



An
Bord
Pleanála

Inspector's Report PL15.248948

Development	Retention and permission for works at Jordan's Bar and restaurant
Location	Newry Street, Carlingford, Co. Louth
Planning Authority	Louth County Council
Planning Authority Reg. Ref.	16/662
Applicants	Bouleo Ventures Ltd.
Type of Application	Retention and Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Deepka Abbi
Observer(s)	None
Date of Site Inspection	25 th October 2017
Inspector	Niall Haverty

1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 0.04 ha, is located on the eastern side of Newry Street in Carlingford village centre, Co. Louth. The site accommodates a mid-terrace two storey over basement building facing onto Newry Street, which previously accommodated a public house with apartment overhead. To the rear is a yard area with outbuildings and a two storey return to the main building. A stone-built two storey building is located to the west, which is also in the ownership of the applicant and which is the subject of a concurrent appeal (Ref. PL15.248532).
- 1.2. The site is bounded by Newry Street to the west, the adjacent stone building to the east, and by three storey buildings to the north and south, which both include residential use. The appeal site also has access to Woods Lane to the south.
- 1.3. On the date of my site inspection there was no apparent construction work underway, although extensive unfinished construction works have been undertaken to the public house, including the removal of the ground floor.

2.0 Proposed Development

- 2.1. The proposed development consists of:
 - Retention permission for:
 - Extension of external single storey stores in rear yard.
 - Underground gas storage tanks.
 - Change of use of commercial store to commercial kitchen at basement level.
 - Basement level extension to accommodate proposed stairs.
 - Extension to original toilet area to accommodate proposed internal stairs and less abled toilet facility at ground floor (Newry Street) level.
 - External patio decked area to rear of caretakers' accommodation at first floor level.
 - New roof over restaurant snug area at ground floor level.

- Bridge access, including emergency exit doorway from dining area to neighbouring self-catering short-stay holiday accommodation external stairs/gangway.
- Permission for:
 - Extension at basement yard level to include the toilet area.
 - Internal alterations to include new emergency exits.
 - Remove existing rear access gates and replace with proposed new timber access gates with emergency exit door at Woods Lane.
 - Rear extension to caretaker's accommodation at first and second floor levels to accommodate WC and stairs access.
 - Sun room extension to the rear of caretakers' accommodation at first floor level.
 - 2 No. dormer windows to front elevation at second floor level.
 - Velux window to front and rear elevation at second floor level.
 - Alterations to north elevation to remove three windows and replace with one window.
 - All associated site development works.

2.2. A number of elements were omitted on foot of a request for further information. This includes the dormer windows to the front elevation, the upper floor of the two storey extension to the rear and the underground gas storage tanks.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Louth County Council decided to grant planning permission subject to sixteen conditions, including the following summarised conditions:

- **C2(a):** Revised drawings of stairwell to caretaker's residential unit to be submitted to comply with Carlingford ACA Objectives.

- **C2(b):** Access to the roof at the rear of the caretaker's unit is not permitted. Revised drawings to be submitted showing no access and bi-folding doors and timber decking removed.
- **C6:** Applicant shall fully implement flood resilient construction measures detailed in Flood Risk Assessment Report.
- **C13:** Landscaping to bridge, gangway and stairs to be carried out prior to completion of works.
- **C14:** Details of proposed access gates from Woods Lane to be submitted.
- **C15:** Archaeological monitoring.
- **C8:** Special contribution of €12,800 in lieu of the shortfall in the provision of car parking.

3.2. Planning Authority Reports

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

- The principle of the development is acceptable.
- Discrepancies in revised drawings indicate a window to be created at first floor level to the caretaker's apartment, but door has been inserted, and plans indicate timber deck and bi-fold doors.
- There should be no access to the roof area, as it will adversely impact upon the residential amenities of the adjoining apartment.
- Removal of dormer windows to the front will be positive from a visual conservation perspective.
- Re-profiling of stairwell extension to rear is more acceptable than original proposal. The Conservation Officer's concerns are noted, but a precedent has been set by the development to the north, and the stairwell element can be reconfigured to be less dominant and tie into the existing roof at a lower level to reduce its impact. To refuse permission on this basis would be unreasonable.

