwelling unit.

4.2. **Surrounding Area**

- 4.2.1. **ABP Ref. PL15.248948; Reg. Ref. 16/662:** Current planning appeal by Deepka Abbi against the decision of Louth County Council to grant retention permission and permission to Bouleo Ventures Ltd. for development at Jordan's Bar and Restaurant (i.e. public house to west of appeal site, within applicant's control).

Retention permission was sought for: extension of external single storey stores in rear yard; underground gas storage tanks; change of use of commercial store to commercial kitchen at basement level; basement level extension; extension to toilet area at ground floor level; external patio decked area to rear of caretakers accommodation at first floor level; new roof over restaurant snug area at ground floor level; bridge access, including emergency exit doorway from dining area to neighbouring self-catering short stay holiday accommodation external stairs/gangway. Permission was sought for: extension at basement yard level; internal alterations to include new emergency exits; remove existing rear access gates and replace with proposed new timber access gates at Woods Lane; rear extension to caretakers accommodation at first and second floor levels; 2 No. dormer windows to front elevation at second floor level; velux window to front and rear elevation at second floor level; alterations to north elevation to remove three windows and replace with one window.

5.0 **Policy Context**

5.1. **Louth County Development Plan 2015 – 2021**

- 5.1.1. The site is governed by the policies and provisions contained in the Louth County Development Plan 2015-2021.
- 5.1.2. Carlingford is designated as a Level 3 settlement in the County's settlement hierarchy and Policy SS 9 seeks to "promote and facilitate limited development within Level 3 Settlements that is commensurate with the nature and extent of the existing settlement, to support their role as local service centres and to implement

the policies and objectives relative to each settlement as provided for in Appendix 2, Volume 2 (a)".

5.1.3. The Settlement Plan for Carlingford in Appendix 2 of the Development Plan contains a number of Policies to protect its historical character and landscape setting. Policy CAR 11 seeks to support sustainable tourism development in Carlingford.

5.1.4. The appeal site is zoned 'Village Centre', to provide, protect and enhance village centre facilities and enable town centre expansion. The Development Plan notes that the principal permitted land use in this zone will be town/ village centre related uses. These shall include shops, offices, residential (comprising of not more than 50% of the floor space of the overall development), crèches/playgroups, personal services, community and cultural activities, pubs, restaurants, guesthouses, hotels, places of entertainment, clinics, doctors/dentist surgery and any other similar type uses.

5.1.5. The appeal site is also within the Architectural Conservation Area and Area of Special Archaeological Interest for the village core and there are a number of protected structures and recorded archaeological monuments in the vicinity of the appeal site. The appeal site is also indicated as being in an area that is designated as Flood Zone A.

5.1.6. Section 6.6 of the CDP relates to 'tourist accommodation' and states that

"Growth in the tourism sector will result in a corresponding need for more visitor accommodation and facilities across the County. The Council is keen to ensure that there is a range of high quality and affordable accommodation provided in order to meet the needs of visitors and tourists to the County. However, care will be needed to ensure that the unspoilt natural environment and landscapes of the County which have been identified as a major reason why tourists come to County Louth are not compromised by inappropriate tourist accommodation development."

5.1.7. This is supported by Policy EDE 26:

"To direct tourism-based development including Hotels, Guesthouses and B&B's to Level 1, 2 and 3 Settlements where there is adequate infrastructure to service the development, except where the proposal involves the re-use or diversification of an existing building, subject to normal planning criteria."

5.1.8. With specific regard to self-catering accommodation, Section 6.6.2 states:

“In order to manage the provision of tourist accommodation in a manner that meets the needs of the tourist while at the same time supporting the local economy, it is considered important that the provision of self catering accommodation should be provided within the network of existing settlements and be of a scale that the settlement can sustain.”

5.1.9. This is supported by Policy EDE 27:

“To facilitate the limited provision of self-catering accommodation in locations within existing towns and villages, of a scale that the settlement can sustain.”

