



An
Bord
Pleanála

Inspector's Report ABP-319748-24

Development	Change of use and extension of former public house to develop 5 residential units and 1 commercial unit and associated site works.
Location	3A Francis Street, Dundalk, Co. Louth, A91 VWT7
Planning Authority	Louth County Council
Planning Authority Reg. Ref.	2360499
Applicant(s)	Shane McGuinness
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Michael McCourt and others
Observer(s)	None/
Date of Site Inspection	25 November 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 has an address at 3A Francis Street, Dundalk, Co. Louth, A91 VWT7. It comprises a vacant, disused building which formerly operated as a public house and nightclub. The building is in poor condition. It is evident that a significant amount of refurbishment would be required to restore it to a functional use. The rear of the property was also previously used as a residence. The site is on one of the main retail and commercial streets of the town.
- 1.2. The main building is a pitched roof two-storey structure with a two-storey extension towards the rear (south part of the property). The façade of the building has a smooth rendered and painted façade. The roof has a blue/black slate finish. The windows are a combination of white uPVC and timber sash windows, such as the one above the shopfront. The front elevation includes a series of painted details, including around the window surrounds, while the rear extension is a mix of stone, brick, and render. It is evident that the interior of the building has been recently stripped / gutted, leaving mainly only the exterior structure intact. It also appears some remedial work has been carried out to secure the building structurally. There is a narrow access laneway on the eastern side of the site shutoff with double doors. The rear part of the site backs onto a small retail park served by a surface car park. Access to the retail park is via Rampart Lane, which is to the south.
- 1.3. As stated, the site is near the centre of Dundalk and therefore within walking distance to many of the services and facilities available in the town. The town centre has several nationally significant buildings, including the Court House and St. Patrick's Pro-Cathedral. It also has a number of regionally important structures which are listed on the Council's Record of Protected Structures (RPS). The area is predominantly Georgian in character, with some Victorian additions. The appeal site is within the Roden Architectural Conservation Area (ACA).
- 1.4. The site has a stated area of 0.029ha.

2.0 Proposed Development

- 2.1. The proposed development is for a change of use and extension of an existing building to five residential units and commercial unit together, together with associated site works.
- 2.2. The commercial unit would be at the front (northern) part of the site facing towards the street whilst the residential units would be to the rear of the property.
- 2.3. The Planning Authority requested further information on 1st February 2024, including details in relation to (1) design and layout resulting in sub-standard residential amenity, (2) compliance with the Apartment Guidelines regarding communal storage and waste storage areas, (3) awning details, (4) ventilation structures and other utilities (boilers etc.), (5) note regarding 'signification further information'.
- 2.4. The Applicant provided further information on 10th April 2024. The response comprised a small extension in the subject site (westwards) and the reconfiguration in the layout of the proposed scheme, including the removal of amenity space at groundfloor level along the alleyway, new private amenity space throughout the development, modification of the communal storage and waste storage area(s), as well as other related layout amendments. The further information also confirmed details of the proposed awning structure and that no external ventilation structures were required.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority issued a Notification of Decision (NoD) to Grant Permission on 2nd May 2024, subject to 16 no. conditions, which are generally standard in nature. See Section 3.2.2 below.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The site is zoned 'B1 Town/Village Centre'. Residential developments are generally permissible within this zoning.
- Planning policy encourages the re-use and revitalisation of vacant or derelict units in town and village centres. A change of use is assessed based on its merit and contribution to the town's vitality, both day and night.
- The proposal involves converting a former public house to a retail unit with a new shopfront and access from Francis Street. The proposed retail unit is 36sqm and has a WC and small staff room. The traditional shopfront will be restored as per local council guidelines.
- The development aligns with the National Planning Framework's goals of creating stronger urban areas and planning for urban growth and is considered acceptable, subject to detailed assessment.
- The further information version of the scheme is consistent with the requirements of the Apartment Guidelines.
- The proposed works are mainly to the rear of the main building. The rear return of the main building borders the edge of the Roden Place ACA. The proposed restoration works at the front, including materials, are considered acceptable. A modern conversion, extension, and refurbishment at the rear can be accommodated without impacting the ACA characteristics.
- The site is in an area of Archaeological interest. However, the proposed works largely involve the refurbishment, use of existing walls with and extension upwards. Therefore, an Archaeological Impact Assessment is not required.
- The principal view of the proposed development for Protected Structures D207 and D208 is from along Francis Street. The proposed works mainly comprise tidying up and the provision of timber frame windows – details of which can be agreed – and therefore it is considered the development would not adversely impact on the protected structures or impact on their form, structural integrity, setting or views.

