



An
Bord
Pleanála

Inspector's Report

ABP-310908-21

Development

Permission to retain works to increase the floor area of an existing building at ground and first floor area level and to provide a connection of the façade to the adjoining building. A change of use from residential to retail at ground floor level and an extension of an existing retail unit is also sought along with the provision of 2-bed apartment at first floor level.

Location

Dundalk Street, Carlingford, Co Louth

Planning Authority

Louth County Council

Planning Authority Reg. Ref.

21306

Applicant(s)

Paul Farnan.

Type of Application

Planning Permission.

Planning Authority Decision

Grant Permission.

Type of Appeal

Third Party

Appellant(s)

Anne Deary, Niamh Louet Feisser & Aideen McKeivitt

Observer(s)

No Observers.

Date of Site Inspection

6th December 2021.

Inspector

Elaine Sullivan

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1.0 Site Location and Description

- 1.1. The subject site is located in the village of Carlingford, on the eastern coast of Co. Louth. The site has a stated area of 0.0376ha and is located on the southern side of the village. It is a corner site, positioned on the north-eastern corner of the Dundalk Street - Ghan Road junction. Development surrounding the site on Dundalk Street comprises a mix of commercial and residential uses in buildings of varying architectural styles and ages. Directly adjacent to the site and to the north is the development of Trinity Mews, which comprises ground floor commercial units with 5 duplex apartments above. On the opposite side of the street is a single storey B&B. To the north of the site, development on Dundalk Street is a mix of single and two storey buildings, most of which open directly onto the public realm. There is some on-street parking on Dundalk Street but there are double-yellow lines directly outside the subject site.
- 1.2. To the south of the site, development appears to be mainly residential comprising two-storey terraced houses on the opposite sides of the junction, with the houses on the south-western corner set back from the footpath with front gardens.
- 1.3. The site itself comprises a flat roof, two-storey building with a plain façade, which was vacant on the occasion of the site visit. The building has a recessed front door facing onto Dundalk Street and a second doorway on the side, opening onto Ghan Road. There is a gated access to the rear from Ghan Road which also allows access to a shared parking area and courtyard.

2.0 Proposed Development

- 2.1. Planning permission is sought for the retention of a two-storey extension to the side of the existing building. The floor area was increased by 14m², (7m² at each level), and works were carried out to the front façade to connect the building with the adjacent building to the north at Trinity Mews.
- 2.2. Permission is also sought a change of use from residential to retail use at ground floor level. The building would also be extended to the rear by 40m² at ground floor level and by 26m² at first floor level. The additional floor area at ground floor level would be ancillary to the retail use and at first floor level the existing residential use

would be extended to provide a 2-bedroom apartment with balcony. An external staircase would also be provided to the rear of the building to provide access to the residential unit and balcony above.

- 2.3. An extension of the existing retail use in the Trinity Mews development is also proposed by providing a connection between both properties at ground floor level.

3.0 Planning Authority Decision

3.1. Decision

Planning permission was granted by the PA subject to 6 planning conditions, which are mainly standard in nature. Conditions No. 5 restricts the use of the residential unit as follows:

5. The apartment at first floor level shall not be used as a short term let premises unless granted by way of a separate planning permission.

Reason: In the interest of orderly development and to protect residential amenity.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The decision of the Planning Authority was informed by two reports prepared by the Planning Officer. The first report dated the 6th May 2021 recommended that further information be requested and includes the following:

- The site is zoned 'Village Centre' and all types of retail uses can be considered. However, no actual retail use has been indicated.
- It is not considered that the extent of the internal and external changes are acceptable given the village centre location and the commercial zoning.
- The change of use would have no adverse impacts on the setting of the medieval village and/or the ACA.
- Carlingford falls within a rent pressure zone. The use of the residential unit is not specified as a short-term let. It is acknowledged that Carlingford has a

number of properties operating as short-term lets, which can impact on residential amenity.

