



An
Bord
Pleanála

Inspector's Report PL15.247017

Development :	Demolition and Clearance of Existing farm buildings, and Change of Use to Car-Park, together with all associated Site Development Works.
Location :	Ropewalk, Drogheda, County Louth
Planning Authority :	Louth County Council
Planning Authority Reg. Ref. :	15/844
Applicant(s) :	Rotax Property Ltd.
Type of Application :	Planning Permission
Planning Authority Decision :	Granted
Appellant(s) :	An Taisce
Observer(s) :	None
Date of Site Inspection :	14 th October 2016.
Inspector :	L. W Howard.

1.0 Site Location and Description

- 1.1 Located at the junction of Magdalene Street and Rope Walk, Drogheda, County Louth, the application site comprises the rear yard behind 2-storey terraced dwellings (Nos'. 58-59) fronting onto Rope Walk. The site is occupied agricultural outbuildings.
- 1.2 Topographically, the site slopes gradually upwards from Rope Walk, to the rear northern boundary.
- 1.3 An existing gated entrance, between buildings, enables direct vehicular access off Rope Walk.
- 1.4 The application site is located within the walls of the medieval town of Drogheda to the north. The site lies within the zone of archaeological potential associated with the medieval town (Recorded Monument LH024-041). The site is adjacent, the west side of the Magdalene Tower.

2.0 Proposed Development

- 2.1 Demolition and clearance of existing farm buildings.
- 2.2 Change of use to car park, together with all associated site development works.
- 2.3 The car park is to provide 49no. parking spaces for the occupants / employees of a large office building located to the south on Magdalene Street (Market Plaza – 17,000ft²), in the ownership of the applicant.
24. Access is proposed off Rope Walk, through the existing entrance. Parking access will be controlled by means of electric gates, to be opened with a key fob.

3.0 Planning Authority Decision

3.1 Decision

- 3.1.1 Decision to Grant Planning Permission, subject to 6no. generally standard Conditions. Noteworthy however, are the following Conditions :

- 2(a) The recommendations, mitigation measures and strategy as set out in the archaeology conservation plan and archaeological strategy shall be implemented in full.
- 2(b) Following the completion of the stripping of topsoil / overburden from the site and the recording of the upper level archaeological features and structures, a plan of the site will be prepared and will be used to inform the creation of an information panel on site which will show the location of the principle features uncovered and explain their significance. The location of the proposed panel to be agreed in writing with the Planning Authority, prior to the commencement of development.

Reason: To ensure the continued preservation of the site, its features and other objects of archaeological interest and protect the character and setting of the town wall circuit and the preservation and enhancement of the amenity associated with the presence of the walls within the historic urban pattern.

3.2 Planning Authority Reports

Subsequent to substantive Further Information (F.I.) submission by the applicant, the report of the area planner can be summarised as follows :

3.2.1 Principle of Development

- The proposed standalone car park, is entirely to facilitate the use of the currently vacant large office building on Magdalene Street, currently without car parking, and in the ownership of the applicant. This vacant unoccupied building has negatively impacted the amenities of Magdalene Street and of the wider quarter.
- The proposed carpark deemed as open to consideration.

3.2.2 Archaeology Conservation – Detailed Archaeological Conservation Plan and Archaeological Strategy

- In order to facilitate protection of the archaeology on site, a detailed Archaeology Conservation Plan and Archaeological Strategy was submitted by the applicant.
- The Archaeological Strategy details mitigation measures to preserve the archaeological deposits and features insitu, and record and excavate any vulnerable deposits close to the surface.
- Following completion of the stripping of topsoil / overburden from the site, and the recording of the upper level archaeological features and

structures, a plan of the site is to be prepared by the archaeology consultant. This site plan is to be used to inform the creation of a “Site Information Panel”, located on site, which will show the location of the principle features uncovered, and briefly explain their significance.

3.2.3 Protect and Preserve Medieval Structures – Drogheda Medieval Walls

- The proposed development :
 - provides an opportunity to realise the Urban Design Framework Plan objective, to recover and present the historic line of the Town Medieval Walls.
 - involves demolition and clearance of the site, will facilitate increased access to the Medieval Walls.
 - will address the current priority issue regarding the “lack of identity” of Drogheda’s Medieval Walls, by way of providing opportunity to create the identity considered as a priority at Policy Section 8.4.4 of the Drogheda Development Plan 2011, as well as access and public recognition.
- Applicant states access to the Town Wall Route will be provided, should any evidence of it be discovered on the site. Further, the applicant will co-operate with any Local Authority initiatives, to permit access.
- Accordingly, as clarified, considered to be satisfactory.

3.2.4 Layout Plan – Traffic and Pedestrian Safety, and Traffic Impact Assessment

- Satisfactory provision of parking to Development Plan 2011 Standard
- As clarified via the FI submission, considered to be satisfactory.

3.2.5 Site Drainage in accordance with S.U.D.S.

- As clarified via the FI submission, considered to be satisfactory.