- No Appropriate Assessment issues arise.
- The proposed development is appropriate at this location and would not seriously injure the visual or residential amenities of the area.
- It is recommended that permission be granted.

3.2.2. **Other Technical Reports**

Placemaking Department: No objection, subject to conditions.

3.2.3. **Conditions**

Notable conditions attached to the Council's Decision include:

- Condition 2: Groundfloor commercial shop restricted to use as a 'shop'.
- Condition 5a: Awning details.
- Condition 6: Landscape Architect to oversee site development works.
- Condition 10: Properly Constituted Management Company.
- Condition 11: Environment / noise and vibration limits during construction.
- Condition 14: Archaeological monitoring.
- Conditions 15 and 16: Development Contributions.

3.3. **Prescribed Bodies**

Uisce Éireann: No objection, subject to standard conditions.

3.4. **Third Party Observations**

The main concerns raised were as follows:

- Southwest elevation windows overlook bedroom and kitchen, compromising privacy and enjoyment.
- Increased noise levels directly outside living spaces.
- Concerns about fire hazard and security risks.
- Lack of information about the property boundary.

- Absence of amenities (play areas, green spaces, parking) would negatively impact residents.
- Proximity of bin storage area would cause odours, affecting property amenities.
- Insufficient common area for bins, pushchairs, bicycles, etc. The right of way could be blocked.
- Development may hinder future expansion of objector's business.

4.0 Planning History

Subject Site

Reg. Ref. 23/60308: The Planning Authority **refused** permission for a change of use of the former public house/nightclub to 7 no. self-contained residential units and 1 no. commercial unit, with new shopfront, internal alterations and extensions to rear of premises.

The reasons for refusal were mainly due to (1) concerns regarding quality of the overall layout and internal configuration of the scheme such that it would be contrary to the Apartment Guidelines, (2) a lack of adequate daylight/sunlight and (3) due to excessive height, scale and proximity to adjacent properties the proposal would represent overdevelopment of the site and be out of keeping, overbearing and result in undue overlooking of adjacent properties.

5.0 Policy Context

5.1. Louth County Development Plan 2022-2027

Background

- 5.1.1. The Louth County Development Plan 2021-2027 ('Development Plan' / CDP) 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.

- 5.1.2. 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’.
- 5.1.3. 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 this report. The Draft Local Area Plan and accompanying reports were on public display from 17th July 2024 until 10th September 2024.

Zoning

- 5.1.4. The appeal site is zoned ‘B1 Town/Village Centre’ which is ‘to support the development, improvement and expansion of town or village centres’. Both Shop and Residential lands uses are noted as generally permitted under this zoning.

Chapter 2 Core Strategy

- 5.1.5. The following policies and objectives are considered particularly relevant:
- CS 2 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.
 - SS 21 seeks to support sustainable high density development, particularly in centrally located areas and along public transport corridors and require a minimum density of 50 units/ha in these locations.
 - SS 22 seeks to support increased building heights at appropriate locations in Dundalk, subject to the design and scale of any buildings making a positive contribution to its surrounding environments and streetscape.

Chapter 3 Housing

- 5.1.6. The following policies and objectives are considered particularly relevant:
- HOU 11 is 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 seeks 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 18 is 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 32 is 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.

Chapter 13 Development Management Guidelines

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

5.1.8. **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.’

5.1.9. **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.’

5.1.10. **Table 13.11** sets out **Car Parking Standards**. This sets out a requirement of 1 unit per apartment in Area 1 ((lands located within town and settlement centres). Section 13.8.18 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.*

In addition to the above, a reduction in the parking requirement will be facilitated where there would be a conflict between the conservation objectives of the Protected Structure or the Architectural Conservation Area and the car parking requirement, subject to the shortfall in parking being met by on-street parking in the vicinity.