- No car parking or cycle storage for the residential unit is indicated on the drawings. The private amenity space as shown is sub-standard.
- Car parking for the retail unit is not provided.
- It is recommended that further information be requested with regard to the private amenity space for the residential unit, bin storage, the use of the retail unit and the intended use of the residential unit.

A response to the further information request was submitted by the applicant on the 4th June 2021 and the report of the PO dated the 18th June 2021 assessed the information submitted. The PO noted the following:

- Alterations to the scheme has internalised the bin storage areas for the retail unit and has resulted in the provision of private amenity space of 8.1m² for the residential unit, which is in accordance with the Apartment Guidelines.
- The residential unit will be available for long-term accommodation and not short-term letting.
- The retail use at ground floor level will be an extension of the existing use.
- It is recommended that planning permission be granted.

3.2.2. Other Technical Reports

- No reports on file.

3.3. Prescribed Bodies

- No reports on file.

3.4. Third Party Observations

Three third party submissions were received by the PA within the initial public consultation period. They raised the following issues:

- It will increase the short-term tourism stays in the village.
- Disruption to nearby residential development.

- Lack of parking will lead to traffic congestion.
- It is in the wrong location – on the edge of the retail centre.
- The exact nature of the business is unclear.
- There is no planning history for the amalgamation of the existing unit in the Trinity Mews development.
- It is not in keeping with the character of the village and the ACA.

4.0 Planning History

At the subject site;

PA Ref. 071579 – Planning permission refused by the PA on the 18th February 2008 for the demolition of existing dwelling house and outhouses and erection of 2 shop units with 2 apartments over, 3 townhouses, associated signage, connection to existing sewerage system and all associated site works

Enforcement Notice – 20 U107 – Complaint received alleging unauthorised development within Carlingford ACA, at Dundalk Street, Carlingford. Status – ongoing.

On the adjoining site at Trinity Mews:

PA Ref. 991468 – Planning permission granted by the PA on the 5th May 2000 for the development of 3 ground floor retail units and 5 duplex apartments above at Dundalk Street, Carlingford.

PA Ref. 01493 – Planning permission granted by the PA on the 27th June 2001 to retain the subdivision of retail unit No. 1 within the Trinity Mews development.

5.0 Policy Context

5.1. Louth County Development Plan 2021-2027

- 5.1.1. The site is located within the administrative boundary of Louth County Council. The operative Development Plan for the area is the Louth County Development Plan, (CDP), 2021-2027, which came into effect on the 30th September 2021.
- 5.1.2. The application was assessed by Louth County Council in accordance with the policies and objectives of the Louth County Development Plan 2015-2021, which was the operative Development Plan at the time.
- 5.1.3. On review of the contents of both plans I note that there are no material changes between the 2015 County Development Plan and the 2021 County Development Plan as they relate to the appeal site and the current proposal. In this regard I consider the proposal in accordance with the guidance and provisions of the operative Development Plan, namely the 2021 – 2027 Louth County Development Plan.
- 5.1.4. The following sections of the Louth County Development Plan 2021-2027 are relevant to the proposed development;

Zoning & Designations:

The subject site is located within the town of Carlingford, which is identified as a Settlement Level 3 – Self-Sustaining Town.

The site is zoned objective B1 – Town or Village Centre – the objective of which is *‘To support the development, improvement and expansion of town or village centre activities’*.

The purpose of the B1 zoning is to protect and enhance the character and vibrancy of existing town and village centres and to provide for and strengthen retailing, residential, commercial, cultural, entertainment and other appropriate uses. The appropriate reuse, adaptation and regeneration of buildings, backlands, vacant, derelict and underutilised lands for uses suitable to the location will be encouraged. Such uses may include residential development. The full use of upper floors in retail and commercial premises in the town centre for residential use is considered permissible.

The subject site is located within the boundary of the Carlingford Architectural Conservation Area, (ACA).

The main objectives of the ACA include the following:

- 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’.
- To require the preservation and reinstatement of traditional details and materials on existing buildings and in the streetscape where improvements or maintenance works are being carried out.
- To use appropriate materials, street furniture and lighting in any public development of the area.

