



An
Bord
Pleanála

Inspector's Report

ABP-315242-22

Development

Conservation, extension and change of use of former St. Joseph's Female Orphanage & Industrial School and St. Malachy's Convent to residential units plus associated site works. The development consists of 58 apartments. Natura Impact Statement prepared. **Significant further information received on 12/10/2022**

Location

Seatown Place, Castle Road,
Dundalk, Co. Louth

Planning Authority

Louth County Council

Planning Authority Reg. Ref.

211390

Applicant(s)

Laurence Tuite

Type of Application

Permission

Planning Authority Decision

Grant

Type of Appeal

Third Party

Appellant(s)

CMS Residence Association

Observer(s)

None

Date of Site Inspection

9th February 2024

Inspector

Ian Boyle

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Appendix 1 – Form 1: EIA Pre-Screening

1.0 Site Location and Description

- 1.1. The appeal site comprises the former St. Malachy's Convent and St. Joseph's Feels like School and Orphanage. It is situated at the corner of Seatown Place and Castle Road in the historic town centre of Dundalk, Co. Louth. The overall convent complex is vacant and has remained so from around the early 1980's. It is visible on the approaches from Seatown Place and Castle Road, respectively, and dominates the streetscape in this part of the town.
- 1.2. St. Malachy's Convent is situated in the southeastern corner of the site and has frontage onto Seatown Place. It is a five bay, three-storey over basement former house, built in c. 1760 and was formerly used as convent. It is a Protected Structure (RPS Ref. D290) and referenced under the NIAH (Reg. No. 13705036).
- 1.3. St. Joseph's is directly west of the St. Malachy's Convent and occupies the front central and southwestern part of the site. The original building dates back to c. 1850-1870. It is a Protected Structure (RPS Ref. D292) and listed on the NIAH (Reg. No. 13705035). It can be described as a twelve-bay, three-storey over basement structure and is attached to St. Malachy's Convent on its eastern side, thus, forming one single building. The overall structure has a pitched slate roof which is hidden by a smooth rendered parapet wall along its front elevation.
- 1.4. The front of the site faces towards Seatown Place (southwards) and the rear building façade and associated gardens are orientated towards the north. There is a small defunct laundry building in the northern part of the appeal site which functioned during the late 19th century, but ceased operating around the mid-1950's. The wider school complex of St. Vincent's Secondary School is directly to the east and north. The northern boundary of the site adjoins the gymnasium and sports hall complex associated with the school. A small Chapel (also called St. Malachy's) lies directly east of the site facing south towards Seatown Place.
- 1.5. A stone wall and wrought iron fence run along the western boundary of the site. There is an existing vehicular entrance and other smaller adhoc pedestrian access points leading into the site from this side. These breakthroughs in the wall structure likely occurred over time in a haphazard and uncontrolled manner. There is a row of terrace houses on the far side of Castle Road, starting roughly halfway up the street.

- 1.6. There is a wide pavement and footpath at the front of the site and along its western boundary. On-street car parking is widespread in the area and on both sides of Castle Road and Seatown Place. The surrounding area is mainly characterised by residential, commercial, recreational and educational type land uses.
- 1.7. The overall site area is roughly 0.28ha.

2.0 Proposed Development

- 2.1. The proposed development is for the conservation, extension and change of use of former St. Joseph's Female Orphanage and Industrial School and St. Malachy's Convent to residential apartments.
- 2.2. The original application was made on 18th November 2021 and included the following main components:
 - The restoration and refurbishment of the two protected structures to the front of the site.
 - The demolition of the existing classroom, laundry and workshop building to the rear of the property at Castle Road, including associated lean-to and flat roofed annexes, a covered link to the industrial school, a single storey 20th century laundry annex and fire escape, and an adjoining grotto and 20th century greenhouse, and the removal and appropriate historical archival of all redundant laundry equipment.
 - The construction of a new 4-storey apartment building with a recessed 5th floor to the rear of the site facing onto Castle Road.
 - Associated terraces, balconies, lifts, rooflights, solar panels, refuse stores, drainage and site works.
 - Landscaping of the existing yard to the rear of the building, hardstanding and garden to accommodate 19no. car parking and 58no. bicycle spaces using the existing vehicular access onto Castle Road along with the restoration of the pedestrian access and the provision of new steel and glass vehicular gates.
 - All ancillary development, site services, drainage and landscaping works.

- 2.3. The overall development is for 58 apartments over two blocks with 31 apartments in the front block (Protected Structure) and 27 apartments in a new block at the rear of the site.
- 2.4. The following reports and assessments accompanied the application:
- i. Design Statement
 - ii. Conservation Report
 - iii. Archaeology Report
 - iv. Appropriate Assessment Screening Report
 - v. EIA Screening Report
 - vi. Engineering Report
 - vii. Flood Risk Assessment
 - viii. Traffic Impact Report

Further Information

- 2.5. The Planning Authority requested further information on 14th January 2022, including the following:
- Further demonstration that the proposal complies with the zoning objective of the site ('G1 - Community Facilities').
 - Heritage, including a phasing plan and delivery for the conversion, restoration and change of use of the Protected Structures to apartments; details of a commemorative plaque / information panel about the history of the site; further consideration of how to preserve and protect the statute and crucifixes for future generations.
 - Traffic and Transportation, including revised access arrangements, provision of a Road Safety Audit (Stages 1 and 2), alterations of footpaths, bus stop and car parking along Castle Road, onsite communal car parking.
 - Detailed Design, including provision of communal open space, dual aspect units, dwelling mix, submission of a Housing Quality Assessment (HQA), a revised schedule of accommodation, building lifecycle report, further details of materials and finishes, a daylight, sunlight and overshadowing study, play

areas / equipment, bicycle storage, key development statistics (such as density, no. of bicycle spaces, site coverage and open space).

- Construction Management details, including a Traffic Management Plan.
- Flooding and Attenuation, including provision of a Site Specific Flood Risk Assessment.
- Archaeology, including the completion of an archaeological assessment of the site and the submission of a written report, stating recommendations to the Planning Authority and to the Department of Housing, Local Government and Heritage. Where archaeological materials/features are shown to be present, preservation in situ, preservation by record (excavation) or monitoring, and a re-design of the proposed development, may be required.

2.6. The Applicant responded with further information on 12th October 2022. The submission responded to the above items and the revised scheme sought to keep the laundry building – rather than demolish it – and convert it to residential use.

2.7. The Planning Authority deemed this ‘significant further information’ and required revised public notices.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The Planning Authority issued a Notification of Decision (NoD) to Grant Permission on 4th November 2022, subject to 14 no. conditions, which are generally standard in nature.

3.1.2. Notable conditions include:

- Condition 3: Restriction on site working hours.
- Condition 4: Social housing units.
- Condition 6: Commemorative plaque details
- Condition 8: No alterations/widening of existing vehicular entrance permitted.
- Condition 10: No parking permitted onsite, restriction on delivery times.

- Condition 11: NIS mitigation measures to be implemented.
- Condition 12: Development to be carried out in accordance with the submitted Conservation Methodology Statement and Revised Conservation Appraisal Report details.
- Condition 13: Conservation Architect (Grade 2) to be engaged and carry out an inspection of works onsite.
- Condition 14: Archaeologist to be engaged and carry out an inspection of works onsite.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The site is zoned 'G1 Community Facilities' where residential use is not specifically listed as a use that is 'permitted' or 'open for consideration'. However, the proposed change of use of the existing buildings and extension of the laundry building to provide for residential use is appropriate at this location.
- The proposal would help ensure the conservation and reuse of protected structure and its location in the town centre of Dundalk complies with national guidance in terms of compact growth.
- The proposed phasing is not included within the Construction Management Plan (CMP). However, it is considered that the revised scheme, which includes the retention of the laundry building does not require a phasing plan. Furthermore, the Applicant has submitted a Revised Conservation Appraisal and Conservation Methodology Statement Addendum. The Planning Authority is satisfied with the information contained within these reports.
- There are 14 no. on-street car parking spaces around the perimeter of the site. However, these are public parking spaces and not for the exclusive use of the subject site. Despite this, the Apartment Guidelines allow for the provision of car parking spaces to be wholly eliminated, in certain instances, which include central locations. Given the location of the site within the town centre, zero car parking provision is acceptable in this instance.

