



An
Bord
Pleanála

Inspector's Report

PL15.248781

Development	Change of Use of existing offices to (a) language school (b) ancillary apartment to basement and ground floor annexe. Internal / external alterations
Location	2 Jocelyn Place, Dundalk, Co. Louth
Planning Authority	Louth County Council
Planning Authority Reg. Ref.	17/295
Applicant(s)	Richard & Annemarie Keogh
Type of Application	Planning Permission
Planning Authority Decision	Granted with Conditions
Type of Appeal	Third Party
Appellant(s)	Sean O'Reilly
Observer(s)	None
Date of Site Inspection	12 th October and 03 rd November 2017
Inspector	L.W. Howard

1.0 Site Location and Description

- 1.1. What I understand as Jocelyn Place, a terrace of three 'protected structures' of which the application site – No.2 Jocelyn Place is the middle, is prominently located on the easterly 'Seatown Place' / 'Jocelyn Street' approach into the Dundalk Town Centre, at the junction of Jocelyn Street with Castle Road. The three 'protected structures' face onto the northern side of Jocelyn Street.
- 1.2. No.2 Jocelyn Place is the centre building of a Georgian Terrace set of three, understood constructed c.1820. The building is a three-bay three storey over basement red brick Georgian Terrace. Originally designed as a townhouse, it was amalgamated in the late 1970's with the adjacent No.3 Jocelyn Place (corner site). This has resulted in the building being uniquely subdivided into separate ownership, in an alternative arrangement to the original party wall structure.
- 1.3. Vehicular access is restricted to rear of the terrace. The entrance is off Castle Road to the east. This entrance also enables access to the modest 'mews' residential unit located to the rear / north of the Jocelyn Place terrace and sharing the same yard space.
- 1.4. No.2 Jocelyn Place is currently used as 'professional offices'. Adjacent land use to the west comprises the 'relish café / foodhall' and 'offices' at No.1 Jocelyn Place. At present, No.3 Jocelyn Place to the east is used as practising 'attorney offices' and a single residential apartment. No.3 is understood to be in the ownership of the 3rd party appellant.
- 1.5. On street car parking exists along both sides of Jocelyn Street, as well as Castle Road.

2.0 Proposed Development

- 2.1. Change of use of existing offices to :
 - a language school to first and second floors, with ancillary storage to third floor,
 - ancillary apartment to basement and ground floor annexe, and
 - all associated site development works.
- 2.2. The works will include internal and external alterations to the existing structure.

- 2.3. The building is a Protected Structure within the Louth County Development Plan 2015-2021 – Record of Protected Structures (Dundalk Ref : **D226**)

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Planning permission granted, subject to 19no. Conditions.

3.1.2. In the context of the 3rd Party Appeal lodged, the following are considered relevant –

- C2(a)&(b) Restriction regarding 3rd floor works, and a detailed methodology required regarding floor strengthening and insulation installation.
- C4 Detailed schedule for the repair of existing original windows, and reinstatement of inappropriate non-original windows.
- C5 A full specification and detailed ‘Conservation Method Statement’ for all proposed interventions and repairs to the Protected Structure.
- C6(a)&(b) Compliance with best conservation practice. All shall retain the maximum amount of original / historical fabric.
- C7(a)-(c) & C8 Specified requirements regarding ‘repointing’, where necessary.
- C9 Specifications regarding ‘reinstatement of features.
- C10 Specifications regarding removal of items for repair.
- C11 A ‘Protection Plan’ for the protection of all original features during the course of works.
- C12 A ‘method statement’ for upgrading of existing historic timber doors and floors to comply with fire safety requirements.
- C13 Additional works required for compliance with ‘Building / Fire Regulations’, shall be submitted for approval.
If works deemed as extensive, a further application for planning permission may be required.
- C14 Specified requirements for retention of services of a ‘Conservation Architect’. Scope of responsibility determined.
- C15 Requirement to keep detailed records of all works undertaken.
- C16 Require ‘Road Opening Licence’ for all openings in public areas.
- C17 Obtain ‘Hoarding Licence’, where nectary.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Officers report can be summarised as follows :

3.2.1 Principle of Development

- The proposal is for a change of use of offices, to a Language School (all within a Georgian Building, a former Townhouse).
- The proposed development also includes ancillary residential accommodation in an ancillary apartment unit in the basement and ground floor rear return.
- In principle, the nature of the land uses proposed, do not conflict with the zoning matrix, or the uses permitted within the 'Town Centre Mix Use' zone.

3.2.2 Site History

- The change of use from 'residential' to 'office' was permitted in 1997.

3.2.3 Procedural Matters

- Note 3rd party has referenced the validity of the application in respect to – the location of site notices, and the accuracy of the drawings re. distances of structures from the site boundaries
- Having reviewed the application documentation at the time of lodgement, concluded the notices and drawings are adequate to render the application documentation as valid.
- Proposed development includes re-instatement of windows and doors, where the originals have been replaced with inappropriate materials or blocked up. Re-instatement based on evidence is considered appropriate.
- Having regard to the depth of the window opening, it is not clear if there were shutters on the 1st floor. Re-instatement to be based on archive evidence only.
- Consider some small proposed blocking up and removal of partition walls in the basement as acceptable, subject to adequate structural support being put in place.
- It is unclear why removal of all the partition walls in the attic (3rd floor) are required, to strengthen the floors and facilitate insulation installation. This to be subject to agreement.

- Consider detailed method statements required for the proposed repairs. Subject to appropriate methods, the proposed development will not be detrimental to the architectural heritage of this Protected Structure.

3.2.4 Built Heritage

- Proposed development relates to a Protected Structure – D266. Location is also within an Architectural Conservation Area (ACA) (No.5 Jocelyn Street). The buildings are at present unused and have been for some time.
- Reference the application documentation includes an extensive photographic survey, and a ‘Heritage Impact Assessment (HIA)’

3.2.5 Impact on Adjoining Properties

- Note one 3rd party submission from the owner of adjoining No.3, which includes ownership of part of the ground and first floors of No.2 Jocelyn Place. These are amalgamated with, and accessed from No.3 Jocelyn Place.
- Several ‘validation issues raised (see 3.2.3 above).
- 3rd party highlights the legal consent required to carry out works to the building fabric, which is in separate ownership.
- A cohesive repair approach to elements such as re-pointing, is the preferred approach. However, where small elements of re-pointing are necessary to secure the historic fabric of the building, this can be considered acceptable, subject to full agreement of the methodology and amount proposed with the Local Authority Architectural Conservation Officer.
- Traffic impacts have been assessed and considered as acceptable by the County Infrastructure Section.
- Irish Water have assessed the threat of impact on sewerage services locally. These are considered as acceptable by Irish Water.

3.2.6 Open Space

- The proposed development includes one apartment, with 36.96m² of rear yard amenity space. This provision exceeds the minimum.
- The property considered close to all ‘town centre’ amenities.

3.2.7 Natura 2000 Sites

- The application site is located on zoned serviced lands.

- Accordingly, there are no significant pathways that would connect the development to the Natura 2000 Network.
- It is unlikely that the proposed development will have any adverse impact on the integrity of the Natura 2000 network.

3.2.8 Water Services & Flooding Matters

- Note that 'Irish Water' have no objection to the proposed development
- The County Infrastructure Engineers have assessed threat of flooding on the application site. They have raised no concerns.

3.2.9 Roads & Parking

- The County 'Infrastructure Section' has no objection to the proposed development, subject to Conditions.
- At present, the building has 295m² of 'Office' space. The total is 338m² inclusive of 43m² 3rd floor storage, and 5.9no. associated car parking spaces.
- Parking : Development Plan Standard requires 1no. per dwelling-unit in the Town Centre, and 1no. per classroom for the language school. The language school has 3no. class rooms. Therefore, 4no. car parking spaces in total required. If the 3rd floor storage becomes a class room, a total of 5no. car parking spaces would be required.
- By implication, the extended opening hours, will mean that there is less demand from other offices, outside of normal office hours.

3.2.10 Contributions

- This is a 'change of use' development.
- therefore, an exemption of levies applies.

3.2.11 Conclusion

- Recommend planning permission be granted, subject to Conditions.

3.2.2. Other Technical Reports

Infrastructure Directorate No Objection, subject to Conditions

3.3. **Prescribed Bodies**

Irish Water No Objection, subject to Conditions

Note : Requests for comment were circulated to :

- Department of Arts, Heritage and the Gaeltacht,
- An Taisce,
- An Comhairle Ealaíon, and
- The Heritage Council.

3.4. Third Party Observations

3.4.1. One 3rd party submissions received by the Planning Authority from Mr. Sean T. O'Reilly (Bantry House, 2/3 Jocelyn Place, Dundalk, Co. Louth).

3.4.2. The issues argued included :

- Part of the ground floor and first floor of No.2 Jocelyn Place is amalgamated with and accessed from No.3 Jocelyn Place, which is in his ownership.
- Validation issues relating to opposition to the site notice and distances from site boundaries not indicated
- Works will result in damage to the structure and fabric of the 'protected structure'. Adjoining No.2 will be directly impacted with damaging effect on his business.
- Some works (ie. fire separation and re-pointing) will not be possible without his consent. This consent is not given.
- Partial re-pointing would not be in accordance with Guidelines, or Best Practice.
- Consequent Traffic Congestion and increased car parking requirement, which is already deficient in the area.
- No details of foul sewerage or surface water drainage.

4.0 Planning History

Reg.Ref.No.55522414 P. A. Mcardle & Son Ltd granted planning permission – 07/06/1977, for conversion of 'Atlanta House' to 'office' and 'flat accommodation', all at Nos. 2 & 3 Jocelyn Place, Dundalk, Co. Louth, subject to Conditions.

Note : No clear specific case history documentation is available. Of all the parties to this current appeal case, the reference made by the applicants, at Paragraph 2.0 of their

response submission to the 3rd Party Appeal, appears as the most usefully substantive)

5.0 Policy Context

5.1. Development Plans

5.1.1. Louth County Development Plan 2015 - 2021

Enables a countywide framework

5.1.2. Dundalk and Environs Development Plan 2009 - 2015

Relevant provisions include (see copies attached):

Ch. 2 Development Strategy

Table 2.3 Land Use Zoning Objectives

Zoning Objective '**TCMU**' "Town Centre Mixed Use : To provide for mixed use development".