The site is not listed on the Record of Protected Structures, (RPS), but is in proximity to a number of protected structures and recorded monuments, which are located to the rear of the site and within the graveyard. There is also a preserved view from the graveyard.

Section 13.8.34 – Town Centre Living is supported by the Development Plan.

Proposals for the redevelopment of buildings will normally be required to comply with Development Plan standards and the Design Standards for New Apartments.

However, in some cases this may be difficult to achieve for retrofitting buildings.

These will be assessed on a case by case basis.

Section 13.14.7 – Town Centre Living – Support will be given to revitalising town centres and to uses that will allow town-centres to become multi-functional.

Residential use in the upper floors of commercial properties will be encouraged.

Section 13.14.10 – Architectural Conservation Areas and Protected Structures

- Any change of use, extension, or modification to a Protected Structure or building in an Architectural Conservation Area for a commercial/retail use shall be sensitive to the character of the area in which it is located.

13.16.12 - Car Parking Spaces – The site is located within Area 1 – Town centres & Settlements – (Table 13.11).

- Apartments – 1 per apartment
- Retail – Food Retail – 1 per 20m².

Carlingford Town Settlement Plan - Policy Objectives:

CAR 3 - To support and encourage residential development on under-utilised land and/or vacant lands including 'infill' and 'brownfield' sites, subject to a high standard of design and layout being achieved.

CAR 5 - To ensure that the town centre is the priority location for new commercial, retail and mixed-use developments thereby creating opportunities to live, work, and shop within the town and reduce the need to travel by private car.

CAR 6 - To encourage the return of vacant buildings in the town core to uses which complement the existing scale and character of the town.

5.2. **Design Standards for New Apartments, (2020).** – Supports the use of infill sites in urban locations to provide higher density apartment developments.

SPPR3 – Sets out the standards for minimum apartment floor areas.

SPPR5 – Specifies floor to ceiling heights.

Appendix 1 – sets out the minimum requirements for aggregate floor areas, room areas and widths, storage space, private and communal amenity space.

Car Parking – In areas that are well served by public transport, the default position is for car parking provision to be minimised, substantially reduced or wholly eliminated. This is particularly applicable where a confluence of public transport options are located in close proximity.

5.3. **Natural Heritage Designations**

No designations apply to the subject site.

5.4. EIA Screening

- 5.4.1. An Environmental Impact Assessment Screening report was not submitted with the application.
- 5.4.2. Class (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:
- Construction of more than 500 dwelling units,
 - Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere. (In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)
- 5.4.3. Permission is sought for internal and external works to an existing structure along with a change of use. The site has an overall area of c0.0376ha and is located within an existing built up, urban area but not in a business district. The site area is therefore well below the applicable threshold of 10 ha. The site is located within the development boundary of Carlingford Village and the works proposed will not have an adverse impact in environmental terms on surrounding land uses. It is noted that the site is not designated for the protection of the landscape or of natural or cultural heritage and the proposed development is not likely to have a significant effect on any European Site as discussed below and there is no hydrological connection present such as would give rise to significant impact on nearby water courses (whether linked to any European site/or other). The proposed development would not give rise to waste, pollution or nuisances that differ from that arising from other developments in the neighbourhood. It would not give rise to a risk of major accidents or risks to human health. The proposed development would use the public water and drainage services of Irish Water and Louth County Council, upon which its effects would be marginal.

Having regard to: -

- The nature and scale of the proposed development, which is under the mandatory threshold in respect of Class 10 - Infrastructure Projects of the Planning and Development Regulations 2001 (as amended),

- The location of the site on lands that are zoned for ‘Town or Village Centre’ uses under the provisions of the Louth County Development Plan, and the results of the strategic environmental assessment of the Louth County Development Plan, undertaken in accordance with the SEA Directive (2001/42/EC),
- The location of the site within the existing built-up urban area, which is served by public infrastructure, and the existing pattern of development in the vicinity,
- The location of the site outside of any sensitive location specified in article 109 of the Planning and Development Regulations 2001 (as amended) and the mitigation measures proposed to ensure no connectivity to any sensitive location,
- The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003), and
- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended),

I have concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment and that on preliminary examination an environmental impact assessment report for the proposed development was not necessary in this case (See Preliminary Examination EIAR Screening Form).