- In relation to existing gated archway, while it is narrow, it would be sufficient for infrequent use and setdown / delivery purposes and occasional resident needs (delivery of furniture, etc). The applicant had proposed to widen this entrance. However, this not acceptable as that the wall is associated with a protected structure (see Condition 8 of NoD).
- It is considered that the proposed development would provide sufficient levels of daylight and sunlight. It would not result in a significant adverse impact on residents in the area compared with the existing scenario, particularly as that the proposed development now includes the retention of the laundry building rather than its demolition (which is a post further information design change).
- The further information received includes a HQA Report showing that the proposed development is compliant with the Apartment Guidelines.
- A Garden of Commemoration (468sqm) will be open to the public during daylight hours (9am-6pm, 7-days a week) which is also intended have a dual function as public open space and communal open space. While a small play is included (85qm), no details have been submitted of play equipment and seating for parents/guardians etc. It is considered however that this can be dealt with by way of condition.
- The Construction Traffic Management Plan shows the existing access along Castle Road being widened and used for construction traffic. This is not acceptable given the wall is within the curtilage of a Protected Structure. Accordingly, a revised Construction Traffic Management Plan should be submitted by way of condition. Other details shown in the CMP are acceptable.
- The site is not subject to flooding. Therefore, a Site Specific Flood Risk Assessment is not required and residential use at basement level is acceptable in principle as there are no flood concerns.
- Archaeological monitoring of the site should occur and adhere with planning permission conditions.
- It is recommended that permission be granted.

3.2.2. Other Technical Reports

Heritage Officer: No objection, subject to standard conditions.

Infrastructure Directorate: Initial report recommended a refusal due to flood risk. However, should the Planning Authority request further information then details regarding access and visibility splays, road safety, and road / pedestrian improvements should be provided. [However, further information received and reviewed by the Planning Authority confirmed there are no flood risk implications and the site is not vulnerable to flooding, as demonstrated from the online flood mapping.]

Placemaking and Physical Infrastructure Section: No objection, subject to conditions regarding vehicular access arrangements, deliveries, car parking, bicycle parking and the construction phase.

Water Services Department: No objection, subject to standard conditions.

3.3. Prescribed Bodies

Development Applications Unit: No objection, recommends archaeological investigations to be undertaken.

Uisce Éireann (formerly Irish Water): No objection, subject to subject to standard conditions, including that the Applicant should sign a connection agreement with Irish Water prior to the commencement of the development and adhere to the standards and conditions set out in the Agreement and that all development be carried out in compliance with the relevant standards and codes of practice.

3.4. Third Party Observations

The Planning Authority received 10 no. observations. The main issues raised are set out under Section 7 of the initial Planner's Report and summarised as follows:

- Zoning does not support a residential use.
- Traffic congestion, car parking, proposed method of site access / insufficient sightlines, potential relocation of the existing bus stop and inadequate pedestrian facilities in the area would result in traffic safety concerns.

- Waste management concerns.
- Nuisance created during the construction and demolition phase.

The Planning Authority received one further submission post receipt of 'significant further information'. The main issues raised were that objective for the site does not support a residential use, heritage concerns, traffic impact and related safety issues, and daylight and sunlight considerations.

4.0 Planning History

None.

5.0 Policy Context

5.1. Louth County Development Plan 2021-2027

Background

The Louth County Development Plan 2021-2027 ('Development Plan') was adopted by Louth County Council on the 30th September 2021. The Plan came into effect on the 11th November 2021. It incorporates the functional area of the entire County, including the areas formerly within Drogheda Borough Council, Dundalk Town Council and Ardee Town Council.

Section 1.1 of the Development Plan states that 'when adopted, the County Development Plan will replace the Drogheda and Dundalk Development Plans, and Urban Area Plans / Local Area Plans will be prepared for these towns during the lifetime of this Plan'. [In May 2023 the Planning Authority commenced formal preparation of a Local Area Plan for Dundalk. This process was still underway at the time of writing.]

Zoning

The subject site is zoned G1 'Community Facilities', which seeks *'to provide for and protect civic, religious, community, education, health care and social infrastructure'*.

The relevant Development Plan guidance states that the zoning will facilitate the provision of community, educational, health, institutional, and religious facilities and to safeguard their future provision.

'Residential' is not listed as either a generally permitted or open for consideration use. However, Section 13.21.2.3 'Uses not Listed' states that whilst an extensive list of potential uses in the 'Generally Permitted' and 'Open for Consideration' categories has been provided, it is recognised that there may be scenarios where there are proposals for uses not included in the list.

Chapter 2 Settlement Hierarchy / Core Strategy

The Development Plan (Table 2.4) sets out the settlement hierarchy for County Louth. Dundalk is designated as a 'Regional Growth Centre'. The Plan sets out the following guidance for these centres:

'Regional Growth Centres are large towns with a high level of self-sustaining employment and services that act as regional economic drivers and play a significant role for a wide catchment area'.

The following policy objectives are of particular relevance:

CS 1: *To secure the implementation of the Core Strategy and the Settlement Strategy in so far as practicable, by directing sustainable growth towards the designated settlements, subject to the availability of infrastructure and services.*

CS 2: *To achieve compact growth through the delivery of at least 30% of all new homes in urban areas within the existing built up footprint of settlements, by developing infill, brownfield and regeneration sites and redeveloping underutilised land in preference to greenfield sites.*

CS 3: *To support and manage the self-sufficient sustainable development of all settlements in a planned manner, with population growth occurring in tandem with the provision of economic, physical and social infrastructure.*

Chapter 3 Housing

The Development Plan (Section 3.11) relates to residential densities. Table 3.2 sets out the recommended densities for 'Higher Tier Settlements'. For the Regional Growth Centres, which includes Dundalk, a recommended minimum density of 50

per hectare is identified for the town centre and 35 per hectare at the edge of the settlement is recommended.

The Development Plan states that *'whilst all developments should strive to achieve the recommended densities, it is acknowledged that there will be cases where there are specific constraints (such as topography) that will restrict the scale of development that can be delivered. In such cases a lower density than that prescribed may be considered acceptable'*.

Section 3.12 relates to 'Buildings of Height'. The Development Plan seeks to support increased building heights in Dundalk, signifying its importance as Regional Growth Centre. The following principles and criteria will be taken into consideration when identifying potential locations for higher buildings:

- *Location: Higher buildings will normally be located in central areas of towns close to public transport, in strategic locations at the entrance to towns or on strategic lands on the approach road to the town centre. The local area shall have the social and physical infrastructure to accommodate the increased levels of activity.*
- *Strengthened Legibility: Higher buildings shall be a positive landmark in the streetscape and shall respect and respond to the character of the area.*
- *Strengthen the Sense of Place: Higher buildings have an important role in shaping the perceptions of an area. If they are poorly designed or located in the wrong area they can create a negative image for an area.*
- *Promote Quality Design: Higher buildings must make a positive and lasting contribution to their location. Protect and Enhance the Existing Streetscape and Heritage: It is important that higher buildings do not disrupt or negatively impact on the historic areas of towns or intrude on important views. They should only be located in places that would enhance the character of an area.*

The following policy objectives are of particular relevance:

HOU 11: To encourage and support a range of appropriate uses in town and village centres that will assist in the regeneration of vacant and under-utilised buildings and land and will re-energise the town and village centres, subject to a high standard of development being achieved.

HOU 15: To promote development that facilitates a higher, sustainable density that supports compact growth and the consolidation of urban areas, which will be appropriate to the local context and enhance the local environment in which it is located.

HOU 17: To promote and facilitate the sustainable development of a high quality built environment where there is a distinctive sense of place in attractive streets, spaces, and neighbourhoods that are accessible and safe places for all members of the community to meet and socialise.

HOU 18: To develop sustainable and successful neighbourhoods through the consolidation and redevelopment of built-up areas and promote new compact mixed-use urban and rural villages served by public transport and green infrastructure.

HOU 22: To require residential developments to prioritise and facilitate walking, cycling, and public transport and to include provision for links and connections to existing facilities and public transport nodes in the wider neighbourhood.

HOU 24: To require the provision of high quality areas of public open space in new residential developments that are functional spaces, centrally located, and passively overlooked.

HOU 32: To encourage and promote the development of underutilised infill, corner and backland sites in existing urban areas subject to the character of the area and environment being protected.

HOU 33: To promote the use of contemporary and innovative design solutions subject to the design respecting the character and architectural heritage of the area.

Chapter 9 Built Heritage and Culture

Chapter 9 is in relation to Built Heritage and Culture.

Section 9.6 states that architectural heritage is an irreplaceable resource and a valuable expression of our past, where its sustainable appropriate maintenance and reuse has economic and environmental benefits, and which serves as historic evidence of social changes through time.

The subject site is part of the Jocelyn Street / Seatown Architectural Conservation Area (ACA).