'Residential', 'School' and 'Training Centre' land uses are "permitted uses" within the '**TCMU**' Zone.

The application site is designated with the '**TCMU**' Zoning Objective.

Ch. 4 Town Centre

S4.1 Introduction

S4.1.1 Town Centre Boundary

S4.2.1 Town Centre Objectives

S4.3 Town Centre Zoning

Table 4.2 Town Centre Zoning and Zoning Objectives

'Town Centre Mixed Use (**TCMU**)' Zone

- permitted development within this zone includes a mixture of uses to support and compliment the function of the town centre.
- mixed use developments should include residential, employment, services and community facilities.

Policy TC3 Require provision of mixed use development –

- in accordance with the permitted uses within this zone, and
- to ensure the residential component is not less than 20%, or more than 80% of the total floor area of the proposed development.

S4.4 Town Centre Development

Ch.8 Conservation and Heritage

S8.4 Conservation of Built Heritage

S8.4.1 Protected Structures

- Dundalk ‘Record of Protected Structures (RPS)’ provided in Volume 2.
- Application site – No.2 Jocelyn Street a ‘Protected Structure’

<i>ID</i>	D226
<i>Description</i>	c.1820, terraced 3-bay 3-storey over basement former house
<i>Appraisal</i>	Set within a row of similar buildings, representing a good example of Irish Georgian town architecture. Retains interesting original features such as – the decorative fanlight, wrought-iron railings, & the original sliding sash windows.
<i>Interest</i>	Architectural Artistic
<i>Importance</i>	Regional

Policy CH9 Protect and safeguard structures of special architectural, historical interest which are included in the Record of Protected Structures, at Volume 2 of this Plan.

S8.4.2 Architectural Conservation Areas

Policy CH10 Protect designated Architectural Conservation Areas.

Require new development be sensitively designed so as not to detract from the character of the areas.

5.1.3. **Other relevant Planning Policy References include :**

- Guidelines for Planning Authorities : The Planning System and Flood Risk Management, 2009.
- Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities, 2010.

5.2. **Natural Heritage Designations**

None.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

6.1.1. Background / Context

- Appellant identifies as the owner occupier of the adjoining premises at 2/3 Jocelyn Place.
- His legal practice is located at these premises. He also resides there.
- A substantial part of the ground floor and part of the 1st floor of No.2 Jocelyn Place (ie. the application site), is in the appellant's ownership, and is accessed from No.3.

The grounds of appeal can be summarised as follows :

6.1.2. Planning History – 55522414

No substantive detail available regarding the historical permission granted under **Reg.Ref.No.55522414** (ie. change of use from office to residential).

6.1.3. Validation

- The discrepancies between Site Location Map Drawing No.3636-PA-001 and Site Layout Plan Drawing No.3636-PA-002 regarding indicated location of the 'site notice', are misleading and should have resulted in the application being invalidated.

- The plans and drawings submitted also do not indicate the distances of structures from site boundaries. The application should have been deemed invalid.

6.1.4. Pre-Planning Consultations

- The application documentation indicates that detailed preplanning consultations did not take place.
- This concern is particularly having regard to the building, and adjacent as 'Protected Structures', the recommendations in the Architectural Heritage Protection Guidelines for liaison / consultations and the implications of works proposed in relation to fire safety.
- A decision to grant planning permission has been made by the Planning Authority without a detailed pre-planning analysis of the proposed works on the structure and the impact on adjoining properties, particularly adjacent No.1.

6.1.5. Proposed Works

- The proposed development will involve substantial works and changes to a 'Protected Structure'. These will result in damage to the building and fabric of the 'protected structure'.
- As the owner of No.3 and part No.2, the 3rd party appellant will be directly impacted.
- Alterations to enhance Fire Safety
Upgrading of floors for fire safety protection throughout to provide compartmentation from adjacent use in No.3
 - Emphasise necessity for the upgrading of floors for fire safety protection throughout to provide compartmentation from the adjacent use in No.3.
 - Whilst this may have been addressed by the Planning Authority at Condition No.12 attached to the Notification of Decision to Grant Planning Permission, argue in response that any works to the compartment floors requires the appellants consent. Confirm that he has never agreed or consented to any works being carried out by the applicants.
 - Reference Building Regulations Part B provisions such that adjoining buildings should only be separated by walls not floors.

- Accordingly advocate that the proposed change of use from Office to Language School is not appropriate as compliance with the above requirements cannot be achieved.

Installing a water mist suppression system

- No details of the water mist suppression system are provided. Installation will cause damage to the structure and fabric of the 'protected structure'.
- No Conditions have been attached by the Planning Authority in this regard.
- In accordance with the Architectural Heritage Protection Guidelines, this issue should have been resolved at an early stage
- No detailed fire risk assessment covering anticipated development works to the protected structure was completed prior to application lodgement.
- Nor is there evidence of attempt to resolve these issues re. fire safety (eg. consultations, further information requests), prior to the Notification of decision to Grant planning permission.
- Conclude "a fire safety certificate application is required and will undoubtedly lead to more extensive works required to the protected structure".

6.1.6. Internal Structural Alterations

- Removal of all walls and blocking up door opening at 3rd floor level
 - Note proposal to remove all walls at 3rd floor level, even though this room is to be used for storage purposes only.
 - In addition to the loss of historical fabric, the removal of internal structural walls will jeopardise the structural stability of the building.
 - Concern that Condition No.2(a) permits internal partitions at 3rd floor to be removed, "if absolutely necessary".
 - Rather, advocates that 'further information' should have been requested by the Planning Authority.
 - Concern that this 'store' will be used as an additional classroom.
- Removal of structural walls blocking up of existing door openings, widening doors inserting steel beams etc.at basement level

- Concern regarding considerable works proposed at basement level as follows :
 - structural walls to be removed
 - existing door openings to be blocked up
 - widening door openings
 - inserting steel beams
- Removal of walls at ground floor level
 - removal of walls to facilitate new kitchen / utility area, will cause destruction of building fabric.
 - this damage is rarely reversible
 - Structural failure may result from the cutting of new openings in braced partitions / walls.
- Provision of new W.C. at 1st Floor Level
 - Further structural change to the building fabric will result from the new W.C. at 1st floor level, as well as increased floor loadings.
 - Point out no drainage details, waste pipe runs connections etc. are indicated on the drawings submitted.
 - No relevant Conditions addressing this issue have been included by the Planning Authority.
- Enlargement of the window at 2nd Floor Level
 - Argue the enlargement of a window at 2nd floor level purely to create a balance, would not be in accordance with good conservation principles and practice.
 - All existing original features of a protected structure should be retained where possible.
 - The Architectural Heritage Protection Guidelines advocate pre-caution when alteration of openings in a protected structure are being considered.
 - Alterations required to a protected structure in order to accommodate the proposed new use may in fact deem the building unsuitable.
 - Works required will inevitably cause damage to the structure and fabric of the appellants adjacent premises, with a damaging effect on his business (ie. “major inconvenience” and disruption).
 - Such works would be contrary to good conservation practice and the Architectural Heritage Protection Guidelines.

6.1.7. Sound Transmission

- No proposals addressing mitigation of sound transmission have been submitted by the applicants.
- This existing problem will only be worsened if the change of use proposed is allowed.
- Existing materials separating the two premises are insufficient to properly mitigate noise impact.

6.1.8. Nuisance

Nuisance impact on existing amenity will result consequent of –

- anticipated “huge increase in occupant capacity”.
- noise levels increase, particularly from language schools
- extended opening hours
- no student facilities or recreational areas are provided, with consequent loitering offsite and outside appellants business / residence
- anti-social behaviour

6.1.9. Car Parking / Traffic Congestion

- The language school and apartment will result in an increased requirement for car parking spaces (ie. occupancy increase from 10-12 to 60-90).
- The existing streetscape cannot provide for existing demand for street car parking. At present, all spaces available, are occupied throughout the day
- Applicants have not demonstrated how they are to address the increased demand for car parking space.
- The adjacent Castle Road / Jocelyn Street junction is particularly dangerous and the location of several accidents.
- Together with existing road network loading and the traffic generated by the nearby schools, an additional language school will only increase traffic congestion at an already dangerous location, thereby endangering public safety

6.1.10. Provision of Services

- Sewerage

- The existing public sewer serving properties on Jocelyn Place is located to the rear of the properties, before connecting to the main sewer in Castle Road.
- The sewer line has never been upgraded. This has caused endless problems consequent of increased loading of the substandard / inadequate sewer line.
- Appellant has incurred substantial costs to date, unblocking and repairing the sewer.
- The proposed development includes additional WC's, with increased occupant capacity and intensification of use of the premises.
- No proposals have been included with the proposed development / change of use addressing these problems.
- proposed development will place excessive strain on an already overloaded and inadequate sewer line.

6.1.11. Conclusion

- Emphasise No.2 Jocelyn Place listing in the Record of Protected Structures, and its identification in the NIAH Building Survey with a status of 'regional significance'.
- The building contributes positively to the mixed character of the existing streetscape.
- "The principle of promoting minimum intervention in a protected structure is best summed up by the maxim 'do as much as necessary and as little as possible'"
- "A substantial part of the proposed works would require my consent as I am part owner of No.2 Jocelyn Place. A joint approach to preservation issues on No.2 & 3 would be the sensible approach considering the party wall, floor arrangements between the two premises".
- Recommend planning permission be 'refused'.

6.2. **Applicant Response**

6.2.1. Background / Context

- Clarify distinct descriptions of both

- No.2 Jocelyn Place – the application site (ie. 330m² of the Protected Structure known as No.2 Jocelyn Place), and
- No.3 Jocelyn Place – the adjoining 3rd party appellant's property (ie. all of No.3 Jocelyn Place, and 65m² of No.2 Jocelyn Place).
- The 65m² of No.2 Jocelyn Place in the ownership of the 3rd party appellant, and accessed solely from No.3 Jocelyn Place comprises –
 - portion of the ground floor comprising the front (reception area) and back room (appellant's office), and
 - the back room on the first floor (let to a 3rd party).

6.2.2. Planning History – 55522414

- Clarification of the detail regarding the planning history of Nos.2 and 3 Jocelyn Place under **Reg.Ref.No.55522414**.

6.2.3. Validation

- Confirm the public 'site notice' was in accordance with statutory requirements.
- Distances of onsite structures to site boundaries, as shown on site drawings submitted, complied with statutory requirements. The Planners report also considered these to be adequate.