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal include the following:

- The proposal is oversized for the indigenous population and will damage the historic village core heritage and its fragile small street ambience. It will intensify a short stay tourism that does not serve the local population well.
- There is a concern regarding the nature of the retail units as this is an umbrella term covering a range of activities. The nature, scale and hours of operation will have a huge impact on adjoining residential development.

- The development will generate traffic at a complex 4-way junction and will impact on pedestrian and cyclist safety.
- The location of the development will displace consumer spend to the edge of the retail area and will bring bawdiness, nuisance and disturbance to the surrounding residential development.
- Unauthorised works were previously carried out on the site. The original development of Trinity Mews was granted permission for three retail units and five apartments. There is a planning history for the subdivision of a retail within the development but there is no history for the amalgamation of the existing retail unit, which is the subject of the current planning permission.
- Condition No. 5 of the PA decision restricts the use of the apartment at first floor level and states that it shall not be used as a short term let premises. The rules regarding short term lettings from July 1st 2019 still allow the apartment to be used for short term lettings for up to 90 days a year without separate planning permission. This equates to 45 weekends of sleep deprivation for locals.
- The Trinity Mews development is out of scale with the original street pattern of the village and the amalgamation of three separate units to form the proposed retail unit will add to the deterioration of the established small plot formation of the town centre.
- There are 11 protected structures in proximity to the proposed development and the site is within an ACA. A higher standard of development is expected within such a sensitive and historic setting.
- Existing residential development is very sensitive to street activity, noise and nuisance as the front doors open directly onto the street and the sleeping areas also face onto the street.

6.2. Applicant Response

A response was received from the applicant on the 19th August 2021 and includes the following:

- The appeal site has been vacant as a residential unit in excess of ten years and is located in the village core which has a mix of commercial and residential uses.
- The applicant has operated the Deli Bar & Takeaway in the Trinity Mews Complex since 2020. The business provides a broad lunch and dinner menu for consumption on and off the premises.
- The take-away element is subservient to the main use and does not operate independently of the café/bistro. A limited range of food and non-durable, household items are also for sale on the limited shelf space.
- The café/bistro operates as a Class 1 retail use under the definition provided by the Planning & Development Regulations 2001 (as amended), in that the principle café/bistro use is for the '*...sale of sandwiches or other food or of wine for consumption off the premises, where the sale of such food or wine is subsidiary to the main retail use...*'.
- The business has grown rapidly since its inception and needs to expand its floor area to allow the existing uses to spread out more and to increase the overall internal circulation space.
- The applicant also wishes to encourage more people to sit in rather than take-away similar to other food outlets throughout the village such as the Oyster Catcher and Kingfisher bistros.
- There are no vacant units in Carlingford that are financially viable as an alternative to the appeal site.
- Additional floor space will allow for rearranging and assigning more space to the seating area, to provide dry and cold storage areas and a dedicated refuse and recycling area for the café/bistro. The increased floor space will also provide additional convenience retail floor space.
- The amalgamated floor area will continue to be used for retailing as defined in the Retail Planning Guidelines 2012.
- The Louth Retail Strategy supports the re-use and regeneration of derelict land and vacant buildings for retail uses.

- The proposed use is compatible with the town centre zoning. It would cater for local residents as well as tourists, would not be excessive in size and would contribute to the economic viability of the village.
- It is unclear as to how the additional floorspace would attract excessive volumes of car borne customer or delivery traffic. The increased floor space will not increase the volume and frequency of delivery vehicles, only the volume of products that are delivered at any one time.
- Exterior facades will not be altered and the proposal will therefore not adversely impact on the nearby protected structures or the ACA.
- The new apartment will be fully compliant with the Apartment Guidelines and will not be used for short term lets.