5.2. Flood Risk Management Guidelines for Planning Authorities 2009

5.2.1. Section 5.28 of the Guidelines relates to the ‘assessment of minor proposals in areas of flood risk’ and states that:

“Applications for minor development, such as small extensions to houses, and most changes of use of existing buildings and or extensions and additions to existing commercial and industrial enterprises, are unlikely to raise significant flooding issues, unless they obstruct important flow paths, introduce a significant additional number of people into flood risk areas or entail the storage of hazardous substances. Since such applications concern existing buildings, the sequential approach cannot be used to locate them in lower-risk areas and the Justification Test will not apply. However, a commensurate assessment of the risks of flooding should accompany such applications to demonstrate that they would not have adverse impacts or impede access to a watercourse, floodplain or flood protection and management facilities. These proposals should follow best practice in the management of health and safety for users and residents of the proposal.”

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A third party appeal was made by Deepka and Anu Abbi. The grounds of appeal can be summarised as follows:

- Appellants are residents of a neighbouring property.
- The Board should take into consideration the second application on the site (Reg. Ref. 16/662). The applicants are intending to create an area where large numbers of patrons exit their rooms at the rear of the property, make their way along the gangway and into the bar. This area overlooks residential neighbouring properties.
- The building should remain as a dwelling house to respect LCC's plan for Carlingford to encourage residential homes within the village. A large self-catering premises cannot achieve this.
- Alternatively, the change of use should be to supervised accommodation such as a B&B, hostel or small hotel.
- Premises are used to accommodate large hen and stag parties with no supervision, resulting in noise and disturbance.
- Getaways website states that it is the largest self-catering option in the village and can hold up to 50 guests at any one time. This would mean at least seven guests per room.
- All other unsupervised self-catering is on the outskirts of the village and none accommodates more than 16 people. Large unsupervised accommodation results in anti-social behaviour, adversely affecting local residents.
- Whereas it is encouraged to welcome visitors into Carlingford, this should not be at the expense of driving the residential heart out of the village.
- Side access gates should remain as they are. Providing a smaller access gate will encourage patrons to enter late at night and congregate on the gangway and yard. Access should only be through the main south side entrance or a

new access on the east elevation to prevent noise pollution and anti-social behaviour.

- The existing external stairs are an emergency fire exit. There is no need for a large gangway which will encourage congregating of parties and rowdiness. Gangway faces appellants' residential apartment and that of others.
- New doors on the western elevation are not required and will encourage congregation on the gangway. Applicant wants hen and stag parties to stay within the premises by linking the accommodation to the bar.
- Access to individual units should be kept within the building.

6.2. Observations

6.2.1. None.

6.3. Applicants' Response to Appeal

6.3.1. None.

6.4. Planning Authority Response

6.4.1. No further comment to make.

7.0 Assessment

7.1. I consider that the key issues in determining the appeals are as follows:

- Principle of proposed development.
- Design and layout.
- Residential amenity.
- Architectural and archaeological heritage.
- Flood risk.
- Car parking.
- Appropriate Assessment.

7.2. Principle of Proposed Development

7.3. I consider that the provision of self-catering accommodation within the village core of Carlingford, which is designated as a Level 3 settlement, is in accordance with the zoning objective for the site and is compliant with Policies EDE 26, EDE 27 and CAR 11 of the Development Plan. I am therefore satisfied that the proposed development is acceptable in principle, subject to further consideration of the planning issues identified in Section 7.1 above.