Other Relevant Chapters and Sections

- Chapter 5: Economy and Employment
- Chapter 7: Movement
- 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 Planning Framework

- 5.2.1. The first National Strategic Outcome (NSO) expected of the National Planning Framework is to achieve compact growth. Effective densities and consolidation of urban areas is required to minimise urban sprawl and is a top priority. 40% of future housing delivery is to be within the existing footprint of built-up areas (National Policy Objective 3a).
- 5.2.2. National Policy Objective (NPO) 35 is to increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

5.3. Other National and Regional Policy

- *Sustainable Residential Development and Compact Settlements: Guidelines for Planning Authorities, 2024 ('the Compact Settlement Guidelines')*¹
- *Sustainable Urban Housing: Design Standards for New Apartments, 2020 ('Apartment Guidelines')*
- *Regional Spatial and Economic Strategy for the Eastern and Midland Region, 2019 ('RSES')*

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

- *Design Manual for Urban Roads and Streets, 2019 ('DMURS')*
- *Urban Development and Building Heights Guidelines for Planning Authorities, 2018*
- *BRE Guide: Site Layout Planning for Sunlight and Daylight, 2011*
- *Architectural Heritage Guidelines for Planning Authorities, DAHG (2011)*

5.4. Natural Heritage Designations

- 5.4.1. The subject site is not directly located within, or in proximity, to any European Sites. The nearest European Sites are Dundalk Bay SAC (Site Code: 000455) and Dundalk Bay SPA (Site Code: 004026), which are roughly 920m to the northeast. The closest Natural Heritage Area is Dundalk Bay (Site Code: 000455), which is roughly 1.7km to the northeast.

5.5. EIA Screening

- 5.5.1. Having regard to the nature and scale of the proposed development, which is for a change of use and extension of an existing building to five residential units and a commercial unit and associated site works, 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.
- 5.5.2. 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

- 6.1.1. The Board has received a single third party appeal (Michael McCourt and Others) who are the owners of the adjacent property (McCourt's Bar) (1 Francis Street, Dundalk).
- 6.1.2. The main issues raised are as follows:

Privacy

- The number of proposed apartments has been reduced from seven to five (compared with the previous application). However, the upper windows of the extension would lead to negative overlooking, loss of light and overshadowing, including of patrons who use the smoking area associated with his business (pub / bar).

Noise and Security

- The amended design includes walkways and balconies which would generate noise and compromise residential amenity and security. (See areas marked up in the appeal in red.)
- The shared semi-private space would facilitate social interaction adjacent to existing bedrooms, kitchens and a terrace.
- The external walkways would provide easy access to adjacent rooftops posing a security threat and fire hazard.

Development Potential and other Considerations

- The proposed development may negatively impact on the future development potential of the third party property.
- Extensive building work has already happened on the site, including on Sundays and at bank holidays (outside the times prohibited by the condition on the Council's NoD to Grant Permission).
- The proposed development is broadly welcomed. However, it should be developed in sympathy with the adjacent historical sites and appropriate consideration for adjoining residents.

6.2. Applicant Response

The Board received an Appeal Response from the Applicant on 14th June 2024. The main issue raised are as follows:

Overlooking

- The principal outward view from the top floor studio is towards its own balcony, which is rear facing and not side facing.

- There are three side facing windows from this studio. However, outwards views from this location are not direct and it would be physically impossible for there to be views from the studio into the third party's kitchen or bedroom.
- A degree of overlooking is inevitable in this type of town centre location. However, the separation distance between the windows of the proposed development and appellants' raised garden is more than 15m.

Loss of Light

- The subject site is directly east of the third party property. From morning onwards, the sunpath travels clockwise, but by this time it has already passed the three story element of the proposal. The proposal would not lie between the sun and third party property meaning there is no potential for loss of direct sunlight.
- The roof extension has been designed to maximise daylight to permeate through and the additional massing would have little perceptible impact upon the amount of daylight reaching the rear of the appellants' garden.
- Loss of amenity for patrons smoking in the rear of the property is not a material consideration.

Noise and Security

- The Appellant raises concerns regarding noise, despite the appeal site previously being a bar / nightclub. The proposal would be less noisy than this.
- The Appellant also has patrons congregating in his yard, below his terrace, smoking and socialising.
- There would be no noise disturbances 'directly' outside the third party's bedroom, kitchen, or outdoor areas as there intervening spaces.
- The concerns regarding security are not explained or justified and the third party property is protected by a secure boundary wall. Full security will also be provided onsite.
- The Appellant is evidently able to coexist in harmony with his own patrons and there is no basis for concern that a small number of residents on the appeal

site could detrimentally impact his ability to enjoy the use of his own dwelling house and garden.