6.3. **Planning Authority Response**

A response was received from the PA on the 30th July 2021. The PA have no further comment to make.

6.4. **Observations**

- No observations received.

7.0 **Assessment**

7.1. Having examined the application details and all other documentation on file, inspected the site and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Procedural Issues
- Principle of Development
- Impact on Residential Amenity
- Impact on Architectural Heritage
- Residential use
- Appropriate Assessment

7.2. Procedural Issues

- 7.2.1. Part of the development proposal is for an extension to an existing retail use in the Trinity Mews development. The business operating from the existing retail unit is called the 'Deli Bar & Takeaway'.
- 7.2.2. In the PA's request for further information, the applicant was requested to indicate if a new retail use was being proposed or whether the existing retail use in the Trinity Mews development is to be extended into the ground floor level of the subject building. The applicant responded that permission is being sought for the existing retail use to be extended into the ground floor of the subject building.
- 7.2.3. Having reviewed the documentation at hand and visited the site, I consider that the existing use in the Trinity Mews development is somewhat ambiguous. In their response to the appeal, the applicant describes the use as a café/bistro which *'operates as a Class 1 retail use under the definition as provided by the Planning & Development Regulations 2001 (as amended) in that the principle café/bistro use is for the sale, display or service principally to visiting members of the public for '...the sale of sandwiches or other food or of wine for consumption off the premises, where the sale of such food or wine is subsidiary to the main retail use...'*. The applicant further states that the business provides a broad lunch and dinner menu for consumption on and off the premises and that the take-away element is subservient to the main use and does not operate independently of the café/bistro. A limited range of food and non-durable household items are also for sale on the limited shelf space within the shop.
- 7.2.4. Within Part 4, Schedule 2 of the Planning and Development Regulations 2001, (as amended), Class 1 is defined as/relates to 'Use as a shop'.
- 7.2.5. Under Article 5(1) of the Planning and Development Regulations, "shop" means a structure used for any or all of the following purposes, where the sale, display or service is principally to visiting members of the public –
- (a) for the retail sale of goods,
 - (b) as a post office,
 - (c) for the sale of tickets or as a travel agency

(d) for the sale of sandwiches or other food or of wine for consumption off the premises, where the sale of such food or wine is subsidiary to the main retail use, and “wine” is defined as any intoxicating liquor which may be sold under a wine retailer’s off-licence (within the meaning of the Finance (1909-1910) Act, 1910), 10 Edw. 7. & 1 Geo. 5, c.8,

(e) for hairdressing,

(f) for the display of goods for sale,

(g) for the hiring out of domestic or personal goods or articles,

(h) as a laundrette or dry cleaners,

(i) for the reception of goods to be washed, cleaned or repaired,

But does not include any use associated with the provision of funeral services or as a funeral home, or as a hotel, a restaurant or a public house, or for the sale of hot food or intoxicating liquor for consumption off the premises except under paragraph (d), or any use to which class 2 or 3 of Part 4 of Schedule 2 applies.

- 7.2.6. The applicant states that the existing uses within the retail unit include ‘café/bistro’ use which is not included in the definition of ‘shop’ as per Article 5(1) as set out above. I note that third party submissions received by the PA also make reference to the ‘restaurant’ use in the existing unit.
- 7.2.7. On the occasion of the site visit, the existing retail unit was closed for refurbishment and I was unable to gain access. Therefore, I cannot confirm how the unit was being used or how it had been used in the past. However, the café/bistro use would not be in accordance with the Class 1 use and does not allow for the sale of hot food for consumption off the premises. Under PA Ref. 991468, the permitted use of the unit is retail use. The planning history available to me online did not include any reference to a café/bistro or take-away use for the development.
- 7.2.8. I note that the issue of the existing use was not raised by the PA and is not included in the grounds of appeal. It is therefore a new issue and the Board may wish to seek the views of the parties.
- 7.2.9. The grounds of appeal state that the existing retail unit is formed by the amalgamation of two retail units and that there is no planning history for these works. The original planning history for the site, (Ref. 991468), shows the existing unit as