- Revised proposal omitting dormer windows and providing hard wood windows is a significant improvement.
- With regard to noise and overdevelopment, the site has had a bar and restaurant for a long number of years and the proposed development essentially modernises the facilities and extends the facilities of the caretaker's apartment.
- Several other codes, including fire, building regulations and dangerous building notices have been served and these shall be required to be complied with and therefore lie outside the planning code to adjudicate on.
- The subject building has operated as a bar and restaurant for numerous years and will see improvements to its operation and function.
- Second floor extension has been amended and reduced in scale and a window is shown onto the flat roof to rear of caretaker's apartment. Condition will be included to remove bi-folding door, timber decking and to prevent use of flat roof as recreational area for the apartment.
- Revised design is more acceptable from a visual perspective.
- The substantial works carried out have been delineated on the revised drawings.
- Development contribution will be sought in lieu of car parking provision.

3.3. Other Technical Reports

3.3.1. **Infrastructure Section:** No objection, subject to conditions.

3.3.2. **Conservation Officer:**

- Removal of dormer windows and proposed use of single glazed timber windows following request for further information is acceptable.
- Proportions of proposed windows to the rear elevation are completely inappropriate and should be revised by condition.

- Bridge access from dining area to B&B will be visually obtrusive with no consideration for the architectural character of the ACA. It is not shown on the visual assessment.
- Permission should be refused for the proposed rear extension to the caretaker's accommodation unit as it would have a detrimental impact on the character and appearance of the ACA and would be contrary to Policy HER 45 of the Development Plan. It does not respect the character of the traditional architecture in form, scale or design.

3.3.3. **Fire Officer:**

- Issues in terms of fire safety non-compliance and changes made without following building control procedures. Works have taken place in the absence of a fire safety certificate or disability access certificate.
- Current layout of residential unit is unsafe.
- Bin storage for the duplex in the stairs impedes escape and proper waste/bottle storage is not clear.
- Numerous issues with means of escape from various areas of the development and disability access.
- There seems to be a current issue with drainage. Question how wastewater system can cope with additional demand.

3.4. **Prescribed Bodies**

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

3.4.2. **Irish Water:** No objection.

3.5. **Third Party Observations**

3.5.1. Four observations were made, two by the appellants and two by Mr Michael Thornton, respectively. The issues raised in the observations are generally as per the appeal, as well as the following:

- Stores were built without planning permission.

- Object to underground gas tanks and manner in which they were installed. Health and safety issues.
- Overshadowing/overlooking.
- Impact on historical character of the area.
- Property devaluation.
- Inadequate car parking.
- Extension of stores in rear yard negatively affects plot ratio and encroaches on adjoining property.
- Change of use of commercial store to commercial kitchen at basement level represents an intensification of use and raises concerns around noise, vermin etc.
- Bridge link to neighbouring self-catering short stay accommodation will result in noise and light pollution from hen and stag parties.
- Unauthorised development undertaken.
- Inaccuracies in drawings.

4.0 Planning History

4.1. Appeal Site

- 4.1.1. **Reg. Ref. 06/970:** Permission granted for extension and alterations to existing two storey structure to incorporate 3 No. two bedroom dwelling houses, structures to the rear to accommodate private amenity space requirements, along with all associated site works.
- 4.1.2. **Reg. Ref. 04/504:** Permission granted for alterations and extension to the bar at entry level to include new entrance, new shop front and signage, relocation of toilets, new fire escape stairs, new stairs from ground level to existing residential accommodation at 1st and 2nd floor level extension to the rear of existing residential accommodation at 1st and 2nd floor level, alterations to and change of use at ground and first floor level of existing guest accommodation fronting onto public road R176 to licensed premises/bar/restaurant to include new shop front and signage, to

licensed premises/bar/restaurant to include new shop front and signage to Savages lane, change of use of existing dining room to kitchen and extension to same to join with existing guest accommodation building at first floor level, removal of existing walkway and fire escape stairs, the taking down of two existing sheds in the yard and the construction of a single storey [*sic*].

4.1.3. **Reg. Ref. 94/217:** Permission granted for conversion of three bedrooms to B&B use.

4.1.4. **Reg. Ref. 93/48:** Permission granted for conversion of store to dwelling unit.

4.1.5. **Reg. Ref. 90/11:** Retention of alterations and extensions carried out to licenced premises.

