



An
Bord
Pleanála

Inspector's Report ABP-301567-18

Development	Retention of car park & permission for change of use from house to hostel, revisions to vehicular access, minor alterations to façade & new balcony to rear.
Location	Dundalk Street, Carlingford, County Louth.
Planning Authority	Louth County Council
Planning Authority Reg. Ref.	18/148
Applicant(s)	Carlingford Adventure Aerial Park Ltd.
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Anne Dearey
Observer(s)	One (Peter & Irene Finegan)
Date of Site Inspection	3 rd August 2018
Inspector	Karla Mc Bride

1.0 Site Location and Description

- 1.1. The appeal site is located in the village of Carlingford in N County Louth and the surrounding area is mixed use in character with a variety of single and 2-storey buildings along the narrow street. The site is occupied by an existing 2-storey building on the W side of Dundalk Street and there is a yard to the rear which has been amalgamated with the lands to the rear of the adjacent buildings to the N. The rear boundary wall has been removed and the surface comprises compacted hardcore. Vehicular access to the amalgamated rear yard is via an existing entrance to the N of the neighbouring building. The site is bound to the N and S by existing 2-storey buildings along Dundalk Street and to the rear W by a residential development.
- 1.2. Carlingford Aerial Park (adventure centre) is located to the far SW of the site. The adventure centre also occupies a nearby building along Tholsel Street to the E which also comprises a hostel with rear access onto Dundalk Street diagonally opposite the appeal site. The amalgamated yard to the rear of the appeal premises and the two neighbouring buildings is used to park adventure centre vehicles.
- 1.3. Photographs and maps in Appendix 1 describe the site and environs in more detail.

2.0 Proposed Development

- 2.1. Planning permission is being sought to:
 - Retain the clearance and hard-coring of lands to provide a car park.
 - Change the use from house to hostel.
 - Revisions to existing vehicular access.
 - Minor alterations to façade.
 - New balcony to rear elevation.
 - All associated site works including the demolition of an existing shed and the erection of a temporary fence to the rear.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to grant planning permission for the proposed development subject to 4 standard conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Officer recommended that planning permission be granted.

3.2.2. Other Technical Reports

Infrastructure: No objections subject to conditions including one related to the provision of adequate sightlines at the vehicular entrance.

3.3. Prescribed Bodies

Circulated to DAHG, Heritage Council, An Comhairle, An Taisce and Irish Water.

Irish Water: No objections subject to conditions.

3.4. Third Party Observations

Three submissions received from local residents (including one with several signatures) who raised concerns in relation to traffic movements, flood risk, ground water pollution, intensification of hostel accommodation (230 bed spaces already available nearby), contravention of local rural service centre objective, located within a ACA and loss of historic plots, inappropriate scale of development, adverse impacts on residential amenity, proximity to SPA & SACs, and insufficient drainage and water capacity.

4.0 Planning History

The following cases relate to 3 properties along Dundalk Street which comprise the appeal premises and neighbouring properties and sites to the N.

ABP-301499-18 (Reg. Ref.18/19): Concurrent appeal against the PA decision to grant permission for the change of use of a retail unit at no.49 Dundalk Street together with associated modifications to form new restaurant and take away.

Reg. Ref.18/211: Concurrent planning application for the retention of the amalgamation of lands to the rear of 3 properties along Dundalk Street, clearing and hard-coring of lands to provide car parking and all associated site works. FI requested in relation to the following matters with no response received to date:

- Car park use & layout, vehicular access & visibility, drainage and FRA.
- AA Screening Report and possible NIS (close to Carlingford Shore SAC).
- Archaeological Report (RM LH005-042).
- Architectural Report - impact on medieval plot width & boundaries (ACA).
- Demonstrate compliance with Architectural Protection Heritage Guidelines.

The applicant was advised that a standalone car park would not be an appropriate use of lands in the Village.

Department of Culture, Heritage and the Gaeltacht noted that the site was located within the zone of archaeological potential for a Recorded Monument (Carlingford Town) and recommended pre-development testing where groundworks are to take place, with particular regard to the creation of a car park and associated fencing.