The following policy objectives are of particular relevance:

- BHC 20:** *To ensure that any development, modification, alteration, or extension affecting a protected structure and / or its setting is sensitively sited and designed, is compatible with the special character and is appropriate in terms of the proposed scale, mass, density, layout, and materials of the protected structure.*
- BHC 21:** *The form and structural integrity of the protected structure and its setting shall be retained and the relationship between the protected structure, its curtilage and any complex of adjoining buildings, designed landscape features, designed views or vistas from or to the structure shall be protected.*
- BHC 22:** *To prohibit inappropriate development within the curtilage and/or attendant grounds of a protected structure. Any proposed development within the curtilage and/or attendant grounds must demonstrate that it is part of an overall strategy for the future conservation of the entire complex including the structures, demesne and/or attendant grounds.*
- BHC 23:** *To require that all planning applications relating to protected structures contain the appropriate documentation as described in the Architectural Heritage Protection Guidelines for Planning Authorities (2011) or any subsequent guidelines, to enable a proper assessment of the proposed works and their impact on the structure or area.*
- BHC 24:** *To require the retention of original features such as windows, doors, renders, roof coverings, and other significant features which contribute to the character of protected structures and encourage the reinstatement of appropriately detailed features which have been lost, to restore the character of protected structures as part of development proposals.*
- BHC 26:** *To encourage the retention, sympathetic reuse and rehabilitation of protected structures and their settings where appropriate and where the proposal is compatible with their character and significance. In certain*

cases, development management guidelines may be relaxed in order to secure the conservation of the protected structure and architectural features of special interest.

Chapter 13 Development Management Guidelines

Chapter 13 of the County Development Plan sets out Development Management Guidelines.

Section 13.8.9 relates to **Residential Amenity**. In terms of privacy, the Development Plan sets out the following guidance:

‘Residential developments shall be designed to take account of the amenities of existing residents in the locality of a development area, in addition to the amenities of future residents of the subject development. Whilst some degree of overlooking between properties is likely to occur in urban areas, efforts shall be made to minimise the extent of this overlooking where this is possible. A minimum of 22 metres separation between directly opposing first floor habitable rooms in residential properties shall generally be observed. This separation distance is not required for windows in non-habitable rooms such as bathrooms, stairwells or landings.’

‘There may be instances where a reduction in separation distances may be acceptable. This is dependent on the orientation, location, and internal layout of the development and its relationship with any surrounding buildings. Any applications for such developments will be assessed on a case-by-case basis.’

Section 13.8.10 relates to **Daylight and Sunlight**:

‘Care shall be taken in the design of residential developments to ensure adequate levels of natural light can be achieved in new dwellings and unacceptable impacts on light to nearby properties are avoided.’

The Building Research Establishment (BRE) guidelines ‘Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (2011) and BS 8206-2008 – ‘Lighting for Buildings – Part 2: Code of Practice for Daylighting’ - provide useful guidance on avoiding unacceptable loss of light and ensuring developments provide minimum standards of daylight for new units.’

Table 13.11 sets out **Car Parking Standards**. This sets out a requirement of 1 unit per apartment in Areas 1 and 2. Section 13.3.18 of the Plan outlines that a reduction in the car-parking requirement may be acceptable where the Planning Authority is satisfied that:

- *There is sufficient parking available in the vicinity of the development to cater for any shortfall.*
- *The nature of the development is such that existing parking spaces in the vicinity could facilitate the dual use of parking spaces, particularly if the development operated at off-peak times. Supporting documentation will be required demonstrating how the dual use will work.*
- *The public transport links available would reduce the demand for car parking.*
- *The central location of the development is such that the customers/residents/users of the development would be likely to walk or cycle.*

Other Relevant Chapters and Sections

- Chapter 5: Economy and Employment
- Chapter 7: Movement
- Chapter 10: Infrastructure & Public Utilities
- Chapter 13: Development Management Guidelines
- Volume 3, Appendix 13: Guidelines for works in Architectural Conservation Areas
- Volume 3, Appendix 14: A Guide to Architectural Conservation Areas in Louth
- Volume 3, Appendix 15: Development Management Guidelines for ACA

5.2. National and Regional Planning Policy

- *Sustainable Residential Development and Compact Settlements: Guidelines for Planning Authorities, 2024 ('the Compact Settlement Guidelines')*¹

¹The Guidelines replace the 'Sustainable Residential Developments in Urban Areas-Guidelines for Planning Authorities, 2009'.

- *Sustainable Urban Housing: Design Standards for New Apartments, 2023 ('the Apartment Guidelines')*
- *Design Manual for Urban Roads and Streets, 2019*
- *Project Ireland 2040 National Planning Framework, 2018*
- *Urban Development and Building Height, Guidelines for Planning Authorities, 2018, (the 'Building Height Guidelines').*
- *BRE Guide 'Site layout Planning for Sunlight and Daylight', 2011*
- *Architectural Heritage Protection Guidelines for Planning Authorities, 2011*
- *The Planning System and Flood Risk Management, including the associated Technical Appendices, 2009 ('the Flood Risk Guidelines')*
- *Quality Housing for Sustainable Communities – Best Practice Guidelines, 2007,*
- *Regional Spatial and Economic Strategy for the Eastern and Midland Region, 2019-2031*

5.3. Natural Heritage Designations

- 5.3.1. The subject site is not directly located within, or in close proximity, to a European Site.
- 5.3.2. The nearest European Sites are the Dundalk Bay SAC (Site Code: 000455) and the Dundalk Bay SPA (Site Code: 004026), which are roughly 420m to the northeast.
- 5.3.3. Other European Sites in proximity include:
- Carlingford Mountain SAC (Site Code: 000453), which is roughly 6.2km to the northeast.
 - Carlingford Shore SAC (Site Code: 002306), which is roughly 14km to the northeast.
 - Carlingford Lough SPA (Site Code: 004078), which is roughly 14.2km to the northeast.

- Stabannan-Braganstown SPA (Site Code: 004091), which is roughly 13km to the south.
- Northwest Irish Sea SPA (Site Code: 004236), which is roughly 18.9km to the southeast.

5.4. EIA Screening

5.4.1. Having regard to the nature and scale of the proposed development, which is for of 58 no. apartments in an established urban and serviced area, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environment impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

5.4.2. See Appendix 1 of this report for further information (EIA Form 1: Pre-Screening and Form 2: EIA Preliminary Examination).

6.0 The Appeal

6.1. Grounds of Appeal

The Board has received a third party appeal from CMS Residence Association. The main issues raised are as follows:

Zoning

- The proposed development is not in accordance with the land use zoning objective for the site, which is G1 'Community Facilities'.
- 'Residential' is not listed as a use that is permitted in principle or open for consideration.
- The site was never in formal residential use and surrounding uses are educational and institutional and the Applicant has not considered the potential use of the buildings for this purpose.
- It is obvious that the intended use of the site was never for residential, otherwise, the site would have been zoned accordingly.

Heritage & Phasing

- The existing laundry building is now to be retained – as per further information – and modified for residential use, rather than being demolished. There is no phasing plan proposed within the CMP and the Applicant has not provided a sufficient response to this despite the request by the Planning Authority.
- The Conservation Report and Method Statement for carrying out the proposed works should outline a phasing plan for retaining the laundry and works to former convent and orphanage.

Traffic Impact and Safety

- There is a lack of on Street car parking which would potentially lead to traffic congestion and road accidents.
- The Applicant states they have the benefit of onstreet car parking. However, the street car parking spaces are for public use.
- The proposed zero provision of car parking is not acceptable.
- The application is not supported by a residential travel plan or public transport capacity assessment which would be required to justify reduced car parking.
- Given the narrowness of the archway leading from Castle Road, it is unclear how a modern vehicle could safely manoeuvre in and out of this accessway.
- There is inadequate information in relation to refuse collection and servicing requirements.

Open Space

- There is a significant shortfall in private open space. This is due to the building being a Protected Structure and, thus, not providing balconies. Therefore, it is imperative that high quality and usable communal and public open space is provided to serve future residents. However, this is lacking.
- The communal open space is overshadowed by the existing building and would not enjoy sufficient sunlight.
- The design does not provide appropriate privacy strips or buffers between public areas and private spaces, as required by the Apartment Guidelines.

Daylight and Sunlight

- The daylight and sunlight assessment does not use the latest version of the BRE Guidelines.
- The private open space and windows of the laundry building at ground and first floor level face directly into an existing stone wall (west), which means residents would not enjoy natural light and have badly lit apartments.

Construction Management

- The proposed method for construction traffic entering the site is flawed. As the Planning Authority has correctly ruled out widening the existing entrance to facilitate construction traffic, it is not known how the construction works can be accommodated.
- Closing Castle Road to facilitate works would not be possible as it is a strategically important through-road for the town and leads onwards into Northern Ireland. Its closure would have implications for emergency services and those accessing local schools.
- The proposed hours of construction should be restricted to certain times.

6.2. Applicant Response

The Board received an Appeal Response from the Applicant on 9th January 2023.

The main issue raised are as follows:

Preamble

- The proposed development is a significant urban regeneration and conservation project, which is in accordance with national planning policy, including that of encouraging compact growth and developing urban infill sites.
- The proposal would save the Protected Structures from further dereliction and return the buildings to active use.

Zoning

- The Development Plan affords flexibility to developing Protected Structures which can support the long-term conservation of such structures.

- The G1 zoning simply reflects the former use of the site only, and for which there is no longer a need or demand. The neighbouring school has confirmed the buildings are unsuitable for their purposes.
- The Development Plan states that zoning should be used as a guidance only and land use classes are not exhaustive. The proposed development should be considered on its individual merits as a special case.
- The Board has the power to materially contravene the Development Plan – should this be deemed necessary. However, notwithstanding this, the Development Plan provides the flexibility needed to accommodate the proposed change of use. Furthermore, the Planning Authority, as the body who wrote the Development Plan, is also satisfied that this is the case.