6.2.4. Pre-Planning Consultations

- Clarification with substantive detail regarding the four months at the pre-planning stage invested by the applicants and their professional team, consulting with –
 - the Planning Authority,
 - fire consultants,
 - architectural conservation experts, and
 - the 3rd party appellant (adjacent No.3),
 regarding how best to deal with the major issues before the planning application was lodged.
- Confirm the applicant's willingness to engage in a joint approach with the 3rd party appellant to address the 'fire protection' and 'architectural conservation'

issues with respect to No.2 Jocelyn Place and the adjoining No.3, under the guidance and direction of the Planning Authority.

6.2.5. Proposed Works

- Whereas the 3rd party appellant states the decision to grant planning permission was made without detailed analysis of the proposed works, respond that –
 - the Planning Authority was continuously involved throughout the lengthy process prior to lodgement, and
 - many of the 19no. Conditions attached require substantial further information before works can take place. Examples include : Conditions No. 5, 6 and 11.

Alterations to improve 'fire safety'

- Whereas the 3rd party appellant argues that the proposed development will involve substantial works and changes to a 'Protected Structure, which will result in damage to the building and fabric of the 'Protected Structure', respond that –
 - the applicants are 'Conservation' enthusiasts, with experience of living and working in 'Protected Structures',
 - the applicants commissioned a detailed 'Architectural Heritage Impact Assessment for No.2 Jocelyn Place, which lists the proposed works and potential impacts,
 - through completion of the study neither the applicants 'conservation architect' or the Councils 'Conservation Officer' determined that significant impact would result on the structure or fabric of No.2
 - the applicants fully accept the Conditions attached by the Planning Authority, to the decision to grant planning permission.
 - a full schedule of interventions with corresponding justification, methodology and impact are set out at Section 6.3 of the Heritage Impact assessment report.

Fire Safety Interventions

- Confirm that Louth County Fire Officers are concerned with 'fire safety' and 'fire transfer' in this terrace of three historical buildings.

- Distinguish that No.1 Jocelyn Place was extensively and sympathetically restored in 2007, with a 'fire certificate' understood issued.
- No.2 has been used as offices for 30-years. However, during this time, the building has not been upgraded to comply with current building or fire regulations.
- Confirm –
 - there is no fire alarm,
 - the existing electrics need urgent upgrading, and
 - there is no fire compartmentation between the party floors of the different ownerships of No.2 Jocelyn Place and the adjoining property. This is a cause for concern.
- Upgrading of floors for Fire Safety protection throughout to provide compartmentation from adjacent use in No.3 :
 - The applicants share the 3rd party appellant's concerns
 - against the loss of original fabric of No.2 Jocelyn Place, and No.3 for that matter, and
 - regarding damage to the original lath and plaster ceilings, with decorative cornices and ornate centre pieces.
 - The applicants Conservation Architect concludes with respect to impact on fabric that there will be a loss of c.15% of the floorboards in order to upgrade the structure. This equates to a 'moderate impact' in terms of the benefits of safeguarding for future use.
 - The applicants share the 3rd party appellant's concern against the loss of original fabric of No.2 Jocelyn Place, and No.3 for that matter.
 - Assurance that restoration, and replacement where necessary, to original will be completed by skilled conservation carpenters
 - Distinguish that Condition No.11 attached by the Planning Authority to the Notification of Decision to Grant Planning Permission, requires that the applicants c/o their 'Conservation Architect' –
 - photograph and document the original fabric for inclusion in the 'Protection Plan' to be submitted to the County 'Conservation Officer', and
 - outline the steps to be undertaken to safeguard the historic ceilings.

- Emphasise the applicants well appreciate and understand that protecting the built heritage into the next century requires protecting No.2 Jocelyn Place, as well as the 3rd party appellants adjoining property (ie. No.3), from fire spread from underneath and above, which possibly could impact the original fabric.
- Consultations with the County Fire Officers also reflect that even if minor damage were to occur, this would be incomparable to the irreversible damage and potential loss of life which could occur should measures not be taken as a matter of urgency, to protect the building structure from fire spread.
- In this regard, point out the negative consequences for the 3rd party appellant, resident in adjoining No.3, should planning permission be refused.
- Whereas the 3rd party appellant states that any works require his consent, which he has not done so, the applicants include in their response submission a copy of section of the 'indenture' pertaining to No.2 Jocelyn Place when conveyed in 1987 state "the purchaser and future purchasers have the right to the support of the conveyed property from the adjoining property for the purposes of ..." works as envisaged in the proposed development "... causing as little damage as possible and making good any damage caused excepting and reserving unto the adjoining property".
- Note: A copy of the relevant section of the corresponding 'indenture' included on page no.10 of the applicants response submission.
- Confirm applicants have received legal advice regarding their right to carry out the repairs and restorations deemed essential by the 'conservation', 'fire' and 'planning' authorities.
- **Installation of a Water Mist Suppression System :**
 - Applicants Conservation Architect's assessment concludes the installation of a water mist suppression system to the 'fire officer's' requirements, would have a 'moderate impact' on the historic fabric, and a 'positive impact' ensuring the sustained use of the building.

- Installation consider as particularly necessary having regard to the multiple classrooms, used by approximately 8no. people on the second floor.
 - Council's 'Conservation Officer' advised the least invasive type of water suppression system would be the most appropriate in the interest of minimum damage to the historic fabric of the Protected Structure. A water mist type considered the most acceptable throughout the building, to the satisfaction of both the 'Conservation Officer' and the 'Fire Officer'.
 - Comprehensive details not included with the planning application documentation, as applicants understood these to be inspected and agreed upon in the 'Fire Certificate' application.
 - Contrary to the 3rd party appellant's arguments, applicants believe that installation of the water mist suppression system is covered by Condition No.5 attached to the Notification of Decision to Grant Planning Permission.
- Upgrading Doors :
 - Reference applicants Conservation Architect's assessment which determines upgrade to doors would have a 'moderate impact' on the historic fabric, and a 'positive impact' ensuring the sustained use of the building.
 - Whereas 3rd party appellant argues no fire risk assessment has been carried out for the works to the Protected Structure, prior to planning permission, the applicants –
 - affirm the advice obtained from two independent, experienced and highly regarded fire consultants re. fire safety measures for this Protected Structure
 - confirm the fire consultants met separately in their consultations with the Louth Chief Fire Officer
 - confirm the building was inspected by 'fire safety experts' from Masterfire
 - confirm they and their 'fire consultants' discussed fire safety with the Planning Authority on several occasions. Therefore, no need

- for 'Further Information'. Rather, considered that outstanding issues to be addressed during the 'fire safety certificate' application.
- reference that Condition No.13 anticipates and enables possibility of additional works consequent of a 'fire safety certificate' application.
 - together with the fire safety consultants and the Conservation Architect do not envisage additional works than that outlined in the planning application documentation, will be necessary.
 - confirm a fire safety certificate application is being prepared and "will be submitted following consultation with the appellant".

6.2.6. Internal Structural Alterations

Removal of all walls and blocking up door opening at 3rd floor level

- Contrary to the 3rd party appellant's arguments, the applicants 'Conservation Architect' conclude that this intervention will have a 'moderate' impact on the historic fabric, and a 'positive impact' for the continued use of the building.
- A similar impact will result from the applicants proposed insulation of the roof space.
- Positive impact will result from the proposed repairs to the roof, and improved surface drainage.
- Positive impact will result from the proposed treatment of timber rot in the roof fabric.
- The proposed replacement of rooflights in order to reinstate the character of the building, will have a 'moderate' impact on the historic fabric, and a 'positive impact' for the sustained use of the building.
- Having regard to the appellant's arguments, the applicants reference that Condition No.2 attached by the Planning Authority to its decision, in fact cautions the applicants against removing internal partitions that do not need to be removed.
- The applicants accept, and commit to compliance with Condition No.2.

- Further, the applicants emphasise that –
 - all the internal works at 3rd floor level were identified and recommended as necessary through the reports completed by their ‘surveyor’ and ‘conservation architect’.
 - any works must be agreed by the Council’s ‘Conservation Officer’, prior to commencement
- Given this clear commitment to ‘conservation’, the appellant should have no concerns regarding unnecessary loss of historical fabric on the 3rd floor.
- Having regard to the appellants expressed concern as to the stated “probability” of the 3rd floor space being used as an additional classroom, the applicant’s respond arguing that –
 - the application lodged was for planning permission for classrooms on the 1st and 2nd floors, with ancillary storage to the 3rd floor,
 - it was agreed with the County Fire Officers that –
 - classrooms will be located no higher than the 2nd floor, occupancy will be limited and fire safety measures will be installed between the 1st and 3rd floors,
 - the 3rd floor to be used to store teaching materials and props, and to accommodate the water tank for the fire suppression system for floors below
 - the 3rd floor itself is not suitable for use as a classroom. I would not comply with the Department of Education requirements (ie. insufficient / substandard natural light, ventilation and means of escape to be used for any other use but as a storage space).
 - being of identical design, space and proportion, the appellant would be aware of limitations to use of the 3rd floor space.

Removal of structural walls blocking up of existing door openings, widening doors inserting steel beams etc.at basement level and at ground floor level

- Applicants respond that the stated 3rd party appellant’s concerns in this regard, “would be more accurate without the plural forms”.
- More accurately, the proposed works include –
 - one structural wall to be removed,

- one original door opening to storeroom to be blocked up,
- one original door opening to widened, and
- one steel beam to be removed, etc.
- Further, at ground floor level, part of one wall to be removed, enabling enlargement of the existing kitchen / utility area.
- Applicants emphasise these internal works are to improve access into and escape from the basement, and were satisfactorily assessed by qualified engineering experts. Further, if structural failure were to indicate, such structural wall would not be removed.
- Applicants Conservation Architect's assessment concludes the proposed –
 - extension of the bathroom at basement level, with new window, and
 - insulation of the basement floor,
 would have a 'moderate impact' on the historic fabric, and a 'positive impact' ensuring the sustained use of the building.

Provision of new W.C. at 1st Floor Level

- Applicants clarify these are the relocation of the 2no. WC's currently housed in the ground floor annexe
- Applicants clarify this relocation from the ground floor annexe to the 1st floor annexe is necessary in order to –
 - facilitate the proposed use (ie. toilet facilities serving the school must be located within the section of the building to be used for school),
 - facilitate a secondary means of fire escape (ie. the re-opening of the original rear door to the ground floor annexe, currently blocked by the 2no. toilets on this floor), and
 - enable restoration of the original character of the building (ie. both Nos.2&3 Jocelyn Place, have original doors in this location on the ground floor annexe).
- Applicants 'conservation Architect' considers this relocation will have 'minimal' impact on building fabric, as all areas have been extensively refurbished.

Enlargement of the window at 2nd Floor Level to rear elevation to match existing

- The 3rd party appellants concern is with respect to the applicants proposed enlargement of a non-original window to the rear, at 2nd floor level. To do so purely to create a balance is not good conservation practice. Rather existing original features should be retained where possible.
- Applicants agree that all original features be retained. However, this existing rear window is not an original feature. Rather, it is an attempt to enable more natural light into a dark, N-facing room.
- on assessment, the applicants 'Conservation Architect' justifies the proposed enlargement of the 2nd floor rear window –
 - to match existing window,
 - to create a balance,
 - to improve quality of the internal space, and
 concludes this would have a 'positive' impact on the fabric of the building.
- Applicants point out that the appellants adjoining building (No.3) has a non-original window of equal size to the original window added in the same position on the 2nd floor. This is without any effort to replicate the brick head detail, as intended by the applicants.
- Further, the applicants repair of sash windows, removal of grilles and reinstatement of windows that have been blocked up, will –
 - positively contribute to the reinstatement of the character of the building (No.2 – Protected Structure), and
 - positively impact the fabric.
- Applicants reference further, that Conditions No. 4, 9 & 10, ensure that there is no unauthorised opening up or blocking up of original openings, nor unauthorised new openings nor conversions of existing window openings to door openings, and vice versa.
- Having regard to the appellants stated commitment to restoration in compliance policy and guidelines, and best conservation practice, the applicants look forward to working closely together with the appellant, under the strict supervision of the County 'Conservation Officer', as per Conditions No. 7 and 8.
- The applicants state their acceptance of, and further commitment to fully comply with the Planning Authority's requirements for 'supervision' as prescribed by

Condition No.14 (ie. qualified and accredited Conservation Architect), and Condition No.15 (ie. a record of all works undertaken).

6.2.7. Sound Transmission

- Distinguish that whereas on appeal, the 3rd party appellant comments that no proposals for the mitigation of sound transmission have been made, the applicants respond that –
 - at their meeting with the appellant, prior to lodgement – 30/03/2017, he had no objection ‘in principle’, to a Language School at No. 2 Jocelyn Place.
 - their proposals for soundproofing would have been discussed, had the appellant raised the concern.
 - the appellant has vastly overestimated number of clients to be accommodated at the Language School. Rather than the maximum of 60-90 persons stated by the appellant, the real upper limit will be a maximum upper limit of 24-30.
 - the upper limit of 24-30 was discussed with the Fire Officers during the lengthy pre-planning stage, and also made available to the appellant at the 30/03/2017 meeting.
 - office / classroom furniture and equipment within the Language School will be both of a type, and arrangement physically within offices and classrooms so as both prevent noise and minimise noise where it occurs. Fire doors will be hinged, and point out that the staircase is not shared with the appellant.
- Applicants are confident that no matter where within No.3 the appellant has his residence, there will be satisfactory protection from any noise possibly generated.
- Applicants clarify that they will be soundproofing their classrooms with conservation approved floor and wall coverings, as well as any additional sound proofing as required by Condition by the Board.

6.2.8. Nuisance

- Whereas the 3rd party appellant asserts that no clarification has been made by the applicants regarding the clientele attending the language school, the applicants confirm they met twice with the appellant, prior to lodgement, to discuss this issue and no concerns were expressed.
- The applicants – ‘The Language Place’, is long established, respected and successful business in Dundalk. Circumstances have forced their need to relocate their Language Centre within Dundalk. Their existing operating model of 3no. classrooms, a small library / waiting area, an office and a storage room, is identical to their proposed use of No.2 Jocelyn place.
- Whereas the appellant complains that no student facilities or recreational areas are provided, the applicants clarify that –
 - their adult professional clients have no need for onsite recreational facilities, and
 - their younger clients attend class and go home.
- A lounge / sofas are inside the Language Centre, and a café exists in the adjacent building No.1. These are preferable to the applicants clients, rather than hanging around outside beside No.3.
- Whereas the appellant argues the proposed language Centre will negatively impact existing residential amenity, the applicants respond –
 - the street / local area is zoned ‘mixed use residential and commercial’ in the County Development 2015-2021.
 - existing land use is varied and mixed, in accordance with the zoning objectives.
 - planning permission has been granted for a second café locally, with opening hours from 08h00 – 22h00.
 - a large secondary school (c.1000 pupils) exists next to and across the road from the appellant’s property (No.3).
 - no other 3rd party objections were lodged by the modest number of residents locally.
 - rather, some of the long term residents locally, expressed their support to the applicants, welcoming the restoration plans and support for the continued use of No.2.

- No more of a threat of anti-social behaviour will result from the proposed development, compared to the clients of the café at No.1, or the clients of the appellant's legal practice at No.3.

6.2.9. Car Parking / Traffic Congestion

- The 3rd party appellant is concerned regarding the proposed increase in operating capacity from 10-12 to 60-90 persons. This is an exaggeration of the applicants demonstrated proposed occupancy of 24no. persons at peak times.
- Whereas the appellant argues that the adjoining café requires a substantial amount of car parking spaces, the applicants clarify that the café closes at 17h30, and that the majority of their clients take Classes from 18h00 -21h00.
- Whereas the appellant argues that the existing on-street car parking capacity, cannot provide the level of car parking space required, with all spaces occupied during normal working hours, the applicants respond by distinguishing that –
 - morning clients, typically international visitors, are hosted by local families. These clients either walk to Classes, or are dropped off for 10h00, outside of peak traffic hours.
 - the majority of clients attending evening classes, come from 'PayPal' and 'National Pen' and use the shuttle buses to access the town centre.
 - consequently, there is no discernible increase in traffic
 - foreign language classes for Irish clients are scheduled from 19h00 – 21h00, when there is no traffic congestion locally and the maximum of on-street car parking spaces are available.
- The Planning Authority report comments that the scheduling of language classes after working hours, was favourable, from a traffic management and car parking provision perspective.
- The applicants have in fact provided for car parking spaces in excess of the Development Plan Standard. The 5.9no spaces allocated for No.2 Jocelyn place are considered adequate, in the Planning Officers report. Clarify the required number of spaces to Standard is four (4no.).
- Whereas the appellant argues that the Language School's proximity to several schools locally, will exacerbate traffic and parking issues, the applicants clarify –

- their classes start at 10h00, after the local schools start,
 - afternoon classes / activities in local schools are off-site,
 - those scholars attending their language classes, would walk to the Language Centre, a short distance away.
- Emphasise that the Planning Authority do not regard this as an issue for concern.
 - Distinguish that the applicants have always been mindful of traffic issues in the town centre. Therefore, they have always scheduled their classes so as to avoid peak traffic times, and would be willing to accommodate for further adjustments, should this be considered as necessary.

6.2.10. Provision of Services

- Applicants confirm that no change to the existing arrangement of service infrastructure on site is proposed. Upgrading where necessary, to be as set out in the HIA report.
- Contrary to the 3rd party appellant's arguments, no increase in the number of WC's is proposed. Clarify that this is noted in the Planning Officers report.
- Contrary to the appellants arguments, neither of the applicants, their Surveyor or their Conservation Architect, found any evidence suggesting that the existing 'surface water drainage system' or the 'foul sewage system' are inadequate.
- Whereas the appellant comments that no foul sewer proposals have been made to alleviate capacity problems with the existing sewer infrastructure, the applicants respond that –
 - had they been aware of the problem, they would have commissioned a specialist survey of the existing sewer line,
 - having regard to the problems existence for over 10-years, exacerbated by the café development and use of No.1 Jocelyn Place, the appellant has been living with this 'foul smell' problem for over 10-years, yet nothing has been done to resolve it,
 - nonetheless, they are committed to ensuring that every aspect of their restoration of No.2 Jocelyn Place complies with relevant requirements / standards,

- prior to lodgement, they informed the appellant of their preparedness to undertake necessary upgrading of the sewage system for this 'terrace', and
- noting the appellants statement that "a joint approach to preservation issues on No.2&3 would be the sensible approach", the applicants "look forward to his equal involvement in resolving the sewage issues he has highlighted in his appeal".

6.2.11. Conclusion

- The applicants acknowledge the 3rd party appellant's pursuit of further information. They hope that sufficient further information and clarity of issues of concern, have been provided by way of their detailed response submission to the 3rd party appeal. Applicants point out that further detailed information will be provided in compliance with the requirements of relevant Planning Conditions
- The applicants have demonstrated a healthy interest in conservation, and will ensure No.2 Jocelyn Place is carefully and sympathetically restored to former glory, and ensuring its sustained use.
- Whilst regretting the 3rd party appellant's objection to a Language School as a neighbour in No. 2 Jocelyn Place, the applicants are confident that all the appellant's concerns have been addressed.
- Applicants are committed to continued engagement with the appellant and invite him to engage in the joint approach to preservation issues at No.2 Jocelyn Place, over which he has expressed concern.
- Applicants point out that this joint approach must also extend to protecting the building against fire and loss of life. In this regard, the 65m² of No.2 Jocelyn Place in the ownership of the appellant, should be as adequately protected from fire, as the 330m² the applicants are proposing to restore.
- Request that the Board allow the applicants to go ahead with the protection and preservation of No.2 Jocelyn Place – 'Protected Structure', under the supervision of the respective relevant authorities within Louth County Council.

6.3. **Planning Authority Response**

- 6.3.1. The 3rd party arguments made in the appeal are the same as those made during the application process.
- 6.3.2. The County planners report at the Decision stage (report dated 30/05/2017) addressed the issues argued in the 3rd Party Appeal.
- 6.3.3. The Planning Authority have no further comments to make.

6.4. **Observations**

- 6.4.1. None.

6.5. **Further Responses**

- 6.5.1. None.