3.2.6 Natura Impact

- Site is not located within a proposed Natural Heritage Area, a Special Area of Conservation, or a Special Protection Area.
- The proposed development will not impact on any of the pNHA, the pSAC or the SPA in the area.
- An Appropriate Assessment is not required.

3.2.7 SEVESO – Health & Safety Authority, Societal Risk and Land Use Planning

- Located outside the consultation distances for Marsh Oils and Flogas Ireland, referral to the Health and Safety Authority (HSA) is not required

3.2.8 Sanitary Services and Flooding

Site not located within the area :

- identified in the OPW Preliminary Flood Risk Assessment Flood Maps
- of known fluvial flooding in the OPW maps
- of known pluvial flooding in the OPW maps.

3.2.9 Conclusion and Recommendation

- Proposed development considered as satisfactory.
- Recommend planning permission be granted, subject to Conditions.

3.3 Other Technical Reports

County Infrastructure Office

- Having regard to the applicants F.I. submission, recommend no objection, subject to Conditions.

Conservation Officer

- Recommend refusal for the following reasons :
 - Contrary to Policy CH13 of the Drogheda Development Plan 2011, the proposed development would be detrimental :
 - to the essential character and setting of the town wall circuit, and
 - to the preservation and enhancement of the amenity associated with the presence of the walls within the historic urban pattern.
 - Contrary to the Conservation Plan – Town Walls and other defences of Drogheda (2006) policy objective, to “Place the identity, significance and protection of the medieval town wall and the areas enclosed by it, at the heart of future planning and development for the town”.
 - Contrary to the Urban Design Framework Plan for the Heritage Quarter Drogheda 2013, to recover and present the historic line of the Medieval Walls.
 - Prematurity pending further investigations to determine the full extent of the ruined Dominican Friary of Saint Mary Magdalene.
- No subsequent opinion / recommendation apparent, in response to the applicant’s F.I. response submission.

County Heritage Officer

- The Archaeological Strategy to be carried out in accordance with measures set out in the Archaeological Conservation Plan.
- Concern regarding justification of why a car park is needed here.

3.4 Prescribed Bodies

Department of Arts, Heritage and the Gaeltacht – DAU :

- Applicant's Pre-Planning Archaeological Assessment did not contain sufficient information enabling an informed decision to grant planning permission.
- Requested a detailed Archaeology Conservation Plan be completed. This would assist in the assessment of impact on archaeological remains in the area where demolition, development and preservation in situ is proposed to take place. The sustainability issues of archaeological conservation through the lifetime of the proposed car park development, to be also addressed.
- Subsequently, and having regard to the applicants Archaeology Conservation Plan report, submitted as F.I., recommend no archaeological objections to the proposed development, subject to :
 - the implementation of the recommendations regarding the proposed carpark design and
 - the associated archaeological mitigation.

An Taisce :

Commented that "the proposed demolition of a structure with a replacement car park at this site needs to be justified".

3.5 Third Party Observations

3.4.1 The County Louth Archaeology and Historical Society :

Having regard to contextual archaeology of the site, and to the applicant's Archaeology Conservation Plan report, submitted as F.I., submit that :

- the Archaeological Strategy to comply with the measures set out in the Archaeology Conservation Plan
- all removal of topsoil and overburden to be supervised and directed by the licenced archaeologist.
- expectation the archaeologists will be the same as who completed the initial assessment in 2015, thereby ensuring familiarity and continuity.
- Town Wall : emphasise the presence or absence of the town wall within the development cannot be discounted.

- Kilns : emphasise the importance of “a medieval line-impressed tile kiln” located within the site, as the only example of its type found in Ireland. A second such Kiln possibly is also located within the site.

4.0 Planning History

4.1 Application Site

None.

4.2 Surrounds

05/232, 06/324 and 15/273

- Chronology of planning permissions from initial 4-storey mixed use development, to 4-storey commercial offices, all at
- 9A – 11 Magdalene Street, Drogheda, County Louth.
- This site is approximately 100m south of the application site, and located on the western side of Magdalene Street.
- On the information available, and having regard to observations at the time of site visit, this multi-storey office complex has never been occupied.

5.0 Policy Context

5.1 Development Plan

5.1.1 Drogheda Borough Development Plan (2011 – 2017) :

Relevant provisions include (see copies attached):

S2.7 Zoning Matrix

Zoning Objective RE – “Residential Existing – To protect and enhance the amenity of developed residential communities”.

Zone RE “Open to Consideration” Uses include – Car Park.

S5.9 Car Parking

Including Policies TR18 and TR19 regarding “Short-Stay Parking” and “Long-Stay Parking respectively, and Tables 5.3 and 5.4 regarding Car Parking Standards.

S8.0 Conservation and Heritage

Strategic Objective 8 : Protect and Enhance the Natural and Built Environment as an inherent part of the Heritage of the Drogheda Borough Council Plan area.

S8.3 Archaeology

Policy CH9 Safeguard the archaeological heritage of Drogheda and its Environs :

- by protecting designated archaeological sites and Special Archaeological Interest areas, and
- requiring that applicants for planning permission for development in areas known to contain archaeological features submit an archaeological assessment of the site together with the planning application.