Heritage

- It is evident from the application documents that all buildings are being retained and conserved. Therefore, there is no need for a phasing plan.
- The construction phase is intended to progress on a sequential basis with initial work starting with the conservation and refurbishment of the main convent building.
- The CMP does not contain any phasing proposal as it is envisaged works will be carried out in a single phase.

Traffic Impact / Car Parking

- The site has extensive street frontage where there is public car parking spaces available.
- A car parking survey shows there is parking capacity in the area to serve the proposed development (Appendix 2 of appeal response), which, while not dedicated to the site, are convenient and available for public use.
- The zero car parking provision is supported by national policy and the Apartment Guidelines – the latter allowing for the provision of car parking spaces to be wholly eliminated in certain instances, including central locations.
- The surrounding area is well served by alternative modes of transport, including public transport, such as bus services at the Longwalk Bus Station and beside

St. Patrick's Cathedral. There are also 7 no. GoCar facilities in Dundalk, the closest less than 1km from the site.

Daylight and Sunlight

- A revised daylight and sunlight analysis forms part of the appeal response and considers the most recent BRE guidance. (The previous analysis was completed when the planning application was in train and prior to the revised guidelines being released. The analysis was acceptable to the Planning Authority.)
- The analysis demonstrates that the proposed scheme achieves excellent daylight and sunlight conditions.

Construction

- The intention of Condition 8 is not to impede sustainable construction practices and the temporary widening of the gate/vehicular entranceway from Castle Road should not be precluded.
- The application is de novo before the Board and they have the opportunity to reconsider the restriction on altering / widening the existing access, which would be purely for construction purposes only.
- The site has no other access and widening the entrance would not be permanent. This would minimise disruption to the wider area and could be undertaken under supervision of a conservation architect where the entrance and wall would be fully restored and reinstated in line with the best conservation practice.
- The alternative is for a tower crane and hoist to lift construction materials into the site.
- Any works affecting a public road would require an application to the Local Authority for a hoarding / road opening licence(s). The application would be accompanied by a traffic management plan for agreement with LCC in advance of works.

6.3. Planning Authority Response

The Planning Authority have made the following comments in relation to the third party appeal by CMS Residents Association:

- A Conservation Methodology Statement Addendum informed the assessment of the proposal and was submitted to LCC on 10th October 2022.
- Condition 8 specifically states that the permitted development does not have the benefit of existing public car parking spaces on the public road.
- The Proposed Site Layout drawing shows only modest size vehicles can utilise the gated archway given its restricted width.
- Provision for refuse collection and servicing arrangements in a nuisance free and safe manner is a matter for the management company.
- The Planning Authority is satisfied that the quantum of communal amenity space proposed is appropriate given the constraints of the site and that the space would be functional, attractive and enhance the residential amenities for future occupants for the scheme.
- Condition 8(i) requires a revised Construction Management Plan to be prepared prior to the commencement of development. The planning authority is satisfied that the concerns raised in the appeal regarding the construction phase can be fully addressed by the CMP.

6.4. Further Responses

The Board has received further responses from the below parties. The main issues raised are as follows:

CMS Residence Association (Elaine and Thomas Gilsenan)

- The first party assertion that the development is required to facilitate the protection of the subject buildings from further damage is flawed and ignores the legal obligation on the owner to ensure their ongoing protection.
- Section 13.19.3 allows for a degree of flexibility in design standards, but not zoning provisions.

- The Applicant does not provide sufficient evidence to show there is sufficient car parking in the area to accommodate the proposed scheme.
- The existing vehicular entrance should not be widened to accommodate construction works.

Planning Authority

- The applicant has prepared a parking capacity and use report which outlines there is parking capacity in the immediate area. The appeal report also provides justification for providing no onsite car parking and makes reference to the Apartment Guidelines in this regard. The Planning Authority remains of the view that the car parking concerns have been addressed by the planning application.
- The Planning Authority is satisfied that the quantum and quality of communal open space is appropriate given the constraints of the site.
- The Planning Authority is satisfied that the development would provide sufficient levels of daylight and sunlight and there would be no adverse impact on residential amenity by reason of overshadowing.
- The Planning Authority is of the view that the existing access should not be altered even for the temporary construction phase.

7.0 **Assessment**

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

- Zoning
- Residential Amenity
- Traffic and Parking
- Phasing and Construction
- Appropriate Assessment

7.1. Zoning

- 7.1.1. The appeal site comprises St. Malachy's Convent and St. Joseph's Industrial School and Orphanage. It is at the corner of Seatown Place and Castle Road in the historic town centre of Dundalk, Co. Louth. The buildings are vacant and have remained so for a prolonged period of time.
- 7.1.2. St. Malachy's Convent is situated in the southeastern corner of the site and has frontage onto Seatown Place. St. Joseph's is directly west of the convent and occupies the front central and southwestern part of the site. Both buildings are Protected Structures and listed on the National Inventory of Architectural Heritage. The property forms part of the Jocelyn Street / Seatown ACA.
- 7.1.3. The front of the site faces towards Seatown Place, which is to the south, and the rear building façade and associated gardens are orientated towards the north. The wider school complex of St. Vincent's Secondary School is directly to the east and north. The northern boundary of the site adjoins the school gym and sports hall. There is a small defunct commercial laundry building in the northern part of the site which ceased operations around the mid-1950's.
- 7.1.4. The proposed development is for the conservation, extension and change of use of overall (former) convent and industrial school / orphanage to a residential apartment scheme. It includes *inter alia* the conversion of the existing main convent structure to provide 31 no. apartments. A new 4-storey extension with a recessed 5th floor at the rear of the site, facing onto Castle Road, comprises 27 no. units. The total number of units sought is therefore 58 no. apartments. The original application sought permission to demolish the former laundry building. However, under further information, the Applicant sought to keep this longstanding building and instead convert it to residential use, which the Planning Authority found acceptable. [A full description of the proposed development is outlined in Section 2.2 of my report above.]
- 7.1.5. The subject site is zoned G1 'Community Facilities', which is 'to provide for and protect civic, religious, community, education, health care and social infrastructure'. The zoning is therefore reflective of the former use of the site as an institutional school and religious establishment. I note that under the zoning a residential use is not listed as either 'generally permitted' or 'open for consideration'.

- 7.1.6. The third party contention is the proposed development is not in accordance with the zoning for the site, and that the intended use of the site was never for a residential purpose – otherwise it would have been zoned accordingly. They also state that the Applicant has not properly investigated using the site for educational purposes, given the adjoining property accommodates a school, and that such a use would be more appropriate.
- 7.1.7. In addressing the second issue first, I understand that the Applicant has consulted with the St. Vicent’s Secondary School who has confirmed the property is not suitable for school use and that they have no desire to expand into appeal site. This information is set out in an email from the school principal where it is stated the buildings would not meet the needs of the school (dated 16th August 2022). Additionally, I consider that it is the prerogative of the Applicant to apply for permission for a residential use, which is not prohibited under the zoning, in my opinion, and that it is their entitlement to do so. In other words, there is no encumberment, or policy requirement, to formally explore alternative options in terms of seeking to develop the site.
- 7.1.8. I accept that residential is not listed under subject zoning, being G1 ‘Community Facilities’. However, the Development Plan (under Section 13.21.2.3) makes provision for ‘uses not listed’ and states that whilst there is an extensive list of potential uses in the ‘Generally Permitted’ and ‘Open for Consideration’ categories, the Planning Authority recognises that there may be scenarios where there are proposals for uses not included in the list. It also states that where this arises such proposals will be considered on their individual merits taking account of surrounding land uses, the compatibility of the proposed development with the receiving area, compliance with the relevant policy objectives, standards, and requirements (as set out in the Plan) and the general proper planning and sustainable development of the area.
- 7.1.9. I consider that the Development Plan makes clear provision for a scenario whereby if a proposed use is not listed under the relevant land use zoning objective, that the Planning Authority can still accept an application and assess it on its individual merits. Albeit, it must have regard to *inter alia* the suitability of the proposed development against its the receiving environment and its compliance with relevant planning policy, standards and requirements (as noted above). I further note that the

Development Plan clearly states that zoning use classes are intended for general guidance only and are not exhaustive.