PL15. 243692 (Reg. Ref. 14/49): Planning permission **granted** for works at 3 existing buildings along Dundalk Street (including the appeal premises) to provide a new retail unit, 2 x apartments and a medical centre. The works would comprise a change of use from residential and the partial demolition of the existing shop and adjoining houses to provide for access to the amalgamated rear car park. Access would be via the existing entrance to the N the first house and a new entrance located between retail unit and the second house (the appeal premises). Permission not implemented although the rear yards have been amalgamated and hardcored.

PL15. 242171 (Reg. Ref. 12/514): Planning permission **refused** for works at 3 existing buildings along Dundalk Street (including the appeal premises) to provide 2 x retail units, 2 x apartments and a medical centre, for 1 reason which stated:

The proposed development would have inadequate off-street parking provision, which would result in overdevelopment of a restricted site with insufficient setback from the site boundaries. The proposed development would, therefore, represent an unacceptable intensity of use which would seriously injure the amenities of property in the vicinity and thus be contrary to the proper planning and sustainable development of the area.

Reg. Ref. 10/551: Planning permission **refused** for the demolition of 3 existing buildings along Dundalk Street (including the appeal premises) to provide for 3 x retail units, 5 x craft units, 4 maisonettes, new vehicular access and car parking, for 3 reasons related to adverse visual impact on ACA, non-compliance with Architectural Heritage Guidelines and injury to residential amenity.

5.0 **Policy Context**

5.1. **National policy**

Architectural Heritage Guidelines for PAs 2005:

These Guidelines provide a practical guide in relation to the Record of Protected Structure, Architectural Conservation Areas, Declarations and Places of Worship as well as development control advice and detailed guidance notes on conservation principles.

Flood Risk Management Guidelines for Planning Authorities 2009:

The Guidelines seeks to avoid inappropriate development in areas at risk of flooding and avoid new developments increasing flood risk elsewhere (including from surface water run-off) and they advocate a sequential approach to risk assessment.

5.2. Louth County Development Plan 2015 to 2021

Zoning: the site is located within the Level 3 Settlement of Carlingford and within the Village Centre Zone which seeks “To provide, protect and enhance village centre facilities and enable town centre expansion.”

Built Heritage:

Archaeology: Located with Zone of Archaeological Potential for Carlingford (RM)

Architectural Conservation Area: Located within Carlingford Village ACA.

Protected Structures: 5 x Protected Structures to S of site.

Policies and objectives

CAR 1 seeks 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 5 seeks to protect & retain the historic integrity and plots of the medieval town.

CAR 9 seeks to provide a range of employment opportunities locally.

CAR 11 seeks to support sustainable tourism development in Carlingford.

CAR 13 seeks to alleviate traffic congestion and improve pedestrian & cycling facilities.

Tourism

EDE 16 seeks to facilitate the Mourne Cooley Gullion Geo Tourism Project.

EDE 17 seeks to support the implementation of several Tourism & Heritage Plans.

EDE 31 seeks to facilitate the provision of budget hostels within existing Level 1, 2 and 3 Settlements ensuring high quality design and architecture, provision of adequate infrastructure, compliance with normal planning criteria and subject to the protection of the unspoilt natural environment and landscape amenity.

Architectural Conservation Areas

HER 45 requires that development within or affecting an ACA preserves or enhances the character & appearance of the ACA...development should respect the character of the historic and traditional architecture in scale, design & materials.

HER 48 requires that any development proposal takes account of the Council's specific ACA objectives, where applicable.

HER 50 seeks to ensure that the protection of architectural features of special interest within the ACA are retained as part of any proposed re-development.

HER 53 seeks to ensure that the external finish of buildings are appropriate to the character of the ACA.

HER 54 seeks to retain surviving medieval plots and street patterns in the ACAs.

Appendix 4 sets out development management guidelines for ACAs in relation to plot width, building lines, height, demolitions & alterations, and shopfronts & security.

Appendix 5 contains an appraisal of the Carlingford Village ACA. Objective 1 seeks to preserve the special character of the town, its medieval street pattern and its setting any proposed development should complement the character of the town and not diminish its distinctiveness of place.

