



Planning and Development Acts 2000 to 2018

Planning Authority: Louth County Council

Planning Register Reference Number: 18775

Appeal by Paul Matthews care of Ger Fahy Planning of “Annaghdown”, Pagestown, Kilcloon, County Meath against the decision made on the 10th day of January, 2019 by Louth County Council to grant subject to conditions a permission to Leonard and Woods Developments Limited care of Hussey Architects of 13 Gilford Road, Sandymount, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Demolition of existing two-storey rear extension to public house (646.5 square metres), demolition of two-storey derelict out buildings (86 square metres), demolition of part single storey extension to Boyne Centre (36.1 square metres), change of use from public house to medical/office/commercial accommodation to remaining building (237 square metres), with associated minor elevational changes and two-storey rear extension (81.2 square metres) together with provision of car parking (23 number spaces) with vehicular link to existing south car park, Boyne Centre and includes the relocation of two number spaces previously permitted under planning permission register reference number 17/261, new escape stair from upper ground floor Boyne Centre (and closure of existing escape stair) and

new stair access to north side existing Boyne Centre at Corrigan's Public House, 91-93 George's Street and rear of 95 George's Street and Boyne Centre, Bolton Street, Drogheda, County Louth and within the vicinity of the existing Medieval Town Wall of Drogheda, County Louth.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

Having regard to the Town Centre zoning in the Drogheda Borough Council Development Plan 2011-2017 and the policies and objectives, the urban location of the site and the pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area and would not detract from the character or setting of the adjacent Protected Structure or the integrity of the Medieval Town Wall. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

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 12th day of December 2018, 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. In the interest of clarity, the proposed development does not provide for any amendments or disturbance to the extant remains of the Medieval Town Wall.

Reason: In the interest of clarity.

2. Prior to commencement of development, the applicant shall submit to, and agree in writing, with the planning authority the following:
 - (a) Paving details to delineate line of historic Medieval Town Wall.
 - (b) Information signage details for the Medieval Town Wall (including content, design, materials and location).
 - (c) Details of signage, including the colour, signage and lettering along the façade of the building facing onto George's Street.

Reason: In the interest of residential amenity and promotion of the architectural heritage.

3. Prior to commencement of development, detailed structural drawings and a construction method statement (including the results of detailed structural surveys of the existing wall between numbers 95 and 96 George's Street, to be retained) indicating the means proposed to ensure the protection of the structural stability and fabric of the party wall, shall be submitted to, and agreed in writing, with the planning authority. The methodology shall provide for the construction of the proposed new wall at the rear of number 95 George's Street and for the proposed demolition and excavation and other proposed ground works along the boundary between numbers 95 and 96 George's Street.

Reason: In the interest of residential amenity.

4. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -
 - (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
 - (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
 - (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

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

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

5. No advertisement or advertisement structure (other than those shown on the drawings submitted with the application) shall be erected or displayed on the building (or within the curtilage of the site) in such a manner as to be visible from outside the building, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

6. (a) The car parking facilities hereby permitted shall be reserved solely to serve the proposed development.
- (b) Prior to the occupation of the development, a Parking Management Plan shall be prepared for the site and shall be submitted to and agreed in writing with the planning authority. This plan shall provide for the permanent retention of the designated residential parking spaces and shall indicate how these and other spaces within the development shall be assigned, segregated by use and how the car park shall be continually managed.

Reason: To ensure that adequate parking facilities are permanently available to serve the proposed development.

7. The applicant or developer shall enter into water and/or wastewater connection agreement(s) with Irish Water prior to commencement of development.

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

Reason: In the interest of public health.

8. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

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

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

10. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

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

Maria FitzGerald
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this day of 2019.