- 7.1.10. The site is in a part of the town where residential dwellings are nearby and frequently interspersed within the fabric of this central urban environment. This includes directly west of the site, on the far side of Castle Road, where a row of terrace houses is present. The wider vicinity accommodates a wide range of uses, as would be expected in a town centre setting, including commercial, retail, recreational and educational uses. A key tenet of national policy, including the National Planning Framework, is to increase residential density in existing settlements, through a range of measures, including reductions in vacancy, re-use of existing buildings, infill development schemes, site-based regeneration, and increased building heights. In this regard, I note that the site is within a short walking distance of many services, amenities and facilities and that the pedestrian environment is well-lit with footpaths on both sides of the street. It involves redeveloping a vacant underutilised site.
- 7.1.11. Therefore, I consider that the appeal site is an appropriate location for residential apartments. The proposed development is also in accordance with local planning policy, including Development Plan Objectives CS 2, which is to achieve compact growth through the delivery of at least 30% of all new homes in urban areas within the existing built up footprint of settlements, by developing infill, brownfield and regeneration sites, and redeveloping underutilised land in preference to greenfield sites; and HOU 15, which promotes development that facilitates a higher, sustainable density that supports compact growth and the consolidation of urban areas.
- 7.1.12. Another relevant consideration is that the Protected Structures are an important part of the built heritage of Dundalk and prominent historic buildings contributing to the ACA within which they sit. However, both structures have been vacant for a sustained period of time, some 20 to 30 years, as I understand it. Their unoccupied status was self-evident during my site inspection, and I noticed there were several manifest indications of deterioration, loss and damage setting in across the entire property. The restoration and repurposing of these structures is therefore important, and I consider that the proposed development would bring the structures back into active use without compromising their special interest or character.

- 7.1.13. I have had regard to the Architectural Heritage Protection Guidelines for Planning Authorities (2011) ('the Architectural Heritage Guidelines'). The Guidelines under Section 6.8.8 ('Material Change of Use') state that, on the whole, the best way to prolong the life of a protected structure is to keep it in active use, ideally in its original use. They go on to state where this is not possible, there is a need for flexibility within development plan policies to be responsive to appropriate, alternative uses for a structure. In my opinion, the likelihood of the buildings reverting back to a school, educational use, or some such similar institutional or community use is remote, at best, and this is borne out by the fact the buildings have remained largely idle for such a lengthy period.
- 7.1.14. Therefore, in having regard to this, and the sensitive conservation-led design approach adopted by the scheme architect – which includes keeping the original laundry building, and repurposing it for residential use, – I consider that a residential development, such as that proposed, would provide for the sustainable use of the structures and assist in their future protection. This is consistent with local planning policy also, including BHC 26, which is to encourage the retention, sympathetic reuse and rehabilitation of protected structures and their settings where appropriate and where the proposal is compatible with their character and significance: and
- 7.1.15. I conclude that the proposed use is allowable under the zoning which applies to the site, having regard to the provisions of Section 13.21.2.3 of the County Development Plan, including local policy objectives relating to housing, built heritage and culture, and relevant national and regional planning guidelines.
- 7.1.16. Finally, I note that the Applicant has set out a case as part of their response, with reference to the relevant legislation, where the Board could grant permission for the proposal if deemed a material contravention of the Development Plan. The response is lengthy, unnecessarily so, in my opinion, in that the Development Plan explicitly provides the required flexibility to accommodate the proposed change of use, and which I consider appropriate for the reasons outlined above.

7.2. Residential Amenity

Open Space

- 7.2.1. A Housing Quality Assessment (HQA) accompanied the Applicant's further information to the Planning Authority. I have reviewed the submission, together with the other plans, drawings and landscaping information.
- 7.2.2. I am satisfied that the quantum, layout and design of communal amenity space proposed is appropriate, particularly given the constraints of the site and that the space would be useable and attractive for future residents of the development. I accept the third party contention that private amenity space is not provided for all residential units. However, this is due to an inability to attach balconies and/or terraces because of the sensitive conservation status of the buildings, which are protected structures.
- 7.2.3. The scheme provides a total of c.1,069sqm of communal open space, of which roughly 470sqm is intended to function as a commemorative garden. The garden is at the centre of the site and would be available for public use during daylight hours (9am to 6pm). There is good opportunity for passive surveillance from the northern and eastern sides of proposed Blocks A and B, respectively.
- 7.2.4. The layout conforms to an enclosed courtyard and has space for dedicated play equipment – the latter, however, is lacking in detail and should be conditioned to ascertain the details for same. The positioning and layout of the garden is akin to that typically provided as part of perimeter block where centrally located communal open space is particularly appropriate for children's play.
- 7.2.5. The amount of communal amenity space required under the Apartment Guidelines is therefore significantly exceeded, which is c. 330sqm. This goes some way to addressing the shortfall in private amenity space, in my opinion, and I note that such complementary measures are supported by the guidelines. In this regard, the guidelines state for building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha., private amenity space requirements may be relaxed in part or whole, on a case-by-case basis, subject to overall design quality.
- 7.2.6. I consider that the communal open space would have adequate access to sunlight. I acknowledge that the southern part of the space would be overshadowed at times by

the building at the front of the site – which is a concern raised by the appellant. However, such overshadowing is not excessive and would not unduly reduce the quality of the space. I note that Section 3 of the daylight analysis and overshadowing assessment indicates that the required open space overshadowing test would be met – which is that at least half of the space should receive at least two hours of sunlight on 21st March. [I note that approximately 72.9% of the area would get two hours of sunlight during the 21st March, which is the required test date.]

- 7.2.7. In summary, I consider that the proposed communal open space is well-designed, would contribute to meeting the amenity needs of residents, and that it would receive adequate sunlight and be reasonably well sunlit throughout the year.

Privacy Strip

- 7.2.8. The Apartment Guidelines (Section 3.41) require that where groundfloor apartments are to be located, adjoining the back of a public footpath, or some other public area, that consideration be given to the provision of a privacy strip. The strip should be approximately 1.5m in depth and subject to appropriate landscape design and boundary treatment.

- 7.2.9. I note that this is provided as part of the overall proposed layout and design of the scheme for each relevant apartment unit, the exception being Apartment B6. In this regard, I note the Applicant has confirmed they would be willing to accept under condition the provision of a privacy strip for this unit.

Daylight and Sunlight

- 7.2.10. Section 13.8.10 of the Development Plan is in relation to Daylight and Sunlight. it references the Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (2011) and BS 8206-2008 – ‘Lighting for Buildings – Part 2: Code of Practice for Daylighting and states these documents provide useful guidance on avoiding unacceptable loss of light and ensuring developments provide the minimum standard of daylight for new units.

- 7.2.11. Section 6.7 of the Apartment Guidelines states that where a proposal may not be able to fully meet all the requirements of the daylight provisions, this must be clearly identified and a rationale for any alternative, compensatory design solution must be set out. The planning authority, or the Board, should then apply their discretion,

having regard to local factors including site specific constraints and the balancing of that assessment against the desirability of achieving wider planning objectives.

- 7.2.12. Section 3.2 of the Urban Development and Building Height Guidelines (2018) states that the form, massing and height of a proposed development should be carefully modulated so as to maximise access to natural daylight, ventilation and views and to minimise overshadowing and loss of light. The Guidelines state that appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision, as outlined in the relevant guidance.
- 7.2.13. The appeal response is supported by a Daylight and Sunlight Assessment, prepared by H3D (Sunlight and Daylight Consultants) (dated 21st December 2021). In conducting their assessment, the report looked at the relevant guidance and completed their analysis accordingly. This includes the more recently published British Standard: Lighting for Buildings – Part 2: Code of Practice for Daylighting, BRE 209 and the Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' (Third Edition, 2022). [I note that the BS 8206-2008 was recently replaced with BS EN 17037: 2018 but that both standards are assessed as part of the study completed by H3D. This is the interests of completeness and as the Appellant has raised a concern that the original report submitted to the Planning Authority did not consider the most recent guidance / standard. For clarity, I note that the County Development Plan references the 2011 Guidelines and BS 8206-2008.]
- 7.2.14. I have considered the reports submitted by the applicant and have had regard to the relevant standards and guidance documents as part of my assessment. In general, Average Daylight Factor (ADF) is the ratio of the light level inside a structure to the light level outside of structure expressed as a percentage. It is a measure of the adequacy of diffuse daylight within a room and accounts for factors such as the size of a window in relation to the size of the room. The Appellant states that the private open space and windows of the laundry building at ground and first floor level face directly into the existing stone wall (towards west), which means residents would not enjoy natural light and have badly lit apartments.
- 7.2.15. I note that although the BRE Guide gives numerical guidelines, the document states clearly that these should be interpreted flexibly since natural lighting is only one of many factors in devising a site layout. The BRE guidance sets out the minimum

target values for ADF which should be achieved, these are 2% for kitchens, 1.5% for living rooms and 1% for bedrooms.