Other

- The proposal would be compliant with current fire regulations. The third party concerns in this regard are not founded or justified.
- The Appellant raises concerns that the proposal could potentially negatively impact the future development potential of his property, however, no further explanation is offered.
- Urgent remedial work has been necessary as the property has been derelict for some time. These works did not breach any planning rules. The works have had a positive impact on the town centre.
- The proposed materials and finishes are of a high standard and the proposed redevelopment of the site would enhance the character and appearance of the area.

6.3. Planning Authority Response

No further comments (received 26th June 2024).

6.4. Observations

Development Applications Unit (NPWS): Submission received on 19th June 2024.

Made the main following observations:

- The NPWS recognises that the site has the potential to support the population of nesting swift in the urban areas of Dundalk.
- Swift numbers have declined significantly in recent years due to the loss of traditional nest sites.
- Nest cavities could be integrated into the fabric of the building or nest boxes could be fitted to the outside of the wall.

6.5. Further Responses

The Applicant provided a response on the observation made by the NPWS. The response is date 2nd July 2024 and states that:

- The potential to enhance the provision for nesting boxes is noted.
- However, no evidence has been presented to show how the proposal would prejudice any nature conservation or natural heritage interests. Therefore, it is considered that modifications to the proposal are not required.
- Notwithstanding this, if the Board considers such a condition to be reasonable, then the Applicant would be satisfied to accept and comply with this.

7.0 Assessment

7.1.1. 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:

- Residential Amenity
- Noise and Security
- Other Issues
- AA Screening

7.2. Residential Amenity

Zoning

- 7.2.1. The proposed development is for a change of use of a former (closed) public house / nightclub to five self-contained residential units and a commercial unit, together with a restored shopfront, internal alterations and extensions to the rear of premises.
- 7.2.2. The proposed extension involves raising the rear return and integrating it with the main roof of the property facing Francis Street. The detached building in the courtyard will also be extended. It has a flat roof design. Internally, walls will be

constructed to create individual apartment layouts. The proposed commercial unit (shop) will have new signage placed on the existing fascia. I consider that this has been successfully designed to complement the style of the existing shopfront, and others like it along the street, in terms of form, scale, materials and finishes. A retractable awning is also proposed, which is acceptable, subject to agreement regarding final details of materials and finishes.

- 7.2.3. A key concern raised by the Appellant is in relation to the design, height, scale and proximity of the proposed development to adjoining properties, including their own property (1 Francis Street, Dundalk / McCourts Bar). The Appellant says that the proposal constitutes overdevelopment of the site and that the scale of the extension would detract from the character of the surrounding vicinity and lead to unacceptable residential amenity and visual impacts arising.
- 7.2.4. The appeal site is zoned 'B1 Town/Village Centre' which is to support the development, improvement and expansion of town or village centres. I note that both 'shop' and 'residential' are uses generally permitted under this zoning. The zoning also aims to preserve and enhance the character and vibrancy of the town centre by supporting diverse uses. There is a focus on encouraging consolidation of development and fostering an appealing environment for people to live, shop, work, visit and invest. I note that the Development Plan seeks to promote the adaptive reuse and regeneration of buildings and underutilised lands, including residential development. Utilising the upper floors of existing commercial properties for residential purposes is encouraged. The proposed development is therefore consistent with several policy objectives contained in the Louth CDP (2021-2127), including CS 2 (compact growth), SS21 (sustainable high density development), S22 (increased building heights at appropriate location), and HOU 11 (regeneration of vacant and under-utilised buildings), respectively. [Note: The full text for each of these policy objectives is set out under Section 5.1 of my report above.]
- 7.2.5. Furthermore, I note that the Planning Authority in their assessment of the application considered the development proposed acceptable in principle. It was noted in the Planner's Report that the zoning for the site supports proposed the land uses. It also noted that the refurbishment and alterations/extension of the property would provide residential accommodation in a central setting, improve the vitality of the town centre and help to preserve and improve the condition of the streetscape.