Car parking standards

Hotels & Guest Houses: 1 space per 2 bedrooms

Hostels: On a case by case basis

5.3. Natural Heritage Designations

The site is located in close proximity to the following sensitive sites:

- Carlingford Mountain SAC & pNHA
- Carlingford Shore SAC & Carlingford Lough SPA & pNHA
- Carlingford and Feede Mountains AONB & AHSQ

6.0 The Appeal

6.1. Grounds of Third Party Appeal

- Non-compliance with Core Strategy in relation to sustainable towns and villages, protection and support for rural areas, and the facilitation of sustainable and socially inclusive communities.

- Non-compliance with Settlement Strategy in relation to protecting local service centres (OBJ1) and promoting the economic potential of villages whilst protecting natural and built heritage (OBJ).
- Hostel is not the same as a hotel, it has different clientele and does not comply with Failte Ireland's registration requirements for Youth Hostels.
- Proposal plus existing hostel bedspaces will add up to 301 in the village.
- Unsustainable and extreme overdevelopment.
- Non-compliance with policies which seeks to protect & retain the historic integrity & plots of the medieval town & support its preservation.
- Proposal will not protect the important & delicate historic village given that the historic boundary walls have already been demolished.
- Non-compliance HER 21 in relation to Recorded Monuments, and the ACA designation & HER45 in relation to historic character of the area.
- Existing WWTP discharges to Carlingford Lough SAC and is over capacity.
- The existing house is located in a mainly residential area bordered by a small housing estate, and the 71-bed hostel will affect residential amenity.
- Existing hostel on the opposite side of the road is used for stag & hen parties.
- No respect for the historic scale of the village and the intensive activity based hostel accommodation would be incompatible with the area, and point 4.5 of the Settlement Plan cautions against over reliance on tourism.
- This is 1 of 3 concurrent planning applications before the Council, should be assessed collectively (18/148, 18/091 & 18/211) & 18/091 is also on appeal.
- This application contains 4 car parking spaces & 18/211 increased this to 20, the compacted hardcore will permit oil & fuel spillages to seep into the ground with no interceptors proposed, and it would give rise to dust pollution.
- Access to and from the car park is via 2 entrances using a 1-way system onto the narrow Dundalk Street and across a footpath, with inadequate sightlines in both directions, and inadequate car parking and vehicular entrance details.
- No details of what the proposed minor alterations to the façade would entail.

6.2. Applicant Response

Procedures:

- Improperly submitted and invalid appeal as the name and address of both Appellants was not stated, in breach of Article 127(1)(b) and a PA submission acknowledgement letter was omitted in breach of Article 127(1)(e).
- Appeal includes an additional page of objections and 6 signatures, it is an extract from a concurrent appeal (301499-18) by the Appellant (Mr. Mc Kevitt) for a neighbouring site in the applicant's ownership, it is not co-signed by the second Appellant (Ms. Deary) and it refers to unrelated matters.

Project justification:

- Top activity centre which provides residential outdoor adventure holidays to a variety of clients, but mainly schools & language camps, owned and operated by the applicant since 1990 on a year-round basis, with c.65 staff members.
- Accommodation is provided in Tholsel St. which has c.150 beds and in a rented property on Market St., the lease has not been renewed which will give rise to an accommodation deficiency.
- There is a no alcohol policy and stag & hen parties are accommodated in separate holiday accommodation throughout the town.
- Proposal will operate as a hostel to accommodate supervised school & youth groups only in 6 en-suite dormitories (71 beds), as an annex to the main centre (on Tholsel St.) whose back door is located opposite the appeal site.

Development Plan:

- Complies with Development Plan policies & objectives, tourism makes a critical contribution to the economic development of the county, Carlingford is a significant tourist destination, and ECO Goal 6 seeks to ensure that Louth's unique offering positions it as a market leader of national significance.
- Compatible with Village Centre mixed use commercial & residential zoning objective which allows for hotels & guesthouses.

- Proposal will not result in 301 hostel beds, Failte Registration for Holiday & Youth Hostels Regulations are irrelevant to the planning application & proposal will comply with relevant building control & fire safety regs.
- Complies with employment policies for Level 3 Settlements (EMP1, OBJ1/2 & CAR9/11/14), and the area is not solely dependent on tourism.
- Complies with the Carlingford LAP (2002) policies, objectives & goals.