- 7.2.16. The Applicant's daylight analysis sets the results for ADF for all 81 spaces proposed as part of the development (see pages 36 to 44). The data is presented across a combination of floorplan and tabular formats, and I note that the vast majority of rooms exceed the minimum ADF values, including those at basement level. I note that a single room (Bedroom 1 of Unit B01) falls slightly below its target value of 1% as it has an ADF of 0.7. This room forms part of former laundry building and has an eastern facing window. I also note that whilst some other results are close to their minimum target value, for example Bedroom 2 of Unit A02 (1.6 ADF), Bedroom 2 of Unit A04 (1.7 ADF), and the Kitchen / Living / Dining Room of Unit B03 (2.1 ADF), they still exceed the minimum recommended ADF value in each case.
- 7.2.17. A high percentage of the overall apartments have been designed to be dual aspect (c. 88%, or 51 of the 58 total units proposed), which is well in excess of the minimum required by the Apartment guidelines. This has undoubtedly assisted the scheme in being able to achieve good overall access to natural daylight, including at its lower levels. I further note that Block B has restricted having windows along its northern elevation, which is proximate to the rear boundary wall of the site abutting the school sports hall. This is positive, considered design, in my opinion, and underpins how the proposed scheme has successfully responded to its site constraints and the sensitivities which are at play here. The ability of the scheme design to draw in natural daylight is also notwithstanding the constraints posed by converting the protected structures themselves to residential use, and the challenging geometry of the site, including that presented by other structures and obstructions in its receiving environment.
- 7.2.18. I note that the private open space for the units on the western side of Block B (i.e., the former laundry building) would experience reduced access to sunlight due to their positioning between the building and existing stone wall. However, a degree level of sunlight would still enter into these terraces due to the direction the sun path takes and that the extent of overshadowing from Building A would be limited. I note also that full or part demolition of the wall is not an option as it forms part of the curtilage of the Protected Structures. The proposed design has therefore had to work within the parameters of this site constraint.

7.2.19. In summary, I consider that the proposed development has an acceptable overall standard of amenity from a natural daylight and sunlight perspective and is in accordance with Section 13.8.10 of the County Development Plan.

7.3. Phasing and Construction

Phasing of Works

- 7.3.1. The Appellant states that no phasing plan is set out within the submitted Construction Management Plan (CMP) and, for that reason, the Applicant has failed to provide adequate information in terms of how the proposed works would be completed, including of how the former laundry would be retained and protected onsite during construction.
- 7.3.2. I am satisfied that this document (i.e., the CMP) provides useful information in terms of how the construction phase would be undertaken, generally. The CMP outlines the proposed building works and how the appointed constructor would be expected to manage the project to minimise impacts on local residents and manage the sensitivities of the site and its receiving environment.
- 7.3.3. However, we are dealing with two important protected structures, which are listed on the NIAH as having regional importance, spanning several categories of special interest, including architectural, artistic, historical and social. The structures also form part of the Jocelyn Street / Seatown Architectural Conservation Area. And it is acknowledged in the Applicant's Conservation Methodology Statement that within its immediate context the buildings, as detailed, are an important part of the character of the streetscape and urban fabric of Dundalk.
- 7.3.4. The Architectural Heritage Guidelines state proposals are often made which combine works to a protected structure, often to allow a new use to be made of it, with new development within its curtilage or attendant grounds. A proposal for the existing structure should normally be made and considered together with those for any new development. The new development should be phased in such a way to ensure that conservation works to the protected structure are satisfactorily carried out. In particular, where conservation works to the structure will be costly, a reasonable and considered approach should be taken (by the applicant) to the phasing of the

development which ensures both that the protected structure is successfully conserved and the works satisfactorily completed.

- 7.3.5. Having regard to this, I do not agree with the contention that as the proposed development seeks to retain the buildings onsite that a phasing plan is not required. I accept that the Applicant has confirmed their intention to progress construction on a sequential basis with initial works starting with the conservation and refurbishment of the main convent building, which is welcome. I also accept that the Method Statement provides practical details of the works proposed and how they would be carried out.
- 7.3.6. However, I consider such information should be underpinned by a formal phasing plan, in accordance with the guidance provided by the Architectural Heritage Guidelines. Each stage should be clearly stepped out and demonstrate how the structures would be maintained, and protected from endangerment, during the full course of construction works. The phasing plan should be submitted to the Planning Authority for their agreement, prior to commencement of construction. This can be achieved under condition.

Site Access During Construction

- 7.3.7. In relation to the proposed temporary widening of the existing vehicular access along Castle Road, I note that the Applicant has requested the Board to reconsider the application of Condition 8 (of the Planning Authority's NoD to Grant Permission). Condition 8 does not permit the alteration and widening for the duration of the works phase due to the potential impact on the wall, which forms part of the curtilage of the Protected Structures.
- 7.3.8. In this regard, I note that there is no other access to the site and that the entrance is existing, although it is narrow and not capable of accommodating large construction machinery or vehicles. The alternative, as pointed out by the Applicant, in the absence of widening the entrance on a temporary basis would be to use a tower crane and hoist to lift construction materials directly into the site. The Appellant also raises concerns in that such practices would lead to noise, nuisance and other residential amenity impacts, such as the potential closure of Castle Road, which would be undesirable and detrimental to the wider area.

- 7.3.9. Whilst temporarily enlarging the vehicular entrance, and removing and reinstating this part of the wall, would not normally be preferable, I consider there are qualifying circumstances in this case and that a practical and conservation-friendly approach can be achieved. Such an approach could be tailored to remove and minimise any potential lasting damaging effects on the structure.
- 7.3.10. In this regard, the Applicant has provided a sample condition as part of their Response (Page 18). I consider this demonstrates a genuine commitment to carefully reinstate the existing entrance to its pre-construction form – and which would be done under the supervision of an appointed conservation architect. The removal of stonework would be numbered, itemised and recorded to allow for its proper and correct reinstatement. The widening of the entrance would also be preferable to help avoid potential closures of Castle Road, particularly as the rear part of the site is spacious and likely to be able to accommodate a construction compound and/or staging area to oversee works.
- 7.3.11. In conclusion, it is my submission to the Board that the vehicular entrance should be permitted to be widened, strictly on a temporary basis only, and then reinstated to its original form post construction. The matter can be dealt under condition.
- 7.3.12. In terms of site working hours, I consider that the standard times of between the hours of 0800 and 1900 (Mondays to Fridays inclusive), and between 0800 and 1400 hours (Saturdays), and not on Sundays and public holidays, would be appropriate in this instance. This can also be conditioned.

7.4. Traffic and Parking

Car Parking

- 7.4.1. The Appellant raises concerns that the proposed development would exacerbate traffic congestion in the area. They query the ability of the surrounding street network to accommodate the additional level of traffic and car parking demand that would be generated, particularly as the proposed development provides no car parking. [I note that the original version of the scheme – i.e., that submitted at the initial application stage – included a surface car park internal to the site for 19 no. spaces. However, the Applicant revised the scheme as part of further information

which resulted in several design modifications, including keeping the former laundry building, and which did not provide any onsite car parking.]

- 7.4.2. The Development Plan under Table 13.11 sets out car parking standards. The requirement is for 1 no. car parking space per apartment in Area 1, which applies to the subject site as it is within a town centre location. However, Section 13.3.18 of the Plan states that a reduction in car parking requirements may be acceptable in certain circumstances. This includes where public transport links are available and if the central location of the development is such that future residents/users are likely to walk or cycle. I consider both circumstances apply and that the need for wholly removed car parking can be justified in this case.
- 7.4.3. The site is situated in the centre of the town and a short within walking distance of its various services and facilities. During my site inspection, I walked from the site to the town centre, along Seatown Place, Jocelyn Street, and Park Street, and passed several commercial businesses, public services, local amenities, and places of interest. I noticed that onstreet car parking was available along both sides of the street in front of the site and along its western boundary (Castle Road). I was able to find parking next to the site immediately, although I accept that this may have been fortuitous, and that it was during a typically quieter part of the day (roughly mid-morning), outside of rush hour, and not during school drop-off / pickup times.
- 7.4.4. I observed that the development would have access to roughly 14no. car parking spaces along its roadside. I acknowledge the parking bays would not be for the exclusive use of the proposed apartments. However, they are for public use, and would therefore contribute to meeting the car parking demand generated by the scheme.
- 7.4.5. The Applicant has completed a parking capacity report (dated Jan 2023), which I have had regard to as part of my assessment. Section 2.3 of the report sets out a parking survey. I note also that a car parking photographic survey is on file where images were taken at various times of day. Overall, the report shows that the parking bays operated at an average capacity of c. 60% over the course of the two-day study period. This information generally matches my own observations from physically inspecting the site, and walking the surrounding area, where I observed a sizeable proportion of vacant spaces were evident. Whilst it did not appear as much as 60%

of the parking bays were vacant, I still consider that the surrounding street network, with its on-street parking, was not at capacity and could readily absorb the additional demand generated by the proposal.