two separate units, Units 2 and 3, (see Figure 1.1 as appended). A subsequent planning permission, (Ref. 01493), permitted the subdivision of Unit 1 on the northern section of the development, (see Figure 1.2 as appended). Drawings submitted with the subject proposal show that the original two units; Units 2 & 3 have been amalgamated to form the current unit, (see Figure 1.3 as appended). From the floor plan layout it is clear to see that they were once two separate units.

7.2.10. I have reviewed the planning history for the site and found no applications, permitted or otherwise, that relate to the amalgamation of the retail units. I note that it is not within the remit of the Board to adjudicate on, or to investigate unauthorised development. Such investigations are the responsibility of the PA under Part 8 of the Planning and Development Act 2000 (as amended).

7.2.11. In the absence of any clear and definitive evidence on the matter, I will proceed to assess the development without prejudice and based on the information at hand, which states that part of the proposed development is for an extension to an existing Class 1 retail use.

7.3. Principle of Development

7.3.1. The development proposal for the refurbishment, extension and part change of use of an existing vacant building in the centre of Carlingford is acceptable within the scope of the overarching national and local objectives to consolidate and regenerate existing settlements. Within the CDP, the policies and objectives for Carlingford support town centre living and the use of upper floors of commercial units for residential use. Both the residential and retail, (shop), uses are listed as 'Generally permitted' within the B1, Town or Village Centre Zoning objective.

7.3.2. I am satisfied that the principle of the development is acceptable, and that the proposal can be assessed against the policies and objectives of the CDP and against national guidance.

7.4. Impact on Residential Amenity

Retail element

- 7.4.1. The grounds of appeal cite concerns regarding the impact of the proposal on existing residential amenity in proximity to the subject site. Development surrounding the site is a mix of residential and commercial development with the residential element primarily to the south of the site and on the opposite side of the junction. The surrounding streets are narrow in nature with very narrow footpaths. There are public footpaths in place to the front and side but they are limited in their functionality given the narrow width.
- 7.4.2. I am satisfied that retail development, as defined by Class 1 of the Planning and Development Regulations 2001, (as amended), would not result in any undue negative impacts on existing residential amenity in terms of noise and/or nuisance. In general, and by the very nature of the use the, customers come and go with little reason to congregate and gather outside. Furthermore, the inhospitable public realm does not encourage the congregation of customers for the unit on the public areas outside. However, I would question the proposed opening hours for the retail unit, which extend from 8am to 10pm. Given the location of the site on the outskirts of the main commercial area, which is around Market Street, I am not convinced that a retail use on the outskirts of the village centre would require such a late opening time and could in fact, reduce the vitality of the main village centre and retail area. Clarification of the exact nature of the retail use would be useful in this context as extended opening hours would be reasonable in certain instances such as a local convenience shop. The retail element as stated by the applicant, would include the sale of food and non-durable household items. I am of the opinion that the sale of these items can be reasonably catered for during the hours of 8am and 8pm and that these opening hours would be more suitable for the edge of centre site. Should the Board be minded to grant permission for the development, I recommend that a planning condition be attached to restrict the operating hours to the hours of 8am – 8pm daily.
- 7.4.3. I would agree with the appellant that the proposal to extend the retail unit to amalgamate three separate spaces would be out of character with the small plot sized characterised within the historic town. However, the Trinity Mews development

is a relatively modern development which attempts to reflect the historic urban grain on the street by providing individual, small scale units at ground floor level. I note that the amalgamated units have retained the front façade and as such it still reads as two separate units. No significant works are proposed to the façade of the subject building and as such this will also read as a separate entity within the streetscape. I am satisfied that the extension of the existing retail unit into the subject building would be acceptable given the nature of the modern development and the limited works to the front façade which allows the proposal to read as separate entities within the streetscape.