7.4. Design and Layout

- 7.4.1. The development description set out in the statutory notices states that the change of use to be retained is to a 7 bedroom, short stay, self-catering holiday accommodation unit. However, it is not entirely clear from the documentation submitted how the accommodation is intended to function. The floor plans submitted with the application appear to indicate that as a result of the proposed erection of new walls and door opens, the accommodation will consist of two one-bedroom units, one two-bedroom unit and one three-bedroom unit, all of which are accessed from the western elevation, with the first floor units accessed via the new gangway. However, if the internal hallways are intended to be shared, then the accommodation could function as seven one bedroom units. Regardless of how the units are to be divided, I note that none of them feature a kitchen or living area, with a common room instead provided at ground floor level. In this regard, the accommodation would appear to be intended to function more as a hostel-type facility rather than self-catering accommodation, where each unit is typically provided with a kitchen and living area. Notwithstanding this, I consider that the layout allows for a degree of flexibility regarding the use of the accommodation, and will allow for its use by a number of individuals/smaller groups, rather than solely catering for large groups. I consider such flexibility to be acceptable in this village centre location.
- 7.4.2. The only aspect of the proposed development which will be readily visible from outside the site is the proposed replacement gates to Woods Lane. I consider that the design of the proposed timber gates are of high quality and are more responsive to the character of the existing building and the wider ACA than the existing gate. With regard to the proposed gangway and stairs, the design of this element was

amended on foot of a request for further information and I consider that the revised design, which consists of a simple concrete structure, painted white, is acceptable having regard to the simple whitewashed stonework vernacular treatment of the western elevation of the existing building.

7.5. Residential Amenity

- 7.5.1. The appellants contend that the provision of unsupervised self-catering accommodation in this location attracts stag and hen parties and has a significant impact on residential amenity due to noise, disturbance and anti-social behaviour. The appellants also contend that the proposed gangway will exacerbate these impacts by encouraging parties to congregate at this location and by linking the accommodation to the bar.
- 7.5.2. As noted above, the provision of self-catering tourist accommodation in village centre locations is supported by the Development Plan and both the site and surrounding area are zoned as 'village centre'. The building also appears to have previously operated as a bed and breakfast for a number of years.
- 7.5.3. I note that the rear elevation of the appellants' residential unit, which is located at first and second floor of their property, is c. 16m from the western elevation of the building on the appeal site, and the presence of a gangway therefore gives rise to potential overlooking and loss of privacy issues as well as potential noise issues.
- 7.5.4. While I am satisfied that the proposed artificial hedge along the top of the gangway wall will provide adequate visual screening, I do not consider that it is likely to be effective in reducing excessive noise levels which could arise from people utilising the gangway at night. However, having regard to the village centre location and zoning of the appeal site, the policies set out in the Development Plan to support the provision of tourism-related accommodation in such areas, and the presence of a long-established public house immediately adjacent to the appeal site and appellants' property, I consider that the proposed development is generally acceptable and that a certain level of noise is to be expected in such locations. I consider that anti-social behaviour and excessive noise/disturbance could arise at any self-catering accommodation and that the control and avoidance of such impacts is primarily a management issue. I do not consider that the gangway is likely to

operate as a balcony, since the 1.8m high barrier along its outer edge will not be conducive to the creation of a desirable amenity space. I also consider that the gangway allows the accommodation to function in a somewhat flexible manner that will allow the accommodation to be used by individuals and smaller groups, rather than solely accommodating large groups such as hen and stag parties. I consider this to be a positive factor in reducing the likelihood of excessive noise/disturbance impacts.

- 7.5.5. Having regard to the above, I do not consider that the proposed development would seriously injure the residential amenities of property in the vicinity.

7.6. Architectural and Archaeological Heritage

- 7.6.1. The appeal site is located within the Carlingford Architectural Conservation Area and an Area of Special Archaeological Interest. It is also close to a number of protected structures and recorded archaeological monuments.
- 7.6.2. While the existing building is not a protected structure, I consider that it has significant architectural heritage merit due to its prominent location facing Carlingford harbour, its scale, vernacular design and stonework elevations, all of which contribute positively to the character of the ACA.
- 7.6.3. No changes are proposed to the principle east elevation of the building, and I consider that the proposed changes to the west (rear) elevation are relatively minor. The proposed walkway is simple in design and will be whitewashed to match the existing elevation. I consider that the change of use for which retention permission is sought will give the building a sustainable and appropriate use which will ensure its ongoing use, thereby ensuring its preservation and allowing it to continue to contribute to the character of the ACA.
- 7.6.4. With regard to archaeological heritage, I note that no significant excavations are likely to be required in connection with the proposed development. However, having regard to the submission made by the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs, and the location of the proposed development within an area of archaeological potential, I recommend that a condition be included regarding archaeological monitoring, should the Board be minded to grant permission.