7.0 **Assessment**

- 7.1. I have examined the file and available planning history, considered the prevailing local and national policies, physically inspected the site and assessed the proposal and all of the submissions. The issue of appropriate assessment also needs to be addressed. The following assessment covers the points made in the appeal submissions, and encapsulates my *de novo* consideration of the application. The relevant planning issues relate to :

- Planning History – **Reg.Ref.No.55522414**
- Principle and Location of the proposed development
- Visual Amenity Impact / Streetscape – Jocelyn Street
- Residential Amenity Impact
- Proposed Works to Protected Structure – Fire Safety
- Internal Structural Alterations – Various
- Road Access and Traffic Safety
- Permission / Consent for Works
- Procedural Matters – Validation Issues
- Appropriate Assessment

7.2. **Planning History – Reg.Ref.No.55522414**

- 7.2.1. The 3rd party appellant sets out that no substantive detail is available regarding the historical permission granted under **Reg.Ref.No.55522414** (ie. change of use from office to residential). It is not clear whether the 3rd party appellant is arguing this as being to the detriment and validity of the current proposed development (**Reg.Ref.No.17/295**).
- 7.2.2. Having regard to my own use of the Louth County Council “Planning Applications” web-pages, I confirm it was not possible at all to obtain any details relating to historical **Reg.Ref.No.55522414**.
- 7.2.3. Clarification of the detail regarding the planning history of Nos.2 and 3 Jocelyn Place under **Reg.Ref.No.55522414**, was submitted by the applicants, in their response submission to the 3rd party appeal.
- 7.2.4. As set out at 4.0 above, I am satisfied that sufficient clarity has been established as to the detail of the planning permission historically granted under **Reg.Ref.No.55522414**, as follows –
- P. A. Mcardle & Son Ltd granted planning permission – 07/06/1977, for conversion of ‘Atlanta House’ to ‘office’ and ‘flat accommodation’, all at Nos. 2 & 3 Jocelyn Place, Dundalk, Co. Louth, subject to Conditions.
- 7.2.5. Having regard to the above clarity, no obvious reason is apparent as to why the Planning Authority should not have proceeded with their consideration and decision under **Reg.Ref.No.17/295**, and now currently by the Board under **Reg.Ref.No.PL15.248781**.
- 7.2.6. Accordingly, I believe the 3rd party appellant’s arguments against the proposed development in this regard, cannot be sustained.

7.3. **Principle and Location of the proposed development**

- 7.3.1. Having regard to the designated “Town Centre – Mixed Use (**TCMU**)” zoning objective, that ‘Residential’, ‘School’ / ‘Training Centre’ land uses are permitted within the ‘TCMU’ zone, and to the existing pattern and variation in land use locally, I believe the planning principle of the proposed development has been established.

- 7.3.2. In addition, satisfactory compliance with Town Centre Policy TC3 is achieved in as much as the proposed development enables a mix of land uses in accordance with the permitted land uses within the 'TCMU' zone, and that the single residential unit proposed is compliant with the ratios of total land use permitted in terms of Policy TC3.
- 7.3.3. A principal consideration by the applicants in compiling and motivating their proposed development, has been that the application site – No.2 Jocelyn Place, is designated a 'Protected Structure – D226', in the Dundalk 'Record of Protected Structures (RPS)' provided in Volume 2 to the Dundalk and Environs Development Plan 2009-2015. In fact, the application site – No.2 exists in the middle of a terrace of c.1820, 3-bay 3-storey over basement former townhouses, all designated in the Volume 2 RPS.
- 7.3.4. These designations, and the complexed interface between Nos.2 and 3 substantiate in my understanding, the 3rd party appellant's concerns argued against the proposed development.
- 7.3.5. Having regard to all of the information and documentation available, in my view, the applicants have demonstrated a commitment to the protection and safeguarding of No.2 Jocelyn Place as 'Protected Structure' in their proposed restoration development project enabling use as a 'Language School' and 'Residential Unit', in satisfactory compliance with S8.4 'Conservation of Built Heritage' Policy CH9 of the Development Plan 2009-2015, and with their stated willingness to include the 3rd party appellant in this process.
- 7.3.6. Further compliance with S8.4.2 'Architectural Conservation Areas' – Policy CH10 is achieved in as much as the sensitively designed comprehensive restoration project for No.2, enables and consolidates, rather than detracts from the character of the local area.
- 7.3.7. Having regard to further discussions below, I believe the proposed 'Language School' and ancillary 'residential apartment' development is satisfactorily compliant with the relevant provisions of the Dundalk and Environs Development Plan 2009-2015, and subject to Conditions, would be in accordance with the proper planning and sustainable development of the area.

7.4. Visual Amenity Impact / Streetscape – Jocelyn Street

- 7.4.1. What I understand as Jocelyn Place, a terrace of three ‘protected structures’ of which the application site – No.2 Jocelyn Place is the middle, is prominently located on the easterly ‘Seatown Place’ / ‘Jocelyn Street’ approach into the Dundalk Town Centre, at the junction of Jocelyn Street with Castle Road. The three ‘protected structures’ face onto the northern side of Jocelyn Street.
- 7.4.2. I have taken note of the established scale and pattern of built form comprising Jocelyn Place (ie. terrace of Nos.1-3) specifically, and in the contextual area generally. This has influenced a distinctive sense of place locally. I believe there is a consistency in size and scale of the built environment with which the proposed development is clearly compatible. Certainly, no obvious change to the external appearance of No.2 is proposed. This can be clearly seen from the photographs attached, together with the comprehensive suite of documentation submitted by the applicants.
- 7.4.3. Further, the sensitively designed comprehensive restoration project proposed for No.2, in my view enables and consolidates, rather than detracts from the character of the contextual Architectural Conservation Area, in compliance with S8.4.2 ‘Architectural Conservation Areas’ – Policy CH10.
- 7.4.4. Accordingly, I believe that no obvious disproportionate change in the prevailing streetscape along the easterly ‘Seatown Place’ / ‘Jocelyn Street’ approach into the Dundalk Town Centre will result. Rather, the sensitively designed comprehensive restoration project proposed for No.2, will positively enhance and consolidate the streetscape, and associated visual amenity, in accordance with the proper planning and sustainable development of the area.

7.5. Residential Amenity Impact

- 7.5.1. Whilst permitted within the ‘TC MU’ zone, residential land use is intended and occurs as a subordinate and ancillary use to other town centre land uses (eg. Town Centre Policy TC3). I note the 3rd party appellant has his residence adjacent to the application site at No.3 Jocelyn Place. This is in addition to his legal practice, also accommodated at No.3. It is not clear where exactly within No.3 the 3rd party has his

residence. The applicants proposed residential apartment is to be accommodated within the basement and ground floor annexe of No.2 Jocelyn Place. No residential element is apparent at all within No.1 Jocelyn Place (ie. relish café / foodhall and office use), adjacent to the west. A modest mews style residential unit exists to the rear / north and across the yard of the Jocelyn Place terrace. Access is obtained directly off Castle Road to the east.

7.5.2. In as much as I understand amenity values as referring to those natural or physical qualities and characteristics of the Jocelyn Place neighbourhood, that contribute to residents appreciation of its pleasantness, liveability and its aesthetic coherence, I believe on the information available, that the proposed Language School and ancillary single apartment unit at No.2 Jocelyn Place, will have no serious disproportionate negative impact on the prevailing residential amenity.

7.5.3. I consider this to be the case having regard to the discussion of the positive impact on the prevailing visual amenity and local streetscape at 7.3 above, and inclusive of anticipated improvements to the rear of No.2 to which the applicants have demonstrated a clear commitment to appropriate, sensitive restorative investments. In my view, this will positively enable and influence the character and quality of the contextual residential amenity enjoyed locally.

7.5.4. At the low density of residential development existing at Jocelyn Place, with which the proposed development is in my view consistent, I note that :

- adequate separation distances will result,
- satisfactory private amenity space on site, to standard will be available to residents,
- adequate natural light / direct sunlight to both the outside domestic spaces, as well as internal rooms is reasonably anticipated. Certainly both of the 3rd party appellant and the resident in the mews development to the rear, will be no worse off than at present,
- no disproportionate noise externality will impact on the 3rd party appellant particularly, consequent of the operation of the Language School. This in my view is due to the considered target market of learners, to be restricted to a maximum upper limit of 24-30 (ie. not the occupancy increase of 60-90 argued by the 3rd party appellant); the operational hours proposed by the

applicants; the confinement of movements into and out of the school, to the Jocelyn Street frontage; classrooms are to be located at a different floor level from that understood by the applicants to be the 3rd party appellants residence; and with considered mitigation by the applicants by way of choice of office / classroom furniture and equipment, and the soundproofing of classrooms with 'conservation' approved floor and wall coverings (see also 7.... below),

- no nuisance impact on existing amenity, or anti-social behaviour, will result,
- satisfactory privacy / freedom from observation will be available, and
- satisfactory on-site car parking capacity will be available in accordance with Development Plan Standard.

7.5.5. I do acknowledge the potential for negative impact of construction activity on residential amenity, whilst site works and construction activity are on the go. However, I consider that these impacts are only temporary, are to facilitate the completion of the proposed development, and certainly cannot be regarded as unique to this development. Further, I consider that given these impacts are predictable and to be expected, they can be properly and appropriately minimised and mitigated by the attachment of appropriate conditions to a grant of planning permission.

7.5.6. Accordingly, I believe that whilst the proposed development of a modest sized Language School and ancillary single residential apartment unit at this location on Jocelyn Street, would certainly bring an element of change to the local neighbourhood, the proposal is in accordance with the zoning objective 'TC MU', by way of providing a mix of land uses, supportive and complimentary of the Dundalk Town Centre.

7.5.7. In my view, the proposed development would be in accordance with the proper planning and sustainable development of the area.

7.6. **Proposed Works to Protected Structure – Fire Safety**

7.6.1. As the owner of No.3 Jocelyn Place, and part of No.2, the 3rd party appellant is understandably concerned. He argues that he will be directly impacted, as the substantial works and changes to No.2 – 'protected structure', will result in damage

to the building and fabric, a protected structure. His property at No.3 is also designated a 'protected structure'. These proposed works have been recommended, and are considered necessary in order to enhance fire safety.