- 7.4.4. Increased generation of traffic movements from the retail use was also raised as a concern in the grounds of appeal. The proposed floor area of the new retail unit would allow for an increase of 122m² to the existing retail use. This is minor in scale and I am satisfied that it would not generate significant levels of traffic. I note that there is no car parking proposed for the development and there is limited on-street parking on Dundalk Street, which is a one-way street with traffic flowing in a southerly direction. There are public car parks in close proximity to the site, which would be easily accessible.
- 7.4.5. As per Table 13.11 of the CDP the proposed change of use from residential to food retail use would generate a total of 6 car parking spaces. This is calculated as 1 per every 20m² of the 122m² unit. However, the CDP allows for a reduction in the requirement for car parking where the PA is satisfied that *'the central location of the development is such that the customers/residents/users of the development would be likely to walk or cycle'*, and/or *'there was no off-street car parking provided with the existing/previous use of the property and the redevelopment of the property would not result in a significant increase in the car parking requirement'*. I am satisfied that car parking cannot be provided given the village centre location of the site and the restricted nature of the site. The existing use did not have the benefit of dedicated car parking and, in my opinion, the proposed use, which does not include comparison retail use, would not require or generate significant traffic movement or require dedicated car parking spaces. Furthermore, I do not consider that the proposal would add to any traffic hazard at the junction given the restricted level of traffic generation and the narrow nature of the surrounding streets which necessitate travel at slow speeds.

7.5. Impact on Architectural Heritage

- 7.5.1. The subject building is not listed on the Record of Protected Structures, (RPS), but it is located within the Carlingford ACA and it is in close proximity to a number of protected structures located on Dundalk Street to the north, south and west of the site. The closest protected structure is a house, (RPS Ref. LHS005-042) and is located directly across the road from the subject site on the opposite side of the junction. There are a further two houses on the opposite side of Dundalk Road which are listed on the RPS, (Ref. LHS005-0404 & LHS005-41). There are also a number of National Monuments located in the Graveyard to the rear of the site which is accessed from Ghan Road. There is also a Protected View from this location.
- 7.5.2. The proposed works are mainly internal with some extensions to the rear of the building. The elevations to the street will not change and the works to the back will not be visible from the streetscape. I am satisfied that the physical works proposed will not result in any negative impacts on the character and setting of the ACA and of the nearby protected structures.

7.6. Residential Use

- 7.6.1. The residential use at first floor level will be retained and extended to provide a two-bedroom apartment with its own dedicated access. The proposed apartment would have a gross floor area of approximately 108m² and would have a private balcony of 8.1m². In terms of amenity for future residents, the apartment is in accordance with the minimum standards for floor areas, room size, and private open space as set out in Appendix 1 of the Apartment Guidelines 2020. The drawings do not show any dedicated storage space. However, I note that, at 108m² the gross floor area is significantly larger than the 73m² minimum standard for a 2-bedroom apartment as set out in the Apartment Guidelines. The proposed use will also result in the refurbishment of an existing vacant building within an urban settlement and as such the use is in accordance with national and local planning objectives.
- 7.6.2. Concerns were raised in the grounds of appeal that the apartment would be used as a short-term-let. This was queried by the PA and the applicant confirmed that it is

intended to use the apartment for long term use only. 'Short-term letting' is defined in the Planning and Development Act 2000 as the letting of a house or part of a house for any period not exceeding 14 days. As Carlingford is designated as a Rent Pressure Zone, the use of the apartment for short-term letting is a material change in the use of the structure and would require a separate planning permission. A person residing in their 'primary principle residence' can let their 'permanent place of residence', for a total of 90 days per calendar year while they are temporarily absent from their home without having to obtain planning permission.

- 7.6.3. I note that the applicant has stated that they will not be using the apartment as a short-term-let and as such I am satisfied that the continuation of the existing residential use at first floor level will not result in any additional impacts on the amenity of neighbouring properties. There are no additional adverse impacts to be had from a long-term residential use, which is the current use of the building.