S8.4 Conservation of Built Heritage

Policy CH12 Preservation of the designated Architectural Conservation Areas, and require sensitive design of new development so as not to detract from the character of the areas.

S8.4.3 The Walled Town Circuit

Policy CH13 See copy attached

S8.4.4 Establishing a Vision for the Walled Circuit

Policy CH 13 See copy attached.

5.1.2 **Urban Design Framework Plan for the Heritage Quarter Drogheda (May 2013)**

S6.0 The Framework Plan :

S6.1 Vision and Key Objectives :

Vision :

Drogheda Heritage Quarter remains a distinctive urban centre, building on its recognised and memorable urban qualities, containing durable and enduring buildings and places – existing and new, is pleasant to dwell, work and spend time in and is active, diverse and culturally rich in character and function.

Objectives :

Relevant Objectives enabling the Vision include :

- Provision of the range of uses, facilities and amenities relevant to a contemporary urban centre, in a manner which is consistent with the architectural qualities of the town.
- Enhancement of Public Spaces within the Heritage Quarter, including activation and integration of network of historic lanes
- Recover and Present the Historic line of the Medieval Walls.
- “Heritage Quarter as main focal point of town – the living room of Drogheda”.

5.1.3 Conservation Plan – Town Walls and other defences of Drogheda (2006)

:

S6.2 Policies :

Relevant policies address –

- Protection and Retention of the Historic Integrity of the Medieval Town Wall.
- Conservation, Maintenance and Repair of the Standing and Exhibited below ground structural remains.
- Information, recording and research
- Legibility, Access and Presentation.
- Implementation, Management and Review.

5.2 Natural Heritage Designations

None.

6.0 The Appeal

6.1 Grounds of Appeal

The grounds of appeal can be summarised as follows :

6.1.1 The proposed car park land use is undesirable.

- The car park land use proposed is undesirable, due to the sensitive nature of the application site, and its location within the Drogheda Heritage Quarter.
- At this location, the proposed car park is contrary to the development Policies and Objectives set out in the Drogheda Development Plan 2011, the Town Wall Conservation Plan 2006, and the Urban Design Framework Plan for the Heritage Quarter 2013

6.1.2 Adverse Impacts on the Medieval Walled Circuit.

- Drogheda Development Plan 2011 (Chapter 8 – Conservation and Heritage)

Due to its close proximity to the town wall circuit, the proposed car park use would be contrary to Policy CH13.

- Conservation Plan – Town Walls and other Defences of Drogheda (2006)

The proposed car park will not enhance or support the identity or importance of the Town Walls, as the key historic element of Drogheda.

The proposed car park is contrary to the strong emphasis placed on creating a ‘vision’ for the Town Walls, by way of protection and retention of the Historic Integrity of the Medieval Town Wall, and conservation, maintenance and repair of the standing and exhibited below ground structural remains.

The surface car park land use, at this location, would detract from the vision of creating an ‘identity’ around the Old Town Wall.

6.1.3 Proximity to Magdalene Tower and the site’s strong archaeological value.

- The site is in close proximity to the Magdalene Tower, listed as a Protected Structure and with a ‘Regional’ rating.
- Having regard to the applicant’s Archaeological Assessment report, the application site clearly holds strong archaeological value that should be further investigated and explored.
- In recommending refusal, the County Conservation Officer regarded the proposed car park as premature pending further investigation to determine the full extent of the ruined Dominican Friary. Having regard to the strong insitu archaeological potential of the site, to permit development would rule out future investigation, research and interpretation of the Dominican Friary, or enhancement of its setting.

6.1.4 Urban Design Framework Plan for the Heritage Quarter Drogheda (May 2013).

- The Plan emphasises that development within Drogheda's Heritage Quarter should add to architectural urban value and enhance the setting of the surrounding area.
- The proposed car park would not contribute to the enhancement of Drogheda's Heritage Quarter, and would not be consistent with the Development Plans policies, objectives and guidelines.

6.1.5 Justification.

- The need for justification for the proposed car park, was the initial concern of An Taisce.
- The Louth Heritage Officer shared this need for justification of why a car park is needed at this location.
- The application would obstruct public policy to facilitate access to the line of the former town walls.
- Section 6.3.1 sets out considerations for attention, for proposed development to improve the quality of the public realm.
- The proposed car park at this location, has not been justified. Nor does it propose to actively integrate archaeology, or create an opportunity to present the Medieval Walls in a positive manner.
- The proposed car park, is to facilitate the use of the currently vacant large office building on Magdalene Street, currently without car parking, and in the ownership of the applicant.

Map 5.10 of the Urban Design Framework Plan for the Heritage Quarter Drogheda (May 2013) outlines off-street public parking (both surface and multi-storey) locally. Distinguishing between the underused private multi-storey car parks, and the Council surface car parks some of which are located on important public spaces, the Plan advocates implementation of a gradual programme of public space recovery and enhancement, which would reduce the extent of car parking within the important public spaces, and thereby enabling their use for broader pedestrian activities.