- 7.6.2. In their response submission, substantiating and motivating the need for 'fire safety interventions', I note the applicants emphasised reference to the Louth County Fire Officers concern with 'fire safety' and to the threat of 'fire transfer' in this terrace of three historical, protected buildings. The distinction is made that whereas No.1 Jocelyn Place (ie. relish café) was extensively and sympathetically restored in 2007, with a 'fire certificate' understood issued, No.2 Jocelyn Place has been used as offices for c.30years during which time the building has not been upgraded to comply with both current building or fire safety regulations. The works proposed in this regard include : the upgrading of floors for Fire Safety protection throughout to provide compartmentation from adjacent use in No.3, the installation of a Water Mist Suppression System, and the upgrading of strategic Doors to Standard.
- 7.6.3. In addressing the 3rd party appellants concern the decision to grant planning permission was made without detailed analysis of the proposed works, I note the applicants emphasis that the Planning Authority, as well as the County Fire Officer and Conservation Officer were continuously involved throughout the lengthy process prior to lodgement of their application. Further, and notwithstanding the consultative process and the detailed documentation submitted with the planning application, many of the 19no. Conditions attached require substantial further information, before works can take place.
- 7.6.4. The applicants emphasise that they too share the 3rd party appellants commitment to building conservation, and have experience of living and working in 'Protected Structures'. They reference that as part of their application documentation, they commissioned a detailed 'Architectural Heritage Impact Assessment' for No.2 Jocelyn Place, which lists the proposed works, their justification and potential impacts (see Section 6.3). The applicants highlight that through completion of the study neither their retained consultant 'conservation architect', or the Councils 'Conservation Officer' determined that significant impact would result on the structure or fabric of No.2 Jocelyn Place.

7.6.5. In substantiation and motivation of their proposed upgrading of floors throughout to fire safety protection standard to provide compartmentation from the 3rd party appellants adjacent use in No.3 Jocelyn Place, I reference the following points argued in response to the appeal, by the applicants :

- their consultant Conservation Architect determined with respect to impact on fabric, that there will be a loss of c.15% of the floorboards in order to upgrade the structure. This equates to a 'moderate impact' in terms of the benefits of safeguarding for future use.
- restoration, and replacement where necessary, to original standard, will be completed by skilled conservation carpenters.
- Condition No.11 attached by the Planning Authority to the Notification of Decision to Grant Planning Permission, requires that the applicants (c/o their 'Conservation Architect') photograph and document the original fabric for inclusion in the 'Protection Plan' to be submitted to the County 'Conservation Officer', and outline the steps to be undertaken to safeguard the historic ceilings.
- that protecting the built heritage requires protecting No.2 Jocelyn Place, as well as the 3rd party appellants adjoining property No.3, from fire spread from underneath and above, which possibly could impact the original fabric.
- their commitment to at best prevent damage, or at worst minimise and mitigate damage to original fabric. Consequent of their consultations with the County Fire Officer, that that even if minor damage were to occur, this would be incomparable to the irreversible damage and potential loss of life which could occur should measures not be taken to protect the building structure from fire spread. In this regard, the applicants point out the negative consequences for the 3rd party appellant, resident in adjoining No.3, should planning permission be refused. In my view, this is a key motivator of works necessary for fire safety certification. Therefore, the 3rd party appellant is a real net beneficiary of the applicants investments in these works.
- whereas the 3rd party appellant emphasises that any works require his consent, which he has not given, the applicants include in their response submission a copy of section of the 'indenture' pertaining to No.2 Jocelyn Place when conveyed in 1987, which states "the purchaser and future purchasers have the right to the support of the conveyed property from the

adjoining property for the purposes of ..." works as envisaged in the proposed development "... causing as little damage as possible and making good any damage caused excepting and reserving unto the adjoining property" (Note: A copy of the relevant section of the corresponding 'indenture' included on page no.10 of the applicants response submission). The applicants also confirm they have received legal advice regarding their right to carry out the repairs and restorations deemed essential by the 'conservation', 'fire' and 'planning' authorities.

7.6.6. I also accept as reasonable, the following arguments made by the applicants, in response to concerns regarding the installation of a water mist suppression system :

- their Conservation Architect's determination that the installation of such a system to the 'fire officer's' requirements, whilst having a 'moderate impact' on the historic fabric, would have a 'positive impact' ensuring the safe, sustained use of the building.
- the installation considered as particularly necessary having regard to the multiple classrooms, used by approximately 8no. people on the second floor.
- that Council's 'Conservation Officer' advised the least invasive type of water suppression system, would be the most appropriate in the interest of minimum damage to the historic fabric of the Protected Structure. A water mist type was considered the most acceptable throughout the building, to the satisfaction of both the 'Conservation Officer' and the 'Fire Officer'.
- their clarification that comprehensive details were not included with the planning application documentation, as these are to be inspected and agreed upon in the 'Fire Certificate' application process, separate from the planning application.
- the installation of the water mist suppression system is covered by Condition No.5 attached by the Planning Authority, to the Notification of Decision to Grant Planning Permission.

7.6.7. In response to concerns regarding the proposed upgrading of strategic doors to standard, the applicants emphasise their Conservation Architect's determination that the upgrading of doors to the 'fire officer's' requirements, whilst having a 'moderate impact' on the historic fabric, would have a 'positive impact' ensuring the safe, sustained use of the building. This is also to the benefit of the adjacent 3rd party appellant.

7.6.8. Whereas the 3rd party appellant argues that no fire risk assessment has been carried out by the applicants for the proposed works to No.2 – Protected Structure, prior to planning permission, I accept as reasonable the applicants response as follows :

- their advice obtained from two independent fire consultants regarding fire safety measures for this Protected Structure.
- these fire consultants met separately as part of their consultations, with the Louth Chief Fire Officer.
- confirmation that No.2 Jocelyn Place was inspected by ‘fire safety experts’ from Masterfire.
- together with their ‘fire consultants’, the applicants discussed fire safety with the Planning Authority on several occasions. Accordingly, there is no need for ‘Further Information’ on this issue. Rather, it would be relevant and appropriate that outstanding and additional issues be addressed during the anticipated, separate ‘fire safety certificate’ application process.
- Condition No.13 reasonably anticipates and enables the possibility of additional works, consequent of a ‘fire safety certificate’ application decision.
- both the applicants fire safety consultants and their Conservation Architect, do not envisage that additional works to that outlined in their planning application documentation, will be necessary.
- the applicants fire safety certificate application is being prepared, to be submitted following consultation with the adjacent 3rd party appellant”.

7.6.9. Accordingly, I believe the 3rd party appellants arguments against the proposed development in this regard, cannot be sustained.

7.7. Internal Structural Alterations

Removal of all walls and blocking up door opening at 3rd floor level

7.7.1. The 3rd party appellant argues that in addition to the loss of historical fabric, the removal of internal structural walls will jeopardise the structural stability of the building. This is further enabled by Condition No.2(a). The appellant argues further concern that this will enable the applicants use of the 3rd floor level as an additional classroom.

- 7.7.2. Contrary to these appeal arguments, the applicants consultant 'Conservation Architect' determines that this intervention whilst having a 'moderate' impact on the historic fabric, would have a 'positive impact' enabling the sustained use of No.2 Jocelyn Place.
- 7.7.3. Similarly, positive impacts are determined from each of the applicants proposed insulation of the roof space, the proposed repairs to the roof, with consequent improved surface drainage, and from the proposed treatment of timber rot in the roof fabric.
- 7.7.4. The proposed replacement of rooflights in order to reinstate the character of the building, is also determined as having a 'positive impact' for the sustained use of the building.
- 7.7.5. Further, I share the applicants opinion that contrary to the 3rd party appellant's arguments, Condition No.2 attached by the Planning Authority to its decision, in fact, cautions the them against removing internal partitions that do not need to be removed. I note the applicants stated acceptance of, and commitment to compliance with Condition No.2.
- 7.7.6. I have noted the clarification made by the applicants in response to the appellants concerns, that all the internal works at 3rd floor level were identified and recommended as necessary in order to enable their project, through the reports completed by their consultant 'surveyor' and 'conservation architect'. Further precaution is ensured by way of the need for any works to be agreed by the Council's 'Conservation Officer', prior to commencement. In this way, I accept as reasonable the view that with respect to the 3rd floor level, no unnecessary loss of historical fabric should occur.
- 7.7.7. Having regard to the 3rd party appellants expressed concern at the 3rd floor space being used as an additional classroom, I reference the applicants response clarifying that :
- their application lodged and clearly advertised was for planning permission for classrooms on the 1st and 2nd floors, with ancillary storage to the 3rd floor,
 - they agreed with the County Fire Officers that –

- classrooms will be located no higher than the 2nd floor, occupancy will be limited and fire safety measures will be installed between the 1st and 3rd floors, and that
- the 3rd floor to be used to store teaching materials and props, and to accommodate the water tank for the fire suppression system for floors below
- the 3rd floor space itself is not suitable for use as a classroom (ie. non-compliance with the Department of Education requirements – natural light, ventilation and means of escape, to be used for any other use than as a storage space).

Removal of structural walls blocking up of existing door openings, widening doors inserting steel beams etc.at basement level and at ground floor level

7.7.8. Having regard to the applicants contextualisation of their proposed works at this level, I share their comments made in response that the 3rd party appellants concerns in this regard, would be more accurate without the plural references. In this regard they clarify that more accurately, the proposed works include :

- one structural wall to be removed,
- one original door opening to storeroom to be blocked up,
- one original door opening to widened, and
- one steel beam to be removed.

Further, at ground floor level, part of one wall is to be removed, enabling enlargement of the existing kitchen / utility area.

7.7.9. In their motivation, I note and accept as reasonable, the applicants emphasis clarifying that these internal works are to improve access into and escape from the basement, and that they were satisfactorily assessed from a structural engineering perspective. I note and accept as logical, their stated commitment that should structural failure be indicate, the relevant structural wall would not be removed.

7.7.10. I have had regard to the applicants Conservation Architect's assessment concluding that, the proposed extension of the bathroom at basement level, with new window,

and the insulation of the basement floor, would have a 'moderate impact' on the historic fabric, and a 'positive impact' ensuring the sustained use of the building.

Provision of new W.C. at 1st Floor Level

7.7.11. Whereas the 3rd party appellant asserts concern regarding the additional structural change to the building fabric of the protected structure that will result consequent of the new W.C. at 1st floor level, as well as increased floor loadings, I have noted the clarification submitted by the applicants in response that these in fact are the relocation of the two W.C.'s currently housed in the ground floor annexe. This relocation is necessary in order to :

- facilitate the proposed use (ie. toilet facilities serving the school must be located within the section of the building to be used for school),
- facilitate a secondary means of fire escape (ie. the re-opening of the original rear door to the ground floor annexe, currently blocked by the 2no. toilets on this floor), and
- enable restoration of the original character of the building (ie. both Nos.2&3 Jocelyn Place, have original doors in this location on the ground floor annexe).