- 7.4.6. In relation to this, I note that the Apartment Guidelines state that in larger scale and higher density developments, comprising wholly of apartments in more central locations that are well-served by public transport, the default policy is for car parking provision to be minimised, substantially reduced, or wholly eliminated in certain circumstances. This is particularly applicable in highly accessible areas such as in, or adjoining city cores, or at a confluence of public transport systems, such as rail and bus stations. In this regard, I note that there a number of bus stops within walking distance of the site. [As already referenced, the site is situated in the heart of Dundalk town centre.]
- 7.4.7. The services are operated by different providers and rough walking distances to each bus stop / station is shown on Pages 13 and 14 of the Appeal Response. I have looked briefly at the times for routes serving these locations using online sources and note that there are regular departure and arrival times (roughly every 5 to 10 minutes in the case of the Longwalk Bus Station alone). Dundalk town centre, as one might expect, is well-connected to a number of other local and regional destinations, including Dublin City, Newry, Drogheda, Cavan, Carlingford, and others. The routes are generally served by coaches which have capacity for approximately 40 to 70 passengers.
- 7.4.8. Dundalk (Clarke) railway station is roughly a 20-min walk time (1.5km) from the appeal site, which is not an inconsiderable distance. However, this is a high-capacity public transport interchange where there are frequent commuter services connecting the area directly to Dublin City (Connolly Station), Belfast (Lanyon Place) and other regional destinations throughout the country. Therefore, a number of future occupants of the scheme could choose to walk or cycle to the train station for onwards transport purposes.
- 7.4.9. As noted above, the Applicant has proposed car parking internal to the site. However, I would concur with the Planning Authority that this would not be in the interests of a conservation-led approach and detract from the Protected Structures. The omission of the car park is welcome from a general aesthetic perspective also,

where the central feature in the middle of the site is now a landscaped, commemorative garden and play area, as opposed to extensive surface car parking.

7.4.10. I note that one of the issues identified by the Appellant is that a residential travel plan / mobility management plan has not been prepared. I consider that such a plan would help to further encourage more efficient and sustainability forms of travel for future residents of the scheme (i.e., walking and cycling), and can be dealt with by condition.

7.4.1. In summary, I am satisfied that a zero quantum of car parking provision is appropriate in this particular case and would be in accordance with the provisions of the Louth County Development Plan 2021-2027, including Section 13.3.18. It is my conclusion that the proposed development would not result in any significant or excessive traffic congestion, or parking problems, and that it would not be prejudicial to public health.

Refuse Collection, Servicing and Emergency Access

7.4.2. I note the concern raised in that there is inadequate information in relation to refuse collection and servicing requirements.

7.4.3. The submitted related plans and particulars, indicate that heavy vehicles, including refuse collection vehicles and fire tenders, can serve the property efficiently, safely and without causing unacceptable nuisance to other nearby properties. The proposed layout and design would allow for the smooth and practical flow of such vehicles through the area and that there would be no apparent issues from an operational efficiency perspective. In this regard, I note the Planning Authority raised no concerns regarding this issue as part of their response to the Board, noting that refuse collection and servicing arrangements, in a nuisance free and safe manner, is a matter for the future management company.

7.4.4. A small setdown area is shown on the Proposed Site Layout Plan (further information version). This is to facilitate deliveries and occasional resident needs only. For example, delivery of large items, bulky goods, furniture, home appliances etc. The existing access would therefore be used as a service entrance at times scheduled and agreed with the scheme management company. I note that a lockable / removable bollard is intended to be installed inside the property entrance which has ability to be removed by prior arrangement with management. I consider

this acceptable and that it would be appropriate way in which to help accommodate delivery and servicing requirements of the development.

- 7.4.5. The application includes a plan containing details for the management of waste, including, in particular, recyclable materials, within the development. This is shown in the Refuse and Waste Management Plan. A letter from a waste collection company is also on file (dated 1st November 2021). The plan confirms that a combination of a three-bin system could be provided, thereby, allowing for the collection of residual waste, organic and mixed dry recyclables. The proposed bin storage area would not be visible or accessible by the general public given its positioning onsite. I consider this adequately addresses the matter of waste management.

7.5. **Appropriate Assessment**

Background

- 7.5.1. The Applicant has completed a Natura Impact Statement (NIS) (dated October 2021). It concludes that in assessing the potential impacts of the proposed project on Natura 2000 sites, in particular two in Dundalk Bay, there would be no perceptible change in the condition of the sites, no impairment of their integrity, or any influence on the attainment of their conservation objectives. The NIS includes a finding of no significant impact on the integrity of the Natura 2000 network.
- 7.5.2. The Planning Authority completed a Stage 1 and 2 Appropriate Assessment. In summary, it states that having regard to the location of the site in a serviced urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

Appropriate Assessment Screening (Stage 1)

- 7.5.3. The subject site is not directly located within, or in close proximity, to a European Site.
- 7.5.4. The nearest European Sites are the Dundalk Bay SAC (Site Code: 000455) and the Dundalk Bay SPA (Site Code: 004026), which are roughly 420m to the northeast.
- 7.5.5. Other European Sites in proximity include:

- Carlingford Mountain SAC (Site Code: 000453), which is roughly 6.2km to the northeast.
- Carlingford Shore SAC (Site Code: 002306), which is roughly 14km to the northeast.
- Carlingford Lough SPA (Site Code: 004078), which is roughly 14.2km to the northeast.
- Stabannan-Braganstown SPA (Site Code: 004091), which is roughly 13km to the south.
- Northwest Irish Sea SPA (Site Code: 004236), which is roughly 18.9km to the southeast.

7.5.6. There is no watercourse – and therefore no direct hydrological connection – linking the site to either the Dundalk Bay SAC or the Dundalk Bay SPA. The only connection identified, which is also referenced by the Applicant’s NIS, is via the local street network surrounding the site. However, I consider this would be an indirect and weak pathway and that given intervening land uses, and separation distance involved, water quality in the each of designated sites would not be likely be negatively affected by potential contaminants due to the construction or operational stages of the project. This includes potential silt or uncontrolled runoff from site clearance works, and other construction related activities. Even if such an event were to occur, the dilution factor and settling out over the distance involved – across an existing urban conurbation and street network – would mean no significant environmental impacts would be likely to affect either European Site.

7.5.7. I do not consider the likelihood of drainage water from the surrounding street network, sediment, or other small amounts of effluent that might potentially exit the site as having the potential to have significant effects on a European Site. Whilst the project would entail a series of measures, including as part of the construction and operational phases, to control any negative effects on the European-designated areas, these are not mitigation measures, in my opinion, for the purposes of Appropriate Assessment. Rather, these are standard operating procedures and features for a new residential scheme which one would expect for any typical such development proposal. Therefore, I consider that while best practice construction methods are referenced by the Applicant these are not required to avoid or reduce

any effects on a European site. These measures have not relied upon to reach a conclusion of no likely significant effects on any European site.

- 7.5.8. All foul and surface water runoff from the development will be contained within the site itself and discharged directly to the public wastewater drainage system. Any connections and necessary diversions of sections of sewer lines running through the site could be made following a connection and diversion agreement with Uisce Éireann. In this regard, I note that Uisce Éireann has raised no objection to the proposed development, subject to standard conditions. This includes requiring the Applicant to sign a connection agreement with Uisce Éireann prior to the commencement of the development, adherence to the standards and conditions set out in the Agreement, and that all development should be carried out in compliance with the relevant standards and codes of practice.

In-combination effects

- 7.5.9. There are no likely significant in-combination effects identified for the purposes of AA. The only cumulative impact envisaged would be that of additional loading placed on the public sewage treatment infrastructure.

Screening Determination

- 7.5.10. Having regard to the nature and scale of the proposed development on this urban and serviced property, the intervening land uses, and absence of a pathway to, and the distance from, any European site, no Appropriate Assessment issues arise. Therefore, it is not considered that the proposed development would be likely to have a significant effect, individually, or in combination with other plans or projects, on a European site.

8.0 Recommendation

- 8.1. I recommend that planning permission be granted for the reasons and considerations set out below.