WWTP & Natura 2000 sites:

- Recent improvements to the WWTP have addressed the town's previous sewerage capacity issues with sufficient capacity to accommodate the hostel & Irish Water aims to improve water supply infrastructure.
- Site is c.200 & 300m from the nearest European site, it occupies a town centre location with no direct or indirect ecological conduit to the SACs & proposal complies with the relevant policies (HER3/4/5/7 & OBJ2/6).

ACA & Built Heritage:

- ACA comprises a mix of historic & contemporary buildings with no dominant architectural type, appeal premises dates from c.1983 and it sits within a mix of residential & commercial buildings of various heights, plot widths & finishes.
- Proposed use, minor alterations and demolished rear boundary wall would have no impact on the ACA and proposal complies with Policies CAR5 & HER21/45/53.
- Rear boundary wall (N) did not form part of the medieval wall, it was demolished in 2017 in accordance with PL15.234962 which also permitted 4 car parking spaces (the rest of the development was not implemented).

Impacts on amenities:

- No adverse impacts as a result of noise, traffic or dust, Dundalk St. is a busy thoroughfare, the centre does not permit noisy gatherings on the premises, and no recorded complaints from neighbours.
- The fire escape & balcony are set back over 22m from the nearest house with no overlooking or loss of privacy & the emotive reasoning is unsupported.

Parking & access:

- Proposal will not be served by 2 entrances & a one-way system, the existing vehicular entrance to the S of the premises will be the only access point.
- Gates will be set back to allow for vehicles to sit off the footpath whilst the gates are in use & Dundalk St. is one-way with adequate visibility to the left.
- A left side visibly splay of 46m is achieved due to the premises being set back further than the neighbouring properties & a new dropped kerb and tactile paving will augment existing sightlines up and down the street.
- No increase in the volume/frequency of traffic, rear car parking spaces will take vehicles off the street & alleviate congestion, school & youth groups usually arrive by bus & coach, and proposal complies with CAR 13.

6.3. Observations

Peter and Irene Finegan who raised the following additional concerns:

- Non-compliance with CAR 2 which seeks to promote limited residential development that is commensurate with the nature and extent of Carlingford.
- Non-compliance with CAR 5 which seeks to retain the historic integrity of the medieval town which includes c.55 protected structures with 5 nearby.
- Non-compliance with CAR 11 which seeks to support sustainable tourism, the proposal will place additional pressures on the overburdened infrastructure & services, and it will adversely affect other tourist accommodation in the area.
- Carlingford Lough is a European site and designated for protection and improvement under the Shellfish Water Directive.

6.4. Planning Authority Response

No new issues raised.

6.5. Prescribed Bodies

The appeal was circulated to the Department of Culture, Heritage and the Gaeltacht with no response received.

7.0 Assessment

The main issues arising in this case relate to the following:

- Principle of development
- Archaeological & built heritage
- Residential & hostel amenity
- Movement & access
- Other issues

7.1. Principle of development

The proposed development would be located within the Level 3 Settlement of Carlingford and within an established Village Centre in the Louth County Development Plan 2015 to 2021 which seeks “To provide, protect and enhance village centre facilities and enable town centre expansion.” The proposed development would be compatible with this objective.

7.2. Archaeological and built heritage

The site is located within Carlingford Village which is a designated Recorded Monument and Architectural Conservation Area and there are several Protected Structures in the vicinity. The proposed development would comprise the change of use of the existing building which dates from the c.1970s from residential to hostel accommodation along with some minor alterations to the front and rear façades and the retention of a hard-core area to the rear for car parking.

The site is located within an area of archaeological potential. Although the proposed change of use would have no impact on any archaeological remains, it is possible that any required works in the rear yard, to provide for adequate surface water drainage for example (refer to section 7.6 below), could unearth previously undiscovered artefacts. However, this issue could be addressed by way of a condition which requires an archaeological appraisal of the site prior to such works.

The proposed change of use and minor external alterations would not have an adverse impact on the visual amenities of the ACA or the character, setting or integrity of any of the nearby Protected Structures.