7.7. Appropriate Assessment

- 7.7.1. A Stage 1 Screening report does not accompany the application. In accordance with obligations under the Habitats Directives and implementing legislation, to take into consideration the possible effects a project may have, either on its own or in combination with other plans and projects, on a Natura 2000 site; there is a requirement on the Board, as the competent authority in this case, to consider the possible nature conservation implications of the proposed development on the Natura 2000 network, before making a decision, by carrying out appropriate assessment. The first stage of assessment is screening.
- 7.7.2. The proposed development is for internal and external works to an existing building. The development would be connected to the mains water and wastewater services.
- 7.7.3. The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s). The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site in view of the conservation objectives of those sites.

- 7.7.4. The closest European sites are the Carlingford Shore SAC, (Site code 002306), Carlingford Lough SPA, (Site code 004708), which are c. 0.9km and 0.41km respectively to the east of the site. The Carlingford Mountain SAC, (Site code 000453), is located c. 0.78km to the west of the site. There is no direct or indirect hydrological link between the subject site and the European sites.
- 7.7.5. I have reviewed the qualifying interests and conservation objectives of the nearest European sites and, having regard to the nature and scale of the proposed development within a serviced site, and the separation distances to the nearest European site, and the lack of a direct or indirect hydrological link, no Appropriate Assessment issues arise. It is considered that the proposed development would not 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.

9.0 Reasons and Considerations

Having regard to the nature and scale of the proposed works, which include the refurbishment, extension and the partial change of use from residential to Class 1 retail, of an existing building within an urban settlement with a 'Town of Village Centre' zoning objective, it is considered that the proposed development is in accordance with the provisions of the Louth County Development Plan 2021 – 2027 and with the Design Standards for New Apartments, (2020). It is considered that subject to compliance with the following conditions, the proposed development would not seriously injure the amenities of the area or of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 22nd day of April 2021 and as amended by the further plans and particulars submitted on the 4th day of June 2021, 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The hours of operation of the retail unit shall be restricted to the hours of 8am to 8pm, (08.00 – 20.00), on any given day.</p> <p>Reason: In the interests of residential amenity and the proper planning and sustainable development of the area.</p>
3.	<p>Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision amending or replacing them, the use of the proposed development shall be restricted to Class 1 retail use and residential use (as specified in the lodged documentation), unless otherwise authorised by a prior grant of planning permission.</p> <p>Reason: To protect the amenities of property in the vicinity.</p>
4.	<p>No signage, advertising structures/advertisements, security shutters, or other projecting elements, including flagpoles, shall be erected within the site, and adjoining lands under the control of the applicant, unless authorised by a further grant of planning permission.</p> <p>Reason: To protect the visual amenities of the area.</p>
5.	<p>Details of the materials, colours and textures of all the external finishes to the proposed development and any signs shall be submitted to, and agreed</p>

	<p>in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
6.	<p>Water supply and drainage arrangements, including the disposal of surface water and internal basement drainage, shall comply with the requirements of Irish Water and the planning authority for such works and services as appropriate.</p> <p>Reason: In the interest of public health and to ensure a proper standard of development.</p>
7.	<p>The site development and construction works shall be carried out such a manner as to ensure that the adjoining streets are kept clear of debris, soil and other material and cleaning works shall be carried on the adjoining public roads by the developer and at the developer's expense on a daily basis.</p> <p>Reason: To protect the residential amenities of property in the vicinity.</p>
8.	<p>The site works and building works required to implement the development shall only be carried out between 7.00 hours and 18.00 hours, Monday to Friday and between 08.00hours and 14.00 hours on Saturdays and not at all on Sundays or Bank Holidays.</p> <p>Reason: To safeguard the residential amenities of adjacent dwellings.</p>
9.	<p>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</p>

	<p>matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>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.</p>
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Elaine Sullivan
Planning Inspector

21st December 2021