9.0 Reasons and Considerations

- 9.1. Having regard to the provisions of the Louth County Development Plan 2021-2027, including the town centre location of the site, which is in proximity to a wide range of

community services and social facilities; the pattern and character of existing development in the area; and the design, scale and layout of the proposed development on what is a centrally-located, urban, brownfield site; it is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable quantum of development in this accessible urban location, would be acceptable in terms of pedestrian and traffic safety, and would not seriously injure the amenities of surrounding properties or seriously detract from the character or built heritage of the area. 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, as amended by the further plans and particulars received by the planning authority on the 14th January 2022, 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>That prior to the commencement of development, details of the following shall be submitted to and agreed in writing with the Planning Authority:</p> <p style="padding-left: 40px;">a) The provision of a privacy strip 1.5m in depth alongside the rear (eastern side) of Apartment B6.</p> <p>Reason: In the interests of residential amenity.</p>
3.	<p>The development shall be carried out in accordance with the Conservation Methodology Statement Addendum, and Revised Conservation Appraisal Report, received by the planning authority on the 12th October 2022.</p>

	<p>Reason: To protect the architectural heritage in the interests of the common good and the proper planning and sustainable development of the area.</p>
4.	<p>Prior to the commencement of development on the protected structures the applicant/developer shall submit for the written agreement of the planning authority confirmation that:</p> <ul style="list-style-type: none"> a) the construction phase for the development will be monitored by a suitably qualified conservation architect (minimum Grade 2) with conservation expertise and accreditation, and b) competent site supervision, project management and crafts personnel will be engaged, suitably qualified and experienced in conservation works. <p>Reason: To secure the authentic preservation of the protected structures and to ensure that the proposed works are carried out in accordance with best conservation practice.</p>
5.	<ul style="list-style-type: none"> a) The temporary widening of the existing vehicular site access from Castle Road shall be permitted and facilitated for the duration of the construction phase only, with all original stonework and related items numbered and retained for future reinstatement in its original location and form following completion of the development. All works shall be supervised by an onsite conservation architect. b) Details of the procedures to be followed in respect of the temporary widening of the site access and subsequent reinstatement of the wall shall be submitted in a method statement to the planning authority, and agreed in writing, prior to the commencement of development. <p>Reason: In order to protect the character of this protected structures and in accordance with best practice conservation practice.</p>
6.	<p>The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing</p>

with, the planning authority prior to commencement of development. This scheme shall:

Include a plan to scale of not less than 1:500 showing –

- a) Existing trees, hedgerows, shrubs, stone walls, etc., specifying which are proposed for retention as features of the site landscaping.
- b) The measures to be put in place for the protection of these landscape features during the construction period.
- c) The species, variety, number, size and locations of all proposed trees and shrubs, which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder.
- d) Details of boundary planting.
- e) Details of any roadside/street planting.
- f) Hard landscaping works, specifying surfacing materials, SuDS measures, furniture, and finished levels.
- g) Full details of play equipment and seating within the play area.
- h) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment.

The landscaping measures must be carried out within the first planting season following substantial completion of external construction works.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

7.	<p>Prior to the commencement of development on the protected structures samples of materials and/or workmanship shall be submitted for the written agreement of the planning authority, and all works shall be carried out in accordance with this written agreement.</p> <p>Reason: In the interest of the protection of architectural heritage.</p>
8.	<p>a) Prior to the commencement of development, the applicant shall submit details (design and materials) of the proposed commemorative plaque(s) in relation to the historic and cultural importance of the site and its associated buildings for the written agreement of the planning authority. Elevation drawings should also be submitted to illustrate the location and scale of the proposed commemorative plaque(s).</p> <p>b) The existing statue of St. Joseph and crucifixes associated with the convent building shall be removed in such a manner as to enable them to be recorded, photographed and their appropriate historical archival in the care of a museum.</p> <p>c) The equipment and machinery associated the former laundry building shall be removed in such a manner as to enable them to be recorded, photographed and their appropriate historical archival in the care of a museum.</p> <p>Reason: In the interest of proper planning and to ensure the cultural and historic importance of the site is acknowledged.</p>
9.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan (CMP), which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise and traffic management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p>

10.	<p>Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.</p> <p>Reason: In the interest of sustainable waste management.</p>
11.	<p>Details of the materials, colours and textures of all the external finishes of the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
12.	<p>a) A Road Safety Audit (Stages 1 and 2) shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development, in order to demonstrate that appropriate consideration has been giving to all relevant aspects of the development including in accordance with the road design standards of Transport Infrastructure Ireland.</p> <p>b) The measures recommended by the Auditor shall be undertaken, unless the Planning Authority approves any departure in writing. A detailed drawing(s) showing all accepted proposals and a feedback report should also be submitted.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
13.	<p>a) A Mobility Management Plan shall be completed within six months of the opening of the proposed development. The Mobility</p>

	<p>Management Plan shall be submitted for the written agreement of the planning authority.</p> <p>b) Prior to commencement of development, the developer shall submit a developed Construction Traffic Management Plan for the written agreement of the planning authority.</p> <p>c) Details of the proposed public lighting system to serve the development shall be submitted to and agreed in writing with the planning authority, prior to commencement of development.</p> <p>d) Details of an automated pedestrian warning system to alert pedestrians of vehicles exiting the development onto Castle Road shall be submitted to and agreed in writing with the planning authority, prior to commencement of development.</p> <p>e) The permitted garden of commemoration shall remain be open to the public during daylight hours (9am-6pm, 7-days a week)</p> <p>Reason: In the interest of public safety and visual and residential amenity.</p>
14.	<p>A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.</p> <p>Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.</p>
15.	<p>Prior to commencement of development, the developer shall enter into water and wastewater connection agreements with Uisce Éireann.</p> <p>Reason: In the interest of public health.</p>
16.	<p>The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:</p>

	<p>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, and</p> <p>b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works. The assessment shall address the nature and location of archaeological material on the site and the impact of the proposed development on such archaeological material.</p> <p>A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.</p> <p>Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.</p>
17.	<p>Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.</p> <p>Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.</p>

18.	<p>All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.</p> <p>Reason: In the interest of visual amenity.</p>
19.	<p>Site development and building works shall be carried out only between the hours of 0800 and 1900 from Mondays to Fridays inclusive, between 0800 and 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.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
20.	<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.</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>
21.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory</p>

	<p>completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p>Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.</p>
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[I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.]

Ian Boyle
Senior Planning Inspector

22nd February 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	315242-22		
Proposed Development Summary	<p>The proposed development is for the conservation, extension and change of use of former St. Joseph's Female Orphanage and Industrial School and St. Malachy's Convent to residential apartments.</p> <p>The overall development is for 58 apartments in two blocks with 31 apartments in the front block (Protected Structure) and 27 apartments in a new block at the rear of the site.</p>		
Development Address	<p>The appeal site comprises the former St. Malachy's Convent and St. Joseph's Industrial School and Orphanage. It is situated at the corner of Seatown Place and Castle Road in the town centre of Dundalk, Co. Louth.</p>		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	✓
		No	No further action required
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes			EIA Mandatory EIAR required
No	✓		Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
	Threshold	Comment	Conclusion

			(if relevant)	
No		N/A		No EIAR or Preliminary Examination required
Yes		<p>10. Infrastructure Projects</p> <p>(b)(i) Construction of more than 500 dwelling units.</p> <p>(iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.</p>		Proceed to Q.4

4. Has Schedule 7A information been submitted?

Note: A report only which is entitled EIA (Screening).

No	✓	Preliminary Examination required
Yes		Screening Determination required

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	315242-22	
Proposed Development Summary	<p>The proposed development is for the conservation, extension and change of use of former St. Joseph's Female Orphanage and Industrial School and St. Malachy's Convent to residential apartments.</p> <p>The overall development is for 58 apartments in two blocks with 31 apartments in the front block (Protected Structure) and 27 apartments in a new block at the rear of the site.</p>	
Development Address	<p>The appeal site comprises the former St. Malachy's Convent and St. Joseph's Industrial School and Orphanage. It is situated at the corner of Seatown Place and Castle Road in the town centre of Dundalk, Co. Louth.</p>	
<p>The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations.</p>		
	Examination	Yes/No/ Uncertain
<p>Nature of the Development</p> <p>Is the nature of the proposed development exceptional in the context of the existing environment?</p> <p>Will the development result in the production of any significant waste,</p>	<p>The subject development comprises a former convent complex. It has remained vacant since around the early 1980's. The proposed development is not exceptional in the context of its existing, receiving environment.</p> <p>The site is zoned G1 Community Facilities. The surrounding area has several different zonings, which is typical for a town centre location, including mixed use, neighbourhood centre and existing residential.</p>	No.

<p>emissions or pollutants?</p>	<p>During the construction phase the proposed development will create demolition waste.</p> <p>However, given the relatively modest size of the proposed development, I do not consider that the demolition waste arising would be significant in a local, regional or national context.</p> <p>No significant waste, emissions or pollutants would arise during the operational phase due to the nature of the proposal, which for residential use.</p>	
<p>Size of the Development</p> <p>Is the size of the proposed development exceptional in the context of the existing environment?</p> <p>Are there significant cumulative considerations having regard to other existing and/or permitted projects?</p>	<p>The site is in a serviced and urban location.</p> <p>The proposed development is for the construction of a residential scheme comprising 58 apartments over two blocks. There are 31 apartments in the front block (Protected Structure) and 27 apartments in a new block at the rear of the site.</p> <p>The new block includes retaining and converting an existing former laundry building to residential use.</p>	<p>No.</p>
<p>Location of the Development</p> <p>Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location?</p> <p>Does the proposed development have the potential to significantly affect</p>	<p>The application site is within a town centre setting. It is not within, or immediately adjoining, any protected area(s). There are no waterbodies on the site and there are no hydrological links between the subject site and any European designated site.</p>	<p>No</p>

other significant environmental sensitivities in the area?		
Conclusion		
<p>There is no real likelihood of significant effects on the environment.</p> <p>EIA not required. ✓</p>		

Inspector: Ian Boyle

Date: 22nd February 2024

DP/ADP: _____ **Date:** _____

(only where Schedule 7A information or EIAR required)