In relation to the concerns raised in relation to historic walls and medieval plots, it is noted that the site is located a substantial distance from the Town Walls to the W and that it is currently occupied by a c.1970s building. It is also noted that permission was previously granted by the Board under PL15. 243692 for the redevelopment of the appeal premises and neighbouring buildings and that this permission included the amalgamation to the yards to the rear of the three buildings to provide a car park and landscaped area. Condition no.10 of this permission also required an archaeological appraisal of the site.

Having regard to the foregoing, I am satisfied that the proposed development would not have an adverse impact on the archaeological or built heritage of the area.

7.3. Residential amenity - surrounding area

The proposed hostel would be located within the Village Centre zone which comprises a mix of residential and commercial uses. It would be located a substantial distance, in excess of 22m, from the neighbouring residential area to the rear W which would not be overlooked or overshadowed to any significant extent.

The concerns raised by the Appellants and Observer in relation to noise and general disturbance could be addressed by way of conditions related to noise limits, operational hours, restrictions on use (school and youth groups only) and a prohibition on the use of the fire escape balcony (outside of emergencies).

Having regard to the foregoing, I am satisfied that the proposed development would not have an adverse impact on the residential amenities of the surrounding area.

7.4. Residential amenity – hostel accommodation

Hostels are obliged to comply and be operated in accordance with a variety of statutory requirements in relation to planning, Building Bye-Laws, food, food hygiene, water supply, sewage disposal, fire precautions and general safety, and in particular the Planning and Development Act, the Building Regulations (including Part M in relation to disabled access), the Fire Services Act, and applicable employment and Health and Safety legislation.

The Failte Ireland publication entitled Tourist Traffic Acts 1939-2003 sets out the regulations for the Registration and Renewal of Registration for Holiday and Youth Hostels. It is acknowledged that this is not a planning policy or guidance document and that the proposed development would not comprise a standalone Youth Hostel as it would operate as part of the existing outdoor adventure centre. However, the regulations provide useful advice for assessing the proposed level of amenity and overall suitability of the existing building for conversion to a 71-bed hostel, especially as the facility would mainly accommodate school children and young people.

In terms of bedroom/dormitory floorspace, the 3sq.m floorspace standard per person would be substantially complied with, an average of 2.95sq.m. per person would be provided and the required number of showers and toilets would be exceeded.

However, the communal areas would be substandard. A common room space of not less than 17sq.m. is required for 20 persons with not less than 0.5sq.m. for each additional guest, the proposed common room would be c.28.5sq.m. whilst c.42.5sq.m. is required. Separate kitchen and dining areas which are of adequate size for the resident capacity of the hostel should be provided, no dining room is proposed and the canteen (c.6.4sq.m.) would have direct access to the common room which is considered unacceptable in the Regulations. Furthermore, no details have been provided in relation to a laundry or drying room for hanging wet clothing, which would be essential for a hostel connected to an outdoor adventure centre.

A floor to ceiling height of 2.4m is required for all rooms, however the applicant has not submitted any internal cross-sectional details. This is of particular concern in relation to the second floor attic space which would accommodate 2 dormitories, bathrooms, the common room and canteen. As previously stated, the floor area of the common room and canteen would be substandard relative to the resident capacity of the hostel and this, combined with the attic location and lack of clarity in relation to the floor to ceiling heights, is a serious cause for concern.

Having regard to the foregoing, the proposed development would provide for a substandard level of basic amenity to serve the future residents of the hostel and it would result in an over intensification of the use of the existing building which could, in turn, have an adverse impact on the amenities of the surrounding area.

In the event that the Board do not concur with this conclusion, it may wish to seek further information in relation to the possible internal reconfiguration of the proposed hostel to provide for adequate communal facilities which may necessitate a reduction in the number of bedrooms, along with internal cross section drawings to clarify the floor to ceiling heights.

7.5. Movement and access

Vehicular access and car parking:

Vehicular access to the proposed rear car parking area would be via the existing gated entrance on the S side of the existing building which would be upgraded to provide for adequate visibility to the left along Dundalk Street, which is one-way. This arrangement is considered acceptable subject to compliance with Council requirements. The provision of tactile paving and a dropped kerb on either side of the entrance along the public footpath which would ensure pedestrian on the approach to the entrance is also considered acceptable.