4.2. **Surrounding Area**

4.2.1. **ABP Ref. PL15.248532; Reg. Ref. 16/541:** Current planning appeal by Deepka and Anu Abbi against the decision of Louth County Council to grant retention permission and permission to Bouleo Ventures Ltd. for development at Wood's Lane (i.e. the whitewashed stone building to the east of the appeal site, which is within the applicant's control). The proposed development consists of:

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

5.0 **Policy Context**

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

5.1.1. The site is governed by the policies and provisions contained in the Louth County Development Plan 2015-2021.

5.1.2. Carlingford is designated as a Level 3 settlement in the County's settlement hierarchy and Policy SS 9 seeks to "promote and facilitate limited development within Level 3 Settlements that is commensurate with the nature and extent of the

existing settlement, to support their role as local service centres and to implement the policies and objectives relative to each settlement as provided for in Appendix 2, Volume 2 (a)".

5.1.3. The Settlement Plan for Carlingford in Appendix 2 of the Development Plan contains a number of Policies to protect its historical character and landscape setting. These include:

- **CAR 1:** To support Carlingford in its role as a local rural service centre for its indigenous population and that of its rural hinterland, where the principles of environmental, economic and social sustainability including protection of the village's heritage and the natural and built environment are enshrined.
- **CAR 4:** To retain and enhance the village setting within its unique scenic backdrop.
- **CAR 5:** To protect and retain the historic integrity and plots of the medieval town and support its preservation in future development.
- **CAR 9:** To ensure that Carlingford develops a sustainable economic base by seeking to provide a range of employment opportunities locally.
- **CAR 11:** To support sustainable tourism development in Carlingford.

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

5.1.5. The appeal site is also within the Architectural Conservation Area (ACA) and Area of Special Archaeological Interest for the village core and there are a number of protected structures and recorded archaeological monuments in the vicinity of the appeal site. There are also a series of protected views and prospects in Carlingford:

- VPC 1: King John's Castle.

- VPC2: Taaffe's Castle.
- VPC3: Holy Trinity Heritage Centre.
- VPC4: Dominican Friary.
- VPC5: The Coast and Harbour.

5.1.6. Policy HER 63 of the Development Plan seeks to preserve these views and prospects of special amenity value.

5.1.7. Appendix 4 of the Development Plan sets out development management guidelines for ACAs, while Appendix 7 includes a section setting out the history and character of the Carlingford ACA and includes the following Objectives:

1. To preserve the special character of the town, its medieval street pattern and its setting through positive management of changes to the built environment, in particular, by requiring that the height, scale, design and materials of any proposed development within the ACA and in the adjoining area should complement the character of the town and not diminish its distinctiveness of place.
2. To protect the landscape setting of the village and the views both inward and outward.
3. To encourage the removal of visually intrusive elements such as overhead cables and inappropriate signage.
4. To require the preservation and re-instatement of traditional details and materials on existing buildings and in the streetscape where improvements or maintenance works are being carried out.
5. To use appropriate materials, street furniture and lighting in any public development of the area.

5.2. **Flood Risk Management Guidelines for Planning Authorities 2009**

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

“Applications for minor development, such as small extensions to houses, and most changes of use of existing buildings and or extensions and additions to

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

6.0 The Appeal

6.1. Grounds of Appeal

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

- Appellant is owner of property directly to the north of the appeal site.
- Overshadowing/overlooking and compromising of privacy and residential amenity.
- Misleading information on planning drawings.
- Lack of planning and building compliance.
- Damage to appellant’s building.
- Condition 2 requested revised drawings for the stairwell to the ‘caretaker’s unit’. This stairwell is superfluous, will overshadow property and affect residential amenities.
- Proposed flat roof on toilet extension in yard with smoking area on top will directly overlook private amenity space and affect enjoyment of appellant’s private patio area.

- Planning drawings show a window where the applicant has opened patio doors over the decking area. These works continued even though an enforcement notice was issued. There are further inaccuracies, including labelling appellant's apartment window as 'stores'.
- Planning Authority's decision to remove timber decking and extension to caretaker's apartment is welcomed. Building of this patio area without permission is severely compromising appellant's building and right to privacy.
- Grave concerns regarding tampering with the blockwork of appellant's basement and removal of items.
- Appellant acknowledges that some issues raised are not planning issues, but applicant has been served with enforcement notices and a dangerous structure notice within the past 12 months and building work is continuing on site.

6.1.2. The appellant also submitted copies of her earlier observations with the appeal, including a number of photographs.

6.2. Observations

6.2.1. None.

6.3. Applicants' Response to Appeal

6.3.1. A response to the appeal was submitted on behalf of the applicant by P. Herr & Associates and can be summarised as follows:

- Drawings submitted highlight the appellant's only window which is a stairs window and the position of the appellant's open balconies which overlook the applicant's open commercial yard.
- There will be no overlooking, overshadowing or loss of residential amenity to the appellant's property. The proposed flat roofs will not overshadow or block light to the appellant's stairs window or balconies.
- The proposed stairs access to the caretaker's apartment is to be extended up to the attic level to provide a safe fire protected access and escape. Condition

2 requires the elevation treatment to be agreed, but it will not block out light or cause shadowing.

- There will be no direct access onto the flat roofs and no invasion of privacy as a result of the proposed development.
- The existing pub and restaurant pre-dates the construction of the appellant's apartment, which was granted permission in 2007.
- The planning drawings are not misleading. The application did seek permission to retain access through patio doors to an open-air deck off the caretaker's accommodation unit, but this was excluded on foot of request for further information.
- The drawings submitted do state that the appellant's window is a 'store window', but this information was obtained from the appellant's own planning application file 08/540.
- All works have ceased until such time as a planning decision is made. Works were carried out in the knowledge of the Planning Authority's enforcement section to close up the development.
- Appellant is seeking damages for certain items and has attached structural beams to the applicant's chimney stack.

6.3.2. A number of marked-up drawings and photographs were submitted with the response to the appeal.

6.4. **Planning Authority Response**

6.4.1. The Planning Authority's response can be summarised as follows:

- The applicant had carried out unlawful works on the subject site and had chosen to ignore planning enforcement proceedings on a number of occasions.
- Residential amenities of the adjoining property were sought to be protected via conditions 2(a) and 2(b).
- Drawings submitted by applicant variously showed a window or door from the caretaker's apartment to the flat roof area.

- It is acknowledged that applicant incorrectly showed appellant's window as a window to a commercial store rather than a window to an apartment.
- A condition was included seeking amendment of the stairwell to the rear of the caretaker's apartment to protect and preserve the character of the town and. Any reduction in height and profile may also have a lesser impact on the appellant's property.
- Matters including damage to the appellant's property and compliance with building regulations lie outside the planning code.
- The smoking area to the rear will presumably have a partial roof covering, and which it may encourage noise emissions, the site has a town centre zoning and has operated as a public house for a long number of years. On balance, its location is felt to be acceptable.

7.0 **Assessment**

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

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

7.2. **Principle of Proposed Development**

7.3. I consider that the proposed works to alter, extend and improve the facilities associated with the existing pub and restaurant and associated caretaker's accommodation within the village core of Carlingford is in accordance with the zoning objective for the site and is compliant with relevant policies and objectives of the Development Plan. I am therefore satisfied that the proposed development is

acceptable in principle, subject to further consideration of the planning issues identified in Section 7.1 above.

7.4. Residential Amenity

- 7.4.1. The appellant contends that the proposed development will impact on her residential amenity primarily through overlooking, overshadowing and loss of privacy.
- 7.4.2. The appeal site is located to the south of the appellant's property, and development on the appeal site therefore has the potential to result in overshadowing or loss of daylight/sunlight. However, having regard to the relative orientations of the two properties, which have their front elevations facing westward onto Newry Street, and the nature of the appellant's property, which has been substantially extended to the rear, resulting in a blank side elevation facing the appeal site and the provision of large expanses of glazing facing eastward to take advantage of the coastal views, I do not consider that the proposed development would result in significant additional overshadowing or loss of sunlight/daylight.
- 7.4.3. With regard to loss of privacy and overlooking, I concur with the appellant that the development as originally proposed would negatively impact upon her residential amenity, primarily due to the provision of a timber decked area at first floor level serving the caretaker's apartment. The applicant, in their response to the request for further information has indicated that this decked area will be omitted, although there appear to be errors on the relevant first floor plan 3606-FI-005. On my site inspection I noted that the decked area is constructed, with a stainless steel and glazed balustrade and that a doorway, rather than a window, was constructed providing access from the apartment to the roof area, which provides views directly into a window within the appellant's apartment. I consider this aspect of the development to have a significant negative impact on the residential amenities of the adjoining property due to overlooking and loss of privacy. In light of this, and the errors on the drawings, I recommend that, if the Board is minded to grant permission, that it be clarified by way of Condition that the external door at first floor level in the apartment providing access onto the roof is to be replaced by a window, that the decking area which extends beyond the ground floor janitor's store and the associated balustrade is to be removed and that no access shall be provided onto the flat roof area.

- 7.4.4. In order to mitigate the impacts on residential amenity, I also recommend that the proposed panoramic window in the northern elevation of the dining area be omitted, as I consider that the smaller existing windows are sufficient to provide daylight and to allow for the creation of a reasonable physical environment within the dining area, without exacerbating the existing level of overlooking of the appellant's property.
- 7.4.5. The appellant also raised residential amenity concerns with respect to noise and anti-social behaviour in her earlier observation, which she submitted with her appeal. I note that the public house and restaurant appear to have existed for a significant period, and pre-dated the construction of the appellant's extended property. Having regard to this, and the town centre location of the site, I consider that a certain level of noise is to be expected. I consider that the control of such noise in a town centre environment is primarily a matter of good management, but noting the proximity of residential properties to the north and south of the appeal site, I recommend that it be clarified by way of condition that the store area which adjoins the appellant's property shall not be used as a public bar or serving area without a prior grant of planning permission.
- 7.4.6. Subject to the above conditions, I do not consider that the proposed development would seriously injure the residential amenities of property in the vicinity.

7.5. Architectural and Archaeological Heritage

- 7.5.1. The appeal site is located within the Carlingford Architectural Conservation Area and an Area of Special Archaeological Interest. It is also close to a number of protected structures, including the adjoining property to the south and there is a recorded archaeological feature (LH02126) on Newry Street, to the front of the appeal site. This is recorded as the original cobbled roadway which was discovered during test trenching on Newry Street.
- 7.5.2. While the existing building is not a protected structure, I consider that it has significant architectural heritage merit due to its prominent location on Newry Street, its scale, vernacular design and traditional shopfront, all of which contribute positively to the character of the ACA.
- 7.5.3. I consider that the revised design, as submitted in response to the request for further information is a significant improvement on the original proposal. In particular, I

consider that the omission of the dormer windows serves to reduce the potential impact of the development on the character of the ACA at Newry Street.

- 7.5.4. With regard to the works to the rear of the building, I concur with the Planning Authority's Conservation Officer that the proposed stairwell extension to serve the caretaker's unit is excessive in scale, poorly designed in terms of the apparently haphazard arrangement and sizing of windows, and results in an unduly prominent and visually obtrusive feature within the ACA and in close proximity to a number of protected structures, recorded monuments and designated scenic views and prospects.
- 7.5.5. Having regard to this negative impact on the character of the ACA, I consider the rationale for the proposed stairwell extension to be somewhat unclear. There is an existing stairs within the existing building from ground floor to first floor, and it is not clear to me why this could not return within the confines the existing building to provide access to the second floor.
- 7.5.6. I therefore recommend that the stairwell extension be omitted, and that revised plans be submitted to the Planning Authority, detailing an alternative layout to provide stair access to the second floor.
- 7.5.7. I note that no signage is indicated to the front elevation of the public house on Newry Street, Having regard to the established historic character of the area and the ACA designation, I recommend that a condition be included to require any signage proposal to be the subject of a separate planning application.
- 7.5.8. Subject to these changes, I consider the renovation and re-use of the long-established public house to be welcome, and consider that the proposed development will ensure the future use of the building and allow it to continue to contribute to the character of the ACA.
- 7.5.9. With regard to archaeological heritage, I note the potential for archaeological features to be encountered in this historic town centre location. Therefore, having regard to the submission made by the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs, I recommend that a condition be included regarding archaeological monitoring, should the Board be minded to grant permission.