- 7.2.6. In summary, I consider the appeal site presents a good opportunity for redevelopment. The proposal has the potential to yield positive urban regeneration and renewal outcomes; providing it can meet the appropriate development management standards. An important factor in determining the appropriate level of height, scale, and extent of development proposed is whether the scheme integrates well with its surroundings, and if the design proposed successfully responds to its receiving context.
- 7.2.7. It therefore follows that a key consideration is whether the proposal has successfully minimised potential negative impacts in terms of visual and residential amenity, including in relation overlooking, overbearance and overshadowing. These considerations are examined in further detail below.

Overlooking

- 7.2.8. The Appellant raises a concern that the upper windows of the proposed extension would lead to negative overlooking and a loss of light. This would have implications for patrons who use the outdoor smoking yard associated with existing pub and in terms of existing residential amenity associated with the property. I have reviewed the plans and particulars accompanying the application and note that there are three windows at second floor level associated with proposed Apartment 5 (studio unit). There is also a proposed external space / walkway on this side of the building at first floor level.
- 7.2.9. I consider that the height of the building is not excessive at two floors (above groundfloor) and note that the side facing windows are comparatively small. I note also that outward facing views from this part of the site are not direct, and that it would be difficult for someone in the studio to avail of unimpeded views into the third party's property. Furthermore, the private amenity space serving the unit is on the southern side of the building and, therefore, orientated away from the Appellant's site.
- 7.2.10. I further note that the Appellant's property is to the west of the appeal site, on the far side of two other units, an Estate Agent's and Florist. It is roughly 13.5m from the appeal site and, therefore, in this type of inner urban setting and town centre context, it is at some remove from the subject site. Moreover, I note that Section 13.8.9 of the CDP 'Residential Amenity' states that some degree of overlooking between

properties is likely to occur in urban areas. The Development Plan goes on to state that there may be cases 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.

- 7.2.11. I am satisfied that the design response put forward by the Applicant has taken into account the receiving environment and that outwards facing views from the development would not result in excessive overlooking, overbearance, or an unacceptable invasion of privacy. Overall, the design approach adopted by the Applicant demonstrates that a sufficient amount of privacy and amenity will continue to be afforded to adjoining and nearby sites, in my opinion.

Overshadowing

- 7.2.12. The Appellant raises concerns that the proposed development would result in overshadowing and a loss of light for his property. In particular, it is stated that this would affect the outdoor space associated with his existing business which is used as a smoking area.
- 7.2.13. I note that the application is supported by a Daylight Analysis Report, prepared by DK Partnership (Sunlight and Daylight Consultants) (dated 30th November 2023). In conducting their assessment, the report looked at the relevant guidance for assessing daylight reception within the new development. I note that no detailed assessment in terms of sunlight impediment to other properties, or shadow diagrams, was completed as part of the analysis.
- 7.2.14. However, after considering the matter, I am satisfied that the separation distance between each property (c. 14m) and the overall height of the proposed three-storey development aligns well with the prevailing heights and urban character of the surrounding vicinity. I also note that the appeal site is positioned directly east of the Appellant's property and that – given the direction of the sunpath – it is unlikely that any significant overshadowing would occur. This is because, as the sun rises and follows its clockwise arc, it will have already passed above the height and position of the proposed extension before casting any long shadows.
- 7.2.15. Moreover, the loss of light in a smoking area linked to a commercial licensed premises is not comparable to that of a private garden, or residential courtyard, and

therefore should not be given the same level of significance when assessing the impact on residential amenity. The use of a smoking area involves less sensitivity to light conditions compared to private outdoor spaces, where residents might be seeking tranquillity, privacy and direct access to sunlight.

- 7.2.16. Therefore, having regard to the above, I do not anticipate any significant overshadowing will occur of adjacent residential properties, or their associated amenity spaces, on foot of the proposed development.

7.3. Noise and Security

- 7.3.1. The proposed development consists of five residential apartments and a shop. It is therefore relatively modest in size and would attract only a limited number of new residents / customers to the area.
- 7.3.2. In my opinion, the proposed scheme is unlikely to increase security risks or noise impacts on neighbouring properties through trespass or other means, especially when compared to its existing permitted use (i.e., public house and nightclub). I note that a secure boundary treatment and acoustic fencing is proposed for along the western side of the site, including around the bicycle storage area and waste collection point. The boundary wall would act as a physical barrier, preventing unauthorised access and unlawful movement between properties. It would enhance privacy and security and help to create a safe controlled environment for future residents, business owners, property owners, etc.
- 7.3.3. I note that the Applicant has confirmed in their appeal response that full security will be provided on the site. In addition to this, the Planning Authority's NoD to Grant permission includes a condition requiring the formation of a properly constituted management company. This would also help ensure the development is consistently maintained to a high standard, promoting residential amenity, resident wellbeing, and safety.

7.4. Other Issues

Development Potential

- 7.4.1. The Appellant states that the proposed development would potentially hinder or undermine the future development potential of lands in his ownership (1 Francis Street, Dundalk). I note that no further details have been provided in this regard, including of what these future development intentions might be, a timeframe for their delivery, or if a planning application may be forthcoming at some future point.
- 7.4.2. The principle of infill development and consolidation of an existing zoned and serviced site in this town centre setting is consistent with national and local policies regarding urban consolidation and densification. It is also in accordance with Objectives HOU 15 and 18 of the CDP, which seek to deliver compact growth and the consolidation of urban areas, respectively. I consider Objective CS 2 is also relevant as it seeks to deliver 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.
- 7.4.3. I do not see how the proposed development would have an unacceptable detrimental effect on the future potential development plans of the third party property. The Appellant does not put forward a specific rationale or precise grounds supporting this position. The subject proposal has followed good design practice, in my opinion, and it is in accordance with the development management guidelines set out in Chapter 13 of the County Development Plan.
- 7.4.4. In conclusion, I consider that the proposed development is in accordance with good planning practice, complies with the various applicable policies and objectives set out in the Louth County Development Plan 2022-2027, and that it would not unnecessarily prejudice or undermine the future development potential of third party lands.

Fire

- 7.4.5. I acknowledge the concerns raised regarding potential fire hazard. However, it is important to note that fire hazard is governed by a separate legal code, distinct from planning. As such, the assessment of fire risk does not fall within the scope of this planning application, or appeal. The appropriate authorities will handle fire safety concerns in accordance with the relevant fire safety and building regulations, which are outside the remit of this process, in my opinion.

Construction Works

- 7.4.6. The issue of alleged unauthorised works having taken place on the site in the past is a planning enforcement issue. The matter of enforcement falls under the jurisdiction of the planning authority and need not concern the Board for the purposes of assessing this appeal case, in my view.
- 7.4.7. I consider that attaching a standard condition controlling the hours of construction would adequately safeguard the residential amenity of property in the vicinity during the works phase.

Nesting Boxes

- 7.4.8. A submission from the NPWS recognises that the site has the potential to support the population of nesting swift. It states that swift numbers have declined significantly in recent years due to the loss of traditional nesting sites and recommends that nest cavities could be integrated into the fabric of the building, or that nest boxes could be fitted to the outside of the wall.
- 7.4.9. The Applicant has indicated that they have no issue with accommodating potential nesting opportunities in this way through incorporating some subtle design modifications to the permitted scheme. I consider that this issue can be addressed by way of condition.

7.5. AA Screening

- 7.6. Having regard to the nature and relatively small-scale of the proposed development, which comprises a change of use and extension of an existing building to five residential units and a commercial unit, within an urban and serviced area, and the distance from the nearest 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

- 9.1.1. Having regard to the provisions of the Louth County Development Plan 2021-2027, including the zoning objective for the site ('B1 – Town/Village Centre'), which is to support the development, improvement and expansion of town or village centres and of Policy Objectives HOU 11, 15 and 18, and the location of the site in proximity to a wide range of community services and social facilities, the existing pattern and character of development in the vicinity, 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, and would not seriously injure the residential or visual amenities of the area, or detract from its character or built heritage. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 10 th April 2024, 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
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	<p>development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The ground floor commercial unit may only be used as a 'shop' as defined under Class 1 of the Planning & Development Regulations 2001 (as amended). Any other use requires prior written consent from the Planning Authority or the grant of a separate planning permission.</p> <p>Reason: To regulate the development.</p>
3.	<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>
4.	<p>a) Details of the proposed awning at the shopfront, including colour(s), shall be submitted for written agreement of the Planning Authority prior to commencement of development and shall be in accordance with design as submitted by way of further information received on the 10th April 2024.</p> <p>b) No signage, advertisement or advertisement structure (including that which is exempted development under the Planning and Development Regulations, 2001 (as amended)), other than those shown on the drawings submitted with the application, shall be erected or displayed on the buildings or within the curtilage of the site, unless authorised by a further grant of planning permission.</p> <p>c) No external security shutters shall be erected on any of the commercial premises, unless authorised by a further grant of planning permission. Details of all internal shutters, which shall be of an 'open lattice' design and not contain any form of advertising, shall be submitted for the written agreement of the planning authority prior to the commencement of development, and all internal shutters shall conform to that written agreement.</p>

	<p>Reason: In the interest of visual amenity and to protect the character of this Architectural Conservation Area.</p>
5.	<p>a) The Applicant shall retain the services of a suitably qualified Landscape Architect to oversee the construction phase.</p> <p>b) The approved landscaping scheme shall be implemented fully in the first planting season following the commencement of the development and finalised prior to the occupation or sale of any of the residential units hereby granted planning permission.</p> <p>c) 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 shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p>Reason: In the interest of residential and visual amenity.</p>
6.	<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>
7.	<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</p>

	<p>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 proper planning and sustainable development.</p>
8.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.</p> <p>Reason: In the interests of visual and [residential] amenity.</p>
9.	<p>Prior to the commencement of development, the developer shall enter into a Connection Agreement (s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network.</p> <p>Reason: In the interest of public health and to ensure adequate water/wastewater facilities.</p>
10.	<p>Site development and building works shall be carried out only between the hours of 0800 and 1800 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>
11.	<p>The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p>

	<p>Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.</p>
12.	<p>a) Employment of a qualified archaeologist is required to monitor all groundworks associated with the development</p> <p>b) If, during the course of site works any archaeological material is discovered, the Planning Authority shall be notified immediately. (The applicant/developer is further advised that in this event that under the National Monuments Act, the National Monuments Service, Dept. of Housing, Heritage and Local Government and the National Museum of Ireland require notification.)</p> <p>Reason: In the interest of preserving or preserving by record archaeological material likely to be damaged or destroyed in the course of development.</p>
13.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>

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

25th November 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	319748-24		
Proposed Development Summary	The proposed development is for a change of use and extension of an existing building to five residential units and a commercial unit, together with associated site works.		
Development Address	3A Francis Street, Dundalk, Co. Louth, A91 VWT7.		
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 (if relevant)
			Conclusion
No			No EIAR or Preliminary Examination required
Yes		10. Infrastructure Projects	Proceed to Q.4

		<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>		
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4. Has Schedule 7A information been submitted?		
No	✓	Preliminary Examination required
Yes		Screening Determination required

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	319748-24	
Proposed Development Summary	The proposed development is for a change of use and extension of an existing building to five residential units and a commercial unit, together with associated site works.	
Development Address	3A Francis Street, Dundalk, Co. Louth, A91 VWT7.	
<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, emissions or pollutants?</p>	<p>The nature of the proposed development is not exceptional in the context of the existing environment.</p> <p>The site is in the heart of Dundalk town centre and within walking distance to many of the services and facilities available in the town. The surrounding area has several different zonings, which is typical for a town centre context and setting, including mixed use, commercial and residential.</p> <p>During the construction phase the proposed development would generate demolition waste. 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>	No

	No significant waste, emissions or pollutants would arise during the operational phase due to the nature of the proposal, which for residential use.	
<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 a change of use and extension of an existing building to five residential units and a commercial unit, together with associated site works.</p> <p>The proposed size, scale and quantum of development is not exceptional in the context of its receiving environment.</p> <p>I do not consider there is potential for significant cumulative impacts.</p>	No.
<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 other significant environmental sensitivities in the area?</p>	<p>The application site 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>The subject site is not directly located within, or in proximity, to any European Sites. The nearest European Sites are Dundalk Bay SAC (Site Code: 000455) and Dundalk Bay SPA (Site Code: 004026), which are roughly 920m to the northeast. The closest Natural Heritage Area is Dundalk Bay (Site Code: 000455), which is roughly 1.7km to the northeast.</p> <p>There is no potential for significant ecological impacts as a result of the proposed development.</p> <p>The site is situated within a centrally-located, serviced, urban area. I do not consider that there</p>	No.

	is potential for the proposed development to negatively affect other significant environmental sensitivities in the area.	
Conclusion		
There is no real likelihood of significant effects on the environment. EIA not required. ✓		

Inspector: Ian Boyle

Date: 25th November 2025

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

(only where Schedule 7A information or EIAR required)