7.7. Flood Risk

- 7.7.1. The composite map included in the Development Plan indicates that the appeal site is located within Flood Zone A and is therefore at risk of coastal flooding.
- 7.7.2. Section 5.28 of the Flood Risk Management Guidelines for Planning Authorities 2009 advises that applications for minor development, including most changes of use of existing buildings, are unlikely to raise significant flooding issues, unless they obstruct important flow paths, introduce a significant additional number of people into flood risk areas or entail the storage of hazardous substances. The Guidelines also advise that since such applications concern existing buildings, the sequential approach cannot be used to locate them in lower-risk areas and the Justification Test will not apply but recommends that a commensurate assessment of the risks of flooding should accompany such applications to demonstrate that they would not have adverse impacts or impede access to a watercourse, floodplain or flood protection and management facilities.
- 7.7.3. No flood risk assessment was included with the planning application. However, having regard to the nature and relatively minor extent of the physical works proposed, and in particular noting that no extension is proposed, I do not consider that the proposed development is likely to result in any obstruction to flow paths or have adverse impacts on watercourses or flood management facilities. I therefore do not recommend that planning permission be refused on the basis of flood risk.

7.8. Car Parking

- 7.8.1. Whilst the statutory notices made reference to car parking, the proposed development does not include any car parking to serve the self-catering accommodation. Having regard to the village centre location and constrained nature of the site, there does not appear to be any scope to accommodate car parking within the site boundaries. The wide hard shoulder area of the R176 immediately to the east of the appeal site was being utilised as an informal car parking area on the date of my site inspection, and a public car park is located to the south, with on-street car parking on Newry Street, to the west of the appeal site. I note that Policy TC 18 of the Development Plan states that it is the policy of the Planning Authority to consider a reduction of parking standards in respect of proposed developments

which the Council considers to be of such a quality and value as to contribute significantly to the spatial, economic and social wellbeing of the settlement in question. Where a reduction in car parking standards is accepted, a contribution in lieu of the provision of car parking will normally be required.

- 7.8.2. I note that the Infrastructure Section of the Planning Authority was amenable to the imposition of a special contribution in lieu of car parking, and having regard to the village centre location of the appeal site, and its location within the historic streetscape of Carlingford ACA, I consider that such an approach is acceptable. If the Board is minded to grant permission, I therefore recommend that a condition be included requiring the payment of a special contribution in lieu of car parking provision.

7.9. **Appropriate Assessment**

- 7.9.1. Having regard to the nature and scale of the proposed development, which relates to the retention of change of use and minor works to an existing building in a serviced village centre location outside of any Natura 2000 sites, I am satisfied that no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 **Recommendation**

- 8.1. I recommend that planning permission should be granted, subject to conditions as set out below.

9.0 **Reasons and Considerations**

- 9.1. Having regard to the zoning objectives for the area and the pattern of development in the area, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or property in the vicinity, would be acceptable in terms of traffic impact and would be in accordance with the proper planning and sustainable development of the area.

10.0 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 30th day of March 2017, 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 of the proposed access gates from Woods Lane to the site shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

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. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that 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,

(b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and

(c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

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

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

5. Site development and building works shall be carried out only between the hours of 0800 to 1900 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.

6. Notwithstanding the provisions of the Planning and Development Regulations 2001, as amended, or any statutory provision amending or replacing them, no advertisement signs (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the building or within the curtilage of the site, unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

7. The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2) (c) of the Planning and Development Act 2000 in lieu of the provision of car parking spaces. The amount of the contribution 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 for determination. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning

authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

8. 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.

Niall Haverty
Planning Inspector

24th August 2017