7.6. Flood Risk

- 7.6.1. The composite map included in the Development Plan indicates that the appeal site is partially located within Flood Zone A and is therefore at risk of coastal flooding.
- 7.6.2. Section 5.28 of the Flood Risk Management Guidelines for Planning Authorities 2009 advises that applications for minor development, including most changes of use of existing buildings and extensions or additions to existing commercial enterprises, are unlikely to raise significant flooding issues, unless they obstruct important flow paths, introduce a significant additional number of people into flood risk areas or entail the storage of hazardous substances. The Guidelines also advise that since such applications concern existing buildings, the sequential approach cannot be used to locate them in lower-risk areas and the Justification Test will not apply but recommends that a commensurate assessment of the risks of flooding should accompany such applications to demonstrate that they would not have adverse impacts or impede access to a watercourse, floodplain or flood protection and management facilities.
- 7.6.3. A Flood Risk Assessment Report was submitted on foot of a request for further information. The report notes that the original proposal to provide an underground storage area for gas tanks is no longer proposed. The report identifies that the site is susceptible to both fluvial and coastal flooding, with reference to the Carlingford and Greenore AFA Maps, produced in 2015 by the OPW as part of the Neagh Bann CFRAMS study. In order to mitigate the potential flood risk to the property, a series of flood resilient construction measures are proposed, as well as a proprietary floodgate for the external door opening onto the toilet block and store extension.
- 7.6.4. Having regard to the long-established nature of the commercial premises, its town centre location, the nature and extent of the proposed development, and noting the relatively small additional floor area proposed, I do not consider that the proposed development is likely to result in any obstruction to flow paths or have adverse impacts on watercourses or flood management facilities.
- 7.6.5. Therefore, having regard to the provisions of the Flood Risk Management Guidelines for Planning Authorities, and subject to the inclusion of a condition requiring the implementation of the flood resilient construction measures proposed in the Flood

Risk Assessment Report, I do not recommend that planning permission be refused on the basis of flood risk.

7.7. Car Parking

- 7.7.1. The proposed development does not include any car parking provision. Having regard to the village centre location and constrained nature of the site, there does not appear to be any significant scope to accommodate car parking within the site boundaries. The wide hard shoulder area of the R176 immediately to the east of the appeal site was being utilised as an informal car parking area on the date of my site inspection, and a public car park is located to the south, with on-street car parking on Newry Street, to the west of the appeal site. I note that Policy TC 18 of the Development Plan states that it is the policy of the Planning Authority to consider a reduction of parking standards in respect of proposed developments which the Council considers to be of such a quality and value as to contribute significantly to the spatial, economic and social wellbeing of the settlement in question. Where a reduction in car parking standards is accepted, a contribution in lieu of the provision of car parking will normally be required.
- 7.7.2. I note that the Infrastructure Section of the Planning Authority was amenable to the imposition of a special contribution in lieu of car parking, and having regard to the village centre location of the appeal site, and its location within the historic streetscape of Carlingford ACA, I consider that such an approach is acceptable. If the Board is minded to grant permission, I therefore recommend that a condition be included requiring the payment of a special contribution in lieu of car parking provision.

7.8. Other Issues

- 7.8.1. Both the appellant and the applicant have raised issues regarding matters of building regulation compliance, boundary issues and related matters. The Planning Authority's Fire Officer has also raised a number of issues with regard to fire safety, means of escape and disability access.
- 7.8.2. I consider that these issues are either civil/legal matters, or are matters subject to separate statutory controls outside of the planning system, and I note that under

section 34(13) of the Planning and Development Act 2000, as amended, a person shall not be entitled solely by reason of a grant of planning permission to carry out any development.

7.9. Appropriate Assessment

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

8.0 Recommendation

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

9.0 Reasons and Considerations

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

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 14th day of June 2017, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior

to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:

- (a) The external door on the rear elevation at first floor level which provides access to the flat roof area shall be removed and replaced with a window as indicated on drawing number 3606-FI-006, submitted on the 14th day of June 2017. The deck area and associated balustrade at first floor level shall also be removed and no access to the remaining flat roof area is hereby permitted.
- (b) The proposed panoramic window on the northern elevation of the dining area shall be omitted, and the existing arrangement of window openings shall be retained.
- (c) The stairwell extension to the rear of the public house which serves the caretaker's residential unit shall be omitted, and stair access to the second floor shall instead be provided within the envelope of the existing building.

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

Reason: In the interests of visual and residential amenity.

3. The store area in the yard to the rear of the public house shall not be used as a public bar or serving area without a prior grant of planning permission.

Reason: In the interests of residential amenity.

4. The flood resilient construction measures outlined in Section 3.0 of the Flood Risk Assessment Report submitted on the 14th day of June 2017 shall be fully implemented in carrying out the development.

Reason: In the interests of mitigating flood risk.

5. Details of the proposed access gates from Woods Lane to the site shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

6. Water supply and drainage arrangements including the attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

7. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
- (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
- (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

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

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

8. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

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

Reason: To protect the visual amenities of the area.

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

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

11. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation

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

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Niall Haverty
Planning Inspector

6th November 2017