Therefore, granting permission for additional surface car-parking within Drogheda Heritage Quarter would be contrary to achieving the programme of public space recovery.

- Map 5.3 of the Urban Design Framework Plan for the Heritage Quarter Drogheda (May 2013) outlines urban paved spaces locally. Site No.20 relates to Magdalene Street / Rope Walk, adjacent to the application site. Site No.20 is noted as lacking activity and categorised as poor in terms of movement, particularly pedestrian accessibility.

Accordingly, argue this location is not suitable for a surface public car park due to the lack of pedestrian accessibility to and from this locality. A grant of permission would restrict future development of what could be considered as more appropriate uses on the application site.

6.1.6 Conclusion.

- The proposed development does not comply with the Drogheda Development Plan 2011-2017, the Conservation Plan – Town Walls and other Defences of Drogheda (2006) and the Urban Design Framework Plan for the Heritage Quarter Drogheda (May 2013)
- The County Conservation Officer recommended refusal.
- The County Heritage Office raised concerns regarding the development of a car park on the site.
- The proposed development :
 - is undesirable.
 - would not contribute to the quality, enhancement and protection of Drogheda's Heritage Value
 - would not successfully achieve improvement of public awareness and identity of surrounding heritage features
 - would impede future, more sustainable uses of this site.

6.2 Planning Authority Response

6.2.1 The Planning Authority :

- Were mindful of the site contextual location within the walls of the medieval town of Drogheda, and
- Had regard to the Urban Design Framework for Drogheda

6.2.2 A surface car park was considered acceptable having regard to :

- The need for sustained vitality and viability of an unoccupied commercial property on Magdalene Street, currently without car parking. The application site, currently underutilised, was considered as appropriate for such complementary surface car park use.
- The complexity of issues relevant to the application site, should it be developed and with specific attention to the archaeology. Archaeological considerations determined the site as unsuitable for development with buildings, due to the undesirable impacts of foundations. The ACS Archaeological Assessment determined early on that any development on site, “should be restricted to the top 300mm on average over the northern half of the site”. Accordingly, a surface car park was considered as a suitable, viable land use, and having particular reference to the need for public car parking to serve the commercial property on Magdalene Street.
- Archaeological conservation was addressed as part of Further Information (F.I.) consultation. A proposed redesign and methodology to preserve and protect the archaeology on site was submitted as F.I. Having regard to the F.I. “Archaeological Conservation Plan and Archaeological Strategy”, the Department of Arts, Heritage and the Gaeltacht had no objection to the proposed development, subject to implementation of the recommendations of the F.I. report.
- Having regard to the Urban Design Framework, the Planning Authority is committed to the programme of public space recovery, of car parking areas. However, the application site is not a public space. Rather, it is a private site and formerly an old agricultural yard area.
- A Condition was attached to the decision to grant planning permission, requiring that the recommendations, mitigation measures and strategy as set out in the Conservation Plan and Archaeological Strategy, be implemented fully.
- The planning report has regard to heritage concerns, and recognises the archaeological value of the site. It also had regard to the relevant Drogheda Borough Development Plan 2011-2017 policies. However, the reports purpose is to derive an appropriate balance in the consideration and assessment of the issues.
- A surface car park may not be an ideal solution. However, together with heritage considerations, a key issue for attention was enabling the full potential of a currently unoccupied, underutilised developed commercial building, due to car parking.
- No objection to a temporary permission being decided for the surface car park, in order to optimise the potential of existing office development on Magdalene Street.

6.3 Applicants Response

6.3.1 Surface Car Park Land Use.

- Surface car park land use, located behind the building line, using an existing entrance, is not undesirable land use within a town centre context.
- taking car parking off street and using vacant, backland brownfield sites for car parking enables preservation of the public realm and the demand reduction on surface car parks located in important public spaces.

6.3.2 Development Plan Compliance.

- The proposed development complies with the Development Plan and Framework Plan Objectives for the recovery of public spaces. These Objectives cannot be achieved by ignoring the need for car parking.
- Whereas the 3rd party appellant references other underutilised multi-storey car parks within Drogheda, spaces within these are not available for lease to local employers on a long term basis. Rather, these spaces are provided as a requirement under Development Plan Standards and Conditions attached to permissions granted for retail developments. Accordingly, these spaces are required to be kept available for use by shoppers.
- The overall successful provision of car parking, involves a number of type options, including :
 - public on street parking,
 - private multi-storey type developments, available to the public, and
 - private car parking spaces for employers and residents.The proposed development accords with the reality, and is located and designed to have minimum adverse impact.

6.3.3 Impacts on the Town Wall.

- The applicant's Archaeological Assessment found no evidence of the Town Wall on the application site.
- The consultant archaeologists were of the view that the line of the Town Wall is located to the north of the application site.
- Accordingly, the 3rd party appellant's concerns regarding negative impact on the Town Wall are unfounded.
- The Town Wall is not present on the application site.

6.3.4 Appropriate Use of the Application Site.

- The proposed development will result in the site being opened up, with no consequent building or subsurface works, and will improve accessibility into the area.
- Whilst not normally open to the general public, the applicant is willing to facilitate such access, on occasion, in order to support local events or guided tours.