7.7.12. With respect to this relocation, I note that the applicants 'conservation Architect' has determined that this relocation will have 'minimal' impact on the building fabric at No.2, as all areas have been extensively refurbished. At site visit this certainly appeared so.

7.7.13. Therefore, on the information available, and having reconciled the proposed relocation of the W.C.'s on site at the time of inspection, I accept as reasonable, the logical reasoning by the applicants in motivating this relocation. Contrary to the 3rd party appellants concern, I am also of the view that no serious harm or damage will result on the building fabric consequent of this relocation.

Enlargement of the window at 2nd Floor Level to rear elevation to match existing

7.7.14. The 3rd party appellants concern is with respect to the applicants proposed enlargement of a non-original window to the rear, at 2nd floor level. He considers that to do so purely to create a balance, is not in accordance with good conservation principles and practice. Rather, all existing original features of a protected structure, should be retained where possible.

- 7.7.15. In response, the applicants emphasise they share the appellants commitment to good building conservation practice, and that they agree that all original features be retained. However, they clarify that this existing rear window is not an original feature, as understood by the appellant. Further, the applicants clarify their motivation in this regard, is in order to enable more natural light into a dark, north-facing room.
- 7.7.16. In my view, the applicants motivation is further assisted by their 'Conservation Architect's' justification for the proposed enlargement of the 2nd floor rear window, as being in order to match the existing window at this level, to therefore create a balance, and in order to improve the quality of the internal space. The conservation architect concludes that this intervention by the applicants would have a positive impact on the fabric of the building.
- 7.7.17. In this discussion, I note that the applicants point out that the 3rd party appellants adjoining building – No.3 Jocelyn Place, has a non-original window of equal size to the original window added in the same position on the 2nd floor.
- 7.7.18. Contrary to the 3rd party appellants concerns, the applicants distinguish that their proposed repair of sash windows, removal of grilles and reinstatement of windows that have been blocked up, will positively contribute to the reinstatement of both the fabric and character of the building.
- 7.7.19. Applicants reference further, that Conditions No. 4, 9 & 10 attached by the Planning Authority, directly address the concerns expressed by the 3rd party appellant. These Conditions ensure that there is no unauthorised opening up or blocking up of original openings, nor unauthorised new openings nor conversions of existing window openings to door openings, and vice versa.
- 7.7.20. Having regard to the 3rd party appellants stated commitment to restoration in compliance policy and guidelines, and best conservation practice, I note the applicants stated commitment to working together with the appellant, under the strict supervision of the County 'Conservation Officer', as per Conditions No. 7 and 8.
- 7.7.21. In their response submission to the 3rd party appeal, I note the applicants acceptance of, and further commitment to fully comply with the Planning Authority's requirements for 'supervision' as prescribed by Condition No.14 (ie. qualified and accredited Conservation Architect), and Condition No.15 (ie. a record of all works

undertaken). Such commitment in my view, satisfactorily addresses the 3rd party appellants concerns in this regard.

7.7.22. Accordingly, having regard to all of the above, I believe the 3rd party appellants arguments against the proposed development in this regard, cannot be sustained.

7.8. Provision of Services - Sewerage

7.8.1. The 3rd party appellant clarifies that the existing public sewer serving properties on Jocelyn Place is located to the rear of the properties, before connecting to the main sewer in Castle Road. This sewer line has never been upgraded, resulting in endless problems consequent of increased loading of the substandard / inadequate sewer line. The appellant states he has incurred substantial costs to date, unblocking and repairing the sewer.

7.8.2. Having regard to anticipated increased loading consequent of the proposed development, on an already overloaded and inadequate sewer line, the appellant points out that no improvement works or mitigation measures have been included in the proposed development by the applicants, addressing these problems.

7.8.3. In response, the applicants confirm that no change to existing services infrastructure onsite is proposed. They also clarify that contrary to the 3rd party appellant's arguments, no increase in the number of WC's within No.2 Jocelyn Place is proposed, as part of the internal works proposed enabling the Language School and apartment unit. I note that this is confirmed by the Planning Authority in their planning report.

7.8.4. Having regard to my own observations at the time of physical inspection, I confirm that sewerage disposal problems consequent of the argued substandard capacity of the existing sewer infrastructure across the rear of the Jocelyn Place terrace, clearly occur. At that time a team from the Council's 'Sanitation Services' Department were on site clearing a blockage in the sewer line (see attached photographs). This did not appear as a critical issue, as the team appeared to resolve the blockage and move off site, before I had completed my own inspection.

7.8.5. Having regard to the information available, the substandard capacity problems with the existing sewer line appear to have been ongoing over the last 10 years, at least. This problem appears to have been compounded consequent of the 'café

development' and associated use at No.1 Jocelyn Place. During this time, no evidence is apparent by either the Louth County Council or any of the property owners within the 'Jocelyn Place' terrace, of attempts to address this issue. Noting that no increased or disproportionate loading can reasonably be anticipated consequent of the proposed development and change of use at No.2, I do not agree that the applicants accept accountability and responsibility for any upgrading necessary to the currently inadequate sewer line.

- 7.8.6. I nevertheless note the applicants stated commitment to ensuring that every aspect of their restoration of No.2 Jocelyn Place complies with relevant requirements / standards. In this regard, I note the 3rd party appellant's comment, also referenced by the applicants, that a joint approach to preservation issues on No.2&3 would be the sensible approach. In my view, it would accordingly be reasonable to anticipate that resolution of the substandard sewer line problem, be addressed jointly by the owners of Nos. 2&3 Jocelyn Place.
- 7.8.7. However, as the merits of the applicants proposed development and change of use at No.2 are not dependent in my view, on these improvement / upgrading works to the sewer line, I believe such works be jointly addressed outside the scope of the current application for planning permission. The inclusion of the owners of No.1 Jocelyn Place in such a project, would also be helpful.
- 7.8.8. Notwithstanding all of the above I note that neither of the Councils 'Infrastructure' engineers, or 'Irish Water', expressed any concerns against the proposed development.
- 7.8.9. Accordingly, I believe the 3rd party appellants arguments against the proposed development in this regard, cannot be sustained.

7.9. Road Safety and Car Parking

- 7.9.1. Traffic movements generated and the demand for car parking spaces by the proposed Language School and apartment unit, are reasonably associated with the occupancy levels anticipated by each of these uses at No.2 Jocelyn place, once operational.

- 7.9.2. The 3rd party appellant argues the proposed changes in land use at No.2 will result in an occupancy increase from 10-12 persons to 60-90 persons, once operational. This will directly result in increased requirement for car parking spaces, where the existing demand for on-street car parking cannot be met, and increased traffic movements, with an associated increase in traffic congestion at an already dangerous location, thereby endangering public safety.
- 7.9.3. In response, I note the correction asserted by the applicants of a maximum upper limit occupancy of the proposed Language School particularly, together with the apartment unit of 24-30 persons. I have noted and accept as reasonable, the logical deduction of this upper occupancy limit set out in both of the applicants detailed and comprehensive application documentation, and their response submission to the 3rd party appeal.
- 7.9.4. With respect to the argued oversubscription of existing on-street car parking spaces, by particularly the busy 'relish café / foodhall' at No.1 Jocelyn Place, I note and accept as reasonable the applicants logical clarification that the café closes operating at 17h30, and that the majority of their anticipated language pupils would be taking classes from 18h00-21h00. Therefore, no competition for on-street parking spaces should occur. Having regard to each of my extensive site visits, I am inclined to accept this rational deduction made by the applicants. At the time of each visit, I was able to obtain car-parking on Jocelyn Street, directly in front of No.2 Jocelyn Place.
- 7.9.5. I also reference the stated opinion by the Planning Authority that the scheduling of language classes after working hours, was favourable, from a traffic management and car parking provision perspective.
- 7.9.6. With respect to their own responsibilities under the Dundalk and Environs Development Plan 2009-2015, the applicants correctly in my view, distinguish that they have in fact provided for car parking spaces in excess of the Development Plan Standard. In this regard I note that the 5.9no spaces allocated for No.2 Jocelyn Place are considered adequate, in the Planning Officers report. Specifically, the required number of spaces to Standard is 4no. (ie. 1no. space per dwelling-unit in the Town Centre, and 1no. space per classroom for the language school).
- 7.9.7. Whereas the 3rd party appellant argues that the proposed Language School's proximity to several schools locally, will exacerbate traffic and parking issues, I note the applicants distinction and clarification that their classes are to start at 10h00,

after the local schools start, that afternoon classes / activities in the local schools are generally off-site, and that local scholars anticipated to attend language classes, would walk to the Language School, a short distance away.

- 7.9.8. Having regard to planning application documentation received, I note that the Planning Authority did not regard 'road safety and car parking' as an issue for concern, in their consideration of the merits of the proposed development and change of use at No.2 Jocelyn Place.
- 7.9.9. Throughout their documentation submitted in substantiation and motivation of the proposed development and change of use, I note that the applicants have always been mindful of traffic issues in the town centre, and the potential for negative impact consequent of their proposed development. Accordingly, they emphasise that they have always scheduled their language classes, so as to avoid peak traffic times, and would be willing to accommodate for further adjustments, should this be considered as necessary, in the determination of their application for planning permission.
- 7.9.10. Accordingly, I believe the 3rd party appellants arguments against the proposed development in this regard, cannot be sustained.

7.10. Permission / Consent for Works

- 7.10.1. I have taken careful note of the arguments made by the 3rd party appellant, that any works proposed by the applicants at No.2 Jocelyn Place, require his consent, which he has not done so. Without necessary compliance by the applicants regarding receipt of such consent from their neighbouring 3rd party appellant at No.3 Jocelyn Place, the application lodged is invalid.
- 7.10.2. In this regard, I note the applicants inclusion in their response submission of a copy of section of the 'indenture' pertaining to No.2 Jocelyn Place when conveyed in 1987, which states "the purchaser and future purchasers have the right to the support of the conveyed property from the adjoining property for the purposes of ..." works as envisaged in the proposed development "... causing as little damage as possible and making good any damage caused excepting and reserving unto the adjoining property". In this regard, the applicants also confirm they have received legal advice regarding their right to carry out the repairs and restorations deemed essential by the 'conservation', 'fire' and 'planning' authorities.

- 7.10.3. However, having regard to the arguments raised against the proposed development, I have had regard to the application for planning permission on its planning merits alone, as set out in the above discussions. Rather, I am inclined to the view that any decision on the planning application does not purport to determine the legal interests held by the applicants, or any other party. Contrary to the arguments understood made by the 3rd party appellant, I tend to the view that any decision on the planning application does not purport to determine the legal interests and obligations held by the applicants. I would also draw their attention to Section 34(13) of the Planning and Development Act, 2000 as amended, which relates as follows: “A person shall not be entitled solely by reason of a permission or approval under this section to carry out a development”. In this regard, I make reference to the explanatory notes which read as follows – “This subsection ... makes it clear that the grant of permission does not relieve the grantee of the necessity of obtaining any other permits or licences which statutes or regulations or common law may necessitate”. Consequently, I understand that any legal obligations on the applicant, to ensure that the legality of landownership and user privileges enjoyed by 3rd party appellant at No.3 Jocelyn Place are not compromised, are covered.
- 7.10.4. Accordingly, I do not believe these arguments by the 3rd party appellants against the proposed development to be reasonable, and substantive grounds for invalidating the application, or for refusal.

7.11. Procedural Matters – Validation Issues

- 7.11.1. I note the 3rd party appellant’s argument that with particular regard to the location of the site notices, and the accuracy of the drawings (re. distances of structures from the site boundaries), the applicants did not comply with the requirements of the Planning and Development Regulations 2001 (as amended). The 3rd party appellant queries the validity of the application in this regard.
- 7.11.2. To the contrary, I have had regard to the Planning Authority’s processing of the application, and validation of site notices and drawings submitted, as being satisfied that satisfactory compliance has been achieved. I am inclined to the same viewpoint.
- 7.11.3. I also point out that notwithstanding his arguments, the 3rd party appellant’s rights have not been compromised, in my view. Clearly, he was able to lodge his 3rd party

objection with the Planning Authority, and subsequently his 3rd party planning appeals with An Bord Pleanala.

7.11.4. Accordingly, I believe the 3rd party appellants arguments against the proposed development in this regard, cannot be sustained.

7.12. Appropriate Assessment

7.12.1. Having regard to the nature and scale of the proposed development, to the location of the site within a fully serviced urban environment, and to the separation distance to any European site, 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 be granted for the reasons and considerations as set out below.

9.0 Reasons and Considerations

Having regard to the zoning Objective “Town Centre Mixed-Use” for the area as set out in the Dundalk and Environs Development Plan 2009-2015, and to the pattern of mixed use development in the area, it is considered that, subject to compliance with the Conditions set out below, the proposed development would be in accordance with the relevant provisions of the Development Plan 2009-2015, would not seriously injure the amenities of the Jocelyn Place neighbourhood or of property in the vicinity, would not be prejudicial to public and environmental health and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, 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, 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. (a) The internal partitions on the third floor shall not be removed, unless determined as absolutely necessary to strengthen the floors and install insulation.
- (b) Details of the proposed methodology of floor strengthening and insulation installation shall be submitted for the written agreement of the Planning Authority, prior to commencement of development.

Reason: To ensure an acceptable standard for the works to the protected structure.

3. Prior to commencement, the applicant shall submit a detailed proposal for discrete signage appropriate to the character of the Protected Structure.

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

4. Prior to commencement, the applicant shall submit a detailed schedule for the repair of existing original windows and the reinstatement of inappropriate non-original windows.

All windows shall be timber sliding sash windows. Details of the number of panes, glazing bars, etc. shall be appropriate to the period of the building and shall match exactly extant original window details in all respects including the profile of frames and glazing bars. Putty shall be used, not timber beading for the fixing of the glazing. The detailed dimensions and glazing bars etc. of proposed new windows shall be agreed in writing with the Planning Authority, prior to ordering and manufacture.

Reason: To protect the Architectural Heritage in the interests of the common good and the proper planning and sustainable development of the area.

5. Prior to commencement, the applicant shall submit a full specification and detailed Conservation Method Statement, drawn up by a qualified Conservation Architect, for all the proposed interventions and repairs to the Protected Structure. This shall include, details of all proposed interventions into the fabric of the Protected Structure, including (but not exclusively) the addition of services, breathable insulation, boarding out or repairs to the original lime plaster. All works to the structure shall be carried out under the supervision of a Conservation Architect.

Reason: To ensure an acceptable standard for the works to the Protected Structure.

6. (a) All works shall be carried out in accordance with best conservation practice, and in accordance with the agreed conservation method statement submitted and the Architectural Heritage Protection Guidelines for Planning Authorities published by the Department of Arts, Heritage and the Gaeltacht 2004 (reissued 2011).
- (b) The repair works shall retain the maximum amount of surviving historic fabric in-situ, including structural elements, plasterwork (plain and decorative) and joinery and shall be designed to cause minimum interference to the building structure and / or fabric.

Reason: To ensure an acceptable standard for the works to the Protected Structure.

7. (a) An assessment of the areas requiring repointing shall be submitted for the written agreement of the Planning Authority no later than one year after the grant of permission.
- (b) Areas shall be repointed only where necessary to protect the fabric of the building.
- (c) If wholesale repointing is required, the applicant shall obtain the written consent of the adjoining property owner of No. 3 Jocelyn Place to include areas of the front and rear façade not in the ownership of the applicant.

Reason: To ensure an acceptable standard for the works to the Protected Structure.

8. A detailed method statement for any required repointing shall be submitted for the written agreement of the Planning Authority, prior to commencement of works.

Reason: To ensure an acceptable standard for the works to the Protected Structure.

9. Reinstatement of features shall only be carried out where there is archival evidence of their existence as part of the original fabric of the building. Items such as shutters on the first floor shall not be inserted on conjecture.

Reason: To ensure an acceptable standard for the works to the Protected Structure.

10. Items that have to be removed for repair shall be recorded prior to removal, catalogued and numbered to allow for authentic reinstatement.

Reason: To ensure an acceptable standard for the works to the Protected Structure.

11. All original features, including interior and exterior fitting / features joinery, plasterwork features, staircases including baluster, handrails and skirting boards, shall be protected during the course of the works. The Protection Plan shall be submitted to the Planning Authority for written agreement prior to commencement of works.

Reason: To ensure an acceptable standard for the works to the Protected Structure.

12. Prior to the commencement of works, the applicant shall submit a specification or method statement for the upgrading of existing historic timber doors and floors to comply with fire safety requirements, for the approval of the Planning Authority. Only where it is proven to be impossible to retain any door in its present location, may any door be salvaged and carefully stored for future reuse.

Reason: To ensure an acceptable standard for the works to the Protected Structure.

13. In the event that compliance with building or fire regulations require any alterations to the building which are not specified on the planning documents, including upgrading of doors, timber floors, or plaster ceilings, the applicant shall submit details for approval. If such works are extensive, a further application for Planning Permission may be required.

Reason: To ensure an acceptable standard for the works to the Protected Structure.

14. (a) A conservation expert shall be employed to manage, monitor and implement the works on the site and to ensure adequate protection of the retained and historic fabric during the works. In this regard, all permitted works shall be designed to cause minimum interference to the retained building and facades structure and/or fabric.
- (b) All repair works to the protected structure shall be carried out in accordance with best conservation practice as detailed in the application and the Architectural Heritage Protection Guidelines for Planning Authorities issued by the Department of Arts, Heritage and the Gaeltacht in 2011. The repair works shall retain the maximum amount of surviving historic fabric in situ, including structural elements, plasterwork (plain and decorative) and joinery and shall be designed to cause minimum interference to the building structure and/or fabric. Items that have to be removed for repair shall be recorded prior to removal, catalogued and numbered to allow for authentic re-instatement.
- (c) All existing original features, including interior and exterior fittings/features, joinery, plasterwork, features (including cornices and ceiling mouldings) staircases including balusters, handrail and skirting boards, shall be protected during the course of refurbishment.

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

15. Proper records must be kept of all works undertaken. These records should include : Archival Standard Photographs taken before, during and after the completion of each stage of the work; Specifications; Schedule of Works undertaken; Difficulties encountered and their resolution; Modifications to Method Statements, and so forth. Two copies of the final report, including photographs and records, are to be submitted to the Local Authority (one to the Development Control Section of the Planning Department, the second to the Conservation Officer) [and a copy, along with a digital copy, lodged with the Irish Architectural Archive] upon completion of the work.

Reason: To protect the Architectural Heritage in the interests of the common good and the proper planning and sustainable development of the area.

16. The applicant shall make all necessary arrangements to apply for and obtain a Road Opening Licence(s) from Louth County Council in respect of all openings in public areas and shall pay Road Opening Licence Fees and road restoration costs. The applicant shall abide by the conditions as set out in the said license(s).

Reason: In the interests of orderly development and traffic safety.

17. The applicant shall make all necessary arrangements to apply for and obtain a Hoarding License(s) from Louth County Council if the applicant intends to erect, construct, place and maintain a hoarding, fence or scaffolding on a public road or footpath (in accordance with Section 254 of the Planning and Development Act, 2000, and the Planning and Development Regulations, 2001).

Reason: In the interests of orderly development and traffic safety.

18. The applicant shall be responsible for the full cost of repair in respect of any damage caused to the adjoining public road / footpath arising from the construction work and shall either make good any such damage forthwith to the satisfaction of Louth County Council or pay to the Council the cost of

making good any such damage on a demand thereof being issued by the Council.

Reason: In the interests of orderly development and traffic safety.

19. All necessary measures, as may be determined by the Planning Authority, shall be taken by the developer / contractor / servants / agents to prevent the spillage or deposit of clay, rubble or other debris on adjoining public roads or footpaths during the course of the development works. The developer shall ensure that all vehicles leaving the development are free from any material that would be likely to deposit on the road and in the event of any such deposition; immediate steps shall be taken to remove the material from the road surface. The developer shall be responsible for the full cost of carrying out of road / footpath cleaning work.

Reason: In the interest of orderly development and traffic safety.

L.W. Howard
Planning Inspector

11 December 2017