Four off street car parking spaces would be provided in the rear yard. An additional on-street space would be made available along Dundalk Street when the existing entrance to the rear garage (proposed for demolition) on the N side of the existing building is closed off. The Development Plan requires the provision of 1 car parking space per 2 bedrooms for hotels and guest houses however it does not contain any standards for hostels, which should be assessed on a case by case basis. It is noted that the report of the Council's Infrastructure Section recommended that the application be levied for the provision of car parking spaces for the 71beds.

The proposed hostel would be operated in conjunction with the existing outdoor adventure centre and it would be mainly frequented by school and youth groups who would arrive by mini bus or coach. I am therefore satisfied that the Development Plan hotel and guest house parking standards are not applicable in this case and that the level of provision is acceptable.

Having regard to the foregoing, I am satisfied that the proposed development would not give rise to a traffic hazard or endanger the safety of other road users.

Other matters:

As previously stated in section 7.2 above, permission was granted by the Board under PL15. 243692 for the redevelopment of the appeal premises and neighbouring buildings to the N and that this permission included the amalgamation to the yards to the rear of the three buildings to provide a car park and landscaped area. The boundary walls have since been demolished and the combined space amalgamated and covered with hardcore.

Planning application is currently being sought from Louth County Council by the same applicant under Reg. Ref.18/211 for the retention of the amalgamation of lands to the rear of 3 properties along Dundalk Street, clearing and hard-coring of lands to provide car parking and all associated site works. This application is now the subject of an FI request (refer to section 4.0 above). It is noted that the amalgamated car

park is described in the planning application (18/211) as being located to the rear of 3 buildings although the drawings submitted with this application and appeal indicate that the car park is located to the rear of the 2 neighbouring buildings to the N of the appeal premises.

The development proposed under this application and appeal would include the construction of temporary fencing along the N site boundary with the neighbouring site as indicated on Drawing No. CACDS-004 “until separate application is submitted for remainder of site.” Clearly any future plans to amalgamate the two sites as a combined car park would require a detailed assessment of traffic movements and vehicular access arrangements, and a more permanent boundary treatment might be preferable in the interim. This issue could be addressed by a planning condition.

7.6. **Other issues**

Environmental services: The arrangements are acceptable subject to compliance with the requirements of Irish Water and the planning authority, and the provision of adequate surface water drainage measures in the rear yard and car park.

Flood risk: The proposed development would not be located within a Flood Risk Zone although there is an identified Flood Zone A to the E. However, having regard to the location of the proposed hostel within an existing building, it is unlikely that that the proposed development would give rise to additional flooding in the wider area. Notwithstanding this conclusion, the applicant should be required to provide for adequate surface water drainage in the rear yard and car parking area. This could be addressed by way of a planning condition.

Appropriate Assessment: The site is located c.200-300m from the nearest European sites to the E at Carlingford Lough and there would be no direct connection between the proposed works and the designated sites. Furthermore, the proposed development would be located within an existing building which occupies a serviced site within an established village centre. I am therefore satisfied that Screening for Appropriate Assessment is not required in this case.

Financial contribution: The standard Section 48 condition should be attached.

Procedures: The concerns raised by the Applicant in relation to the validity and content of the appeals are noted. However, the Board is satisfied that the appeals are valid and the relevant concerns raised by the parties and observers have been assessed in this report.

8.0 Recommendation

Arising from my assessment of this appeal case I recommend that planning permission should be refused for the proposed development for the reasons and considerations set down below.

9.0 Reasons and Considerations

1. Having regard to the size of the existing building relative to the use, scale and internal configuration of the proposed hostel, the Board is not satisfied, on the basis of the plans and particulars submitted with this application, that the proposed development would provide for a satisfactory level of amenity to serve the future residents of the hostel. The proposed development would be substandard and it would result in an over intensification of the use of the existing building which could, in turn, have an adverse impact on the amenities of the surrounding area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Karla Mc Bride
Planning Inspector

23rd August 2018