6.3.5 Archaeological Issues.

- The F.I. Archaeology Conservation Plan includes for :
 - the in-situ remains on site, and
 - monitoring, recording and recovery of remains discovered during construction.
- The County Louth Archaeological Society had no objection to the Conservation Plan.
- The Department of Arts, Heritage and the Gaeltacht had no objection to the proposed development, subject to implementation of the Conservation Plan. The Planners report dated 05/07/2016 notes this opinion.
- Noting the presence of significant archaeological remains on site, any development proposed for the application site will face this challenge.
- The proposed development accords with land use objectives, and has been designed so as to minimise adverse impacts to archaeology.
- The F.I. Conservation Plan effectively deals with the Conservation Officers statement that the proposed development would rule out “future research investigation and interpretation of the Dominican Friary element of its setting”.
- Rather, the proposed development, by virtue of there being no subsurface construction works, guarantees the opportunity for future research and investigation, whilst enabling a land use positively contributing to the town centre.
- The proposed development will not impede future more sustainable uses of the application site. Potential for future other, or alternative use of the site, remains unaltered.

6.3.6 The Heritage Quarter.

- By taking surface car parking off street, and placing it behind the building line, on unused brown field sites, the proposed development makes a valuable contribution to the enhancement of the Heritage Quarter.
- By reducing demand for public and on street car parking, the recovery of important public spaces is enabled.

- If the proposed development were to be refused, potential office workers at the Market Plaza would be forced to occupy on street car parking and nearby public car parks.
- Future recovery of these car parks to enable important civic spaces, is dependent on alternative options for car parking being provided.
- The proposed development positively contributes to the enhancement of the Heritage Quarter.

6.3.7 Pedestrian Accessibility.

- None of the pedestrian accessibility and safety issues argued by the 3rd party appellant, impacts on the proposed users of the surface car park.
- Pedestrian users of the car park will not have to cross Magdalene Street, in order to move between the Market Plaza building and the proposed car park.
- Rather, the analysis referenced, compared and contrasted various nodal points in Drogheda, from a qualitative perspective, and is not relevant to the development currently proposed.

6.3.8 Conclusion.

- Contrary to the appeal arguments made, the proposed development makes a significant contribution towards the success of the town centre, by way of enabling a mix of complementary land uses, whilst responsibly protecting the archaeology on site.
- Request that the Board uphold the decision by Louth County Council to grant planning permission.

6.4 Observations

None

7.0 Assessment :

- 7.1 I have examined the file and available planning history, considered the prevailing local and national policies, physically inspected the site and assessed the proposal and all of the submissions. The issue of appropriate assessment also needs to be addressed. The following assessment covers the points made in the appeal submissions, and also encapsulates my *de novo* consideration of the application. The relevant planning issues relate to :
- Principle and Location of the proposed development.
 - Visual Amenity Impact / Streetscape.
 - Site Archaeology.
 - Protect and Preserve Medieval Structures - Drogheda Town Walls.

- The Urban Design Framework Plan for the Heritage Quarter Drogheda (May 2013).
- Justification for the proposed surface car park.
- Road and Pedestrian Access and Traffic Safety.
- Appropriate Assessment.

7.2 Principle and Location of the proposed development.

7.2.1 I believe the planning ‘principle’ of a car park development on the application site at Ropewalk, Drogheda, has been established. Zoned “RE – Residential Existing: To protect and enhance the amenity of developed residential communities”, the applicable zoning matrix designates car park land use as being open for consideration within the zone.

7.2.2 However, the application site is located within the Drogheda Medieval Town Walls and the associated designated Heritage Quarter. Whilst “open for consideration” within the RE Zone, justification of a new surface car park at this location is therefore required having regard to –

- need for such a development,
- other general planning considerations such as visual impact, residential amenity interference, general servicing and traffic and pedestrian safety, and
- Conservation and Heritage issues as provided for at –
 - Chapter 8.0 Conservation and Heritage of the Drogheda Development Plan 2011-2017,
 - Section 6.1 Vision and Key Objectives of the Urban Design Framework Plan for the Heritage Quarter Drogheda (May 2013), and
 - Section 6.2 Policies of the Conservation Plan – Town Walls and other Defences of Drogheda (2006).

I note that the concerns of the 3rd party appellant – An Taisce, and the other 3rd parties to the initial application – the County Conservation Officer and Heritage Officer and the Department of Arts, Heritage and the Gaeltacht (DAU), all address Conservation and Heritage issues.

7.2.3 The challenge to the applicant therefore, having regard to Conservation and Heritage considerations, and the relevant requirements of the three local statutory planning references, is to ensure the proposed car park development, has no disproportionate adverse impact on medieval Drogheda at this locality, and no unacceptable impact on the amenities enjoyed by the surrounding neighbours.

7.3 Visual Amenity Impact / Streetscape.

- 7.3.1 The sense of place of the Drogheda Heritage Quarter at this location is clearly influenced by the historical medieval town layout, including the Town Wall remains and the Magdalene Tower and Dominican Friary, all set in a local, urban, topographical and environmental context. This is clearly contextualised with the Urban Design Framework Plan for the Heritage Quarter Drogheda (May 2013), and the Conservation Plan – Town Walls and other Defences of Drogheda (2006)
- 7.3.2 I have taken note of the established, contextual scale and pattern of mixed historical and modern urban development along each of the approaches towards the application site generally, and proximate to the proposed entrance off Ropewalk specifically. In my view, and having regard to my own observations made at the time of site visit, as one moves along Magdalene Street and Ropewalk, excepting for the entrance, which itself is an existing entrance, no reasonable direct inter-visibility is possible of the application site located to the rear of the row of houses and buildings fronting onto Ropewalk and Magdalene Street. This comprehensive screening by existing urban fabric and topography, is also clearly apparent as one moves along Moores Lane, the pedestrian walkway to the east of the application site enabling access to Magdalene Tower, linking Magdalene Street in the south, with Patrick Street in the north. From Patrick Street to the north, no view of the application site is possible (see photographs attached).

Accordingly, I believe the proposed surface car park development in itself, located behind the historical building line, using a vacant, backland, brownfield site and an existing entrance would have no disproportionate negative visual impact on the established unique character and streetscape of the locality specifically, and the Drogheda Heritage Quarter generally. In this regard, I have noted that the proposed car park to be used by the employees of the office complex approximately 100m south along Magdalene Street, must reasonably be expected to be vacant after office-hours and over weekends.

- 7.3.3 Subject to compliance with the recommendations set out in the Archaeological Conservation Plan and Archaeological Strategy, submitted by the applicant as F.I., I conclude no serious disproportionate negative visual amenity impact will result. The proposed development would therefore, be in accordance with the RE zoning objective, and the proper planning and sustainable development of the area.

7.4 Site Archaeology.

- 7.4.1 The proposed surface car park development does not involve any subterranean works. Having regard to all of the information available, I am satisfied that a surface car park has been demonstrated as an acceptable land use at this location having regard to the complexity of issues relevant to the application site, should it be developed and with specific attention to the site archaeology. In fact, archaeological considerations by the applicant directly determined the site as unsuitable for development with buildings, due to the undesirable impacts of foundations. Specifically, the applicant's initial Archaeological Assessment determined early on that any development on site, "should be restricted to the top 300mm on average over the northern half of the site". Accordingly, a surface car park was considered as a suitable, viable land use, and having particular reference to the applicants need to service the Market Plaza Office Complex on Magdalene Street with car parking for its employees.
- 7.4.2 In response to the concerns of the Planning Authority, the County Conservation Officer and Heritage Officer, the Department of Arts, Heritage and the Gaeltacht (DAU) and the County Louth Archaeology and Historical Society, archaeological conservation was addressed by the applicant in more detail, as part of Further Information (F.I.) consultation. A proposed redesign of the project and methodology to preserve and protect the archaeology on site was submitted as F.I. This included an "Archaeological Conservation Plan" (prepared by B. Hughes) and an "Archaeological Assessment of Proposed Conservation Strategy ..." (prepared by D. Murphy), and which supplemented the applicant's initial "Archaeological Assessment" (prepared by ACS - Archaeological Consultancy Services).
- 7.4.3 The applicant's archaeological strategy clearly commits to and details mitigation measures to preserve the in-situ archaeological deposits and features on site, and to record and excavate any vulnerable deposits / remains discovered close to the surface during construction. Specifically, following completion of the stripping of topsoil / overburden from the site, and the recording of the upper level archaeological features and structures, a plan of the site is to be prepared by the archaeology consultant. This site plan is to be used to inform the creation of a "Site Information Panel", located on site, which will show the location of the principle features uncovered, and briefly explain their significance. In this regard, I believe the applicant's commitment satisfactory addresses Policy Section 8.4.4 of the Drogheda Development Plan 2011 which encourages the need for identity, access and public recognition of the medieval town walls, as well as the remains of the Magdalene friary complex, about which the 3rd party appellant and County Conservation Officer argued concern.

7.4.4 I believe that the “Archaeological Conservation Plan” (prepared by B. Hughes) effectively deals with the County Conservation Officer’s concern that the proposed development would rule out “future research investigation and interpretation of the Dominican Friary element of its setting”. Rather, the proposed car park, by virtue of there being no subsurface construction works, guarantees the opportunity for future research and investigation, whilst immediately enabling a land use positively contributing to the Drogheda town centre, by way of provision of off-street car parking to meet a specific need. In further response to the Conservation Officer’s concerns, I believe the proposed 46no. space car park will not impede the potential for future more sustainable uses of the application site. Clearly, the potential for future other, or alternative use of the site, is entirely possible.

7.4.5 Subsequent to their consideration of the applicant’s archaeological F.I submissions, I note that the Department of Arts, Heritage and the Gaeltacht (DAU) had no objection to the proposed development, subject to strict implementation of the recommendations of the F.I. archaeology reports. The County Louth Archaeology and Historical Society recommended similarly.

In this regard, a Condition was attached by the Planning Authority to the decision to grant planning permission, requiring that the recommendations, mitigation measures and strategy as set out in the Archaeological Conservation Plan and Archaeological Strategy, be implemented fully by the applicant.

7.4.5 Accordingly, having regard to all of the information available, I conclude that subject to compliance with and strict implementation of the applicant’s F.I. “Archaeological Conservation Plan and Archaeological Strategy”, the proposed car park development would satisfactorily comply with the relevant provisions of the Drogheda Development Plan 2011-2017, the Urban Design Framework Plan for the Heritage Quarter Drogheda (May 2013), and the Conservation Plan – Town Walls and other Defences of Drogheda (2006), and subject to Conditions, would be in accordance with the RE zoning objective and the proper planning and sustainable development of the area.

7.5 Protect and Preserve Medieval Structures - Drogheda Town Walls.

7.5.1 In response to the 3rd party appellant’s concerns regarding adverse impacts consequent of the proposed surface car park development on the Drogheda Medieval Walled Circuit, I note that the applicant’s archaeological assessment found no evidence of the Town Wall on the application site. Rather, the consultant archaeologists were of the view that the line of the Town Wall is

located to the north of and away from the application site. Accordingly, I am inclined to the view that the 3rd party appellant's concerns regarding direct negative impact on the Town Wall appear unfounded.

7.5.2 Whilst it would appear that the Town Wall is not present on the application site, I believe that the proposed development itself provides an opportunity to realise the Urban Design Framework Plan objective, to recover and present the historic line of the Town Medieval Walls. The demolition and clearance of the site, will also facilitate increased access to the Medieval Walls. In my view, the proposed development will further address the priority issue regarding the "lack of identity" of Drogheda's Medieval Walls, by way of providing opportunity to create the identity considered as a priority at Policy Section 8.4.4 of the Drogheda Development Plan 2011, as well as access and public recognition.

7.5.3 I further note the applicant's commitment to providing public access to the Town Wall Route, should any evidence of it be discovered on the site. This will include co-operation with any Local Authority initiatives, to permit access, in order to support local events or guided tours, as examples.

7.5.4 Accordingly, having regard to all of the information available, I conclude that subject to compliance with and strict implementation of the applicant's F.I. "Archaeological Conservation Plan and Archaeological Strategy", the proposed car park development would satisfactorily comply with the relevant provisions of the Drogheda Development Plan 2011-2017, the Urban Design Framework Plan for the Heritage Quarter Drogheda (May 2013), and the Conservation Plan – Town Walls and other Defences of Drogheda (2006), and subject to Conditions, would be in accordance with the RE zoning objective and the proper planning and sustainable development of the area.

7.6 The Urban Design Framework Plan for the Heritage Quarter Drogheda (May 2013).

7.6.1 Contrary to the 3rd party appellant's concerns, I believe that by taking demand for surface car parking to serve the Market Plaza office complex off street, and placing it behind the historical building line, using a vacant, backland, brownfield site and an existing entrance, no disproportionate negative visual impact on the established unique character and townscape of the Drogheda Heritage Quarter will result.

7.6.2 Rather, I am satisfied that the proposed private surface car park has the potential to positively contribute to the enhancement of the Heritage Quarter. By reducing demand for public and on street car parking, the recovery of

important public spaces is enabled, and which is an expressed objective of the Urban Design Framework Plan 2013. If the proposed development were to be refused, potential office workers at the Market Plaza office complex on Magdalene Street would consequently be forced to occupy on street car parking and existing nearby public car parks. In my view, this scenario would be in conflict with the vision and objectives for the Drogheda Heritage Quarter, set out in the Urban Design Framework Plan 2013.

- 7.6.3 In principle, the feasibility of future recovery of these existing public car parks in order to enable important civic spaces within the Heritage Quarter, in accordance with Plan objectives, is dependent on alternative options for car parking being provided. I believe the proposed car park directly enables such an alternative option for off-street car parking, and out of sight.

Having regard to the Urban Design Framework Plan 2013 objectives, I note the Planning Authority is committed to the programme of public space recovery, of car parking areas. In the current instance however, the application site is not a public space. Rather, it is a private site and formerly an old agricultural yard area.

- 7.6.4 I accept as reasonable, the applicant's arguments that the proposed off-street surface car park, to be exclusively used within office hours by the employees of the Market Plaza office complex on Magdalene Street, positively contributes to the enhancement of the Heritage Quarter.

- 7.6.5 Accordingly, having regard to all of the information available, I conclude that the proposed car park development would satisfactorily comply with the relevant provisions of the Urban Design Framework Plan for the Heritage Quarter Drogheda (May 2013), and subject to Conditions, would be in accordance with the RE zoning objective and the proper planning and sustainable development of the area.

7.7 Justification for the proposed surface car park.

- 7.7.1 A chronology of historical planning permissions exist at 9A – 11 Magdalene Street, Drogheda, County Louth, from the initial proposed 4-storey mixed use development under **Reg.Ref.Nos'.05/232** and **06/324**, to 4-storey commercial offices granted most recently under **Reg.Ref.No.15/273** (see paragraph 4.2 above, and relevant copies of case history documentation attached). This site is approximately 100m south of the application site, and located on the western side of Magdalene Street. On the information available, and having regard to observations at the time of site visit, this multi-storey office complex has never been occupied. The primary reason for the sustained vacancy of

the Market Plaza office complex at this prime, highly visible town centre location, is understood to be the demand for car parking by office employees.

- 7.7.2 The proposed standalone car park, is entirely to facilitate the use of the currently vacant large office building Market Plaza, currently without car parking, and in the ownership of the applicant. The sustained vacancy and underperformance of Market Plaza complex, has negatively impacted the amenities of Magdalene Street located within the wider Drogheda Heritage Quarter.

In direct response to the concerns of the County Heritage and Conservation Officers, and the 3rd party appellant, I believe a surface car park at the backland location proposed is acceptable, having regard to the need for sustained vitality and viability of the nearby Market Plaza building on Magdalene Street, currently without car parking. Having regard to the RE Zoning Objective, and to the “open for consideration” designation, I believe the application site, currently underutilised, to be appropriate for such complementary surface car park use.

- 7.7.3 As discussed above, the applicant has clearly recognised up front the archaeological value of the application site, located within the Town Walls of Medieval Drogheda. Clearly, in response to the concerns of all of the Planning Authority, the County Conservation and Heritage Officers, the Department of Arts, Heritage and the Gaeltacht (DAU), the County Louth Archaeology and Historical Society and the 3rd party appellant, archaeological heritage and conservation was addressed by the applicant in more detail, as part of Further Information (F.I.) consultation. Certainly, in deriving the recommendation to grant planning permission, subject to Conditions, I note the Planning Authority’s planning report, in recognising the archaeological value of the application site, gave diligent attention to the conservation and heritage concerns, as well as to the relevant sections of all of the Drogheda Development Plan 2011-2017, the Urban Design Framework Plan for the Heritage Quarter Drogheda (May 2013), and the Conservation Plan – Town Walls and other Defences of Drogheda (2006). However, I understand the purpose of the planning assessment of the proposed surface car park, located within the Heritage Quarter, is to derive an appropriate balance in the consideration and assessment of the relevant issues.

- 7.7.4 As emphasised by the County Heritage Officer particularly, a surface car park may not be an ideal solution at this location. However, together with conservation and heritage, amenity and traffic and pedestrian safety considerations, a primary issue for attention was the opportunity to enable the full potential of a currently unoccupied, underutilised developed office building on Magdalene Street, due to car parking.

Therefore, contrary to the appeal arguments made, I believe the proposed car park development would make a positive contribution towards the success of the Drogheda town centre, by way of enabling a mix of complementary urban land uses, whilst responsibly identifying, protecting and preserving the archaeology on the application site. In direct attention to the heritage and conservation of the Drogheda Heritage Quarter, a Condition was attached to the Planning Authority's decision to grant planning permission, requiring that the recommendations, mitigation measures and strategy as set out in the Archaeology Conservation Plan and Archaeological Strategy, be implemented fully.

7.7.5 Whereas the 3rd party appellant references other underutilised multi-storey car parks within Drogheda, I agree with the Planning Authority view that the spaces within these existing car parks are not available for lease to local employers on a long term basis. Rather, these spaces are specific to that development, and are provided as a requirement under Development Plan Standards and Conditions attached to permissions granted for retail developments. Accordingly, these spaces are required to be kept available for use by local shoppers.

7.7.6 Accordingly, having regard to all of the information available, I conclude that subject to compliance with and strict implementation of the applicant's F.I. "Archaeological Conservation Plan and Archaeological Strategy", the proposed car park development would satisfactorily comply with the relevant provisions of the Drogheda Development Plan 2011-2017, the Urban Design Framework Plan for the Heritage Quarter Drogheda (May 2013), and the Conservation Plan – Town Walls and other Defences of Drogheda (2006), and subject to Conditions, would be in accordance with the RE zoning objective and the proper planning and sustainable development of the area.

7.8 Road and Pedestrian Access and Traffic Safety.

7.8.1 The suitability of the application site for development will be determined amongst others, with reference to traffic hazards caused by development and additional access onto the tightly configured urban public road network within the Drogheda Heritage Quarter.

The existing modest entrance between houses, off Ropewalk, is proposed to serve the revised 46no. space car park. An electric gate with keypad control, will restrict direct access off Ropewalk. The westerly approach along the narrow Ropewalk, is the only vehicular access way possible. A single left turn enables access into the car park. Correspondingly, vehicles exiting will left

turn, with the stop junction onto Magdalene Street a short distance away, enabling both left and right turns. The direct line enabling pedestrian accessibility between the office complex approximately 100m due south along Magdalene Street and the car park, is all the way along the western sidewalk. The Green Lanes and Ropewalk in front of the proposed entrance, require navigation by pedestrians.

- 7.8.2 Good sight line visibility is available to the west, along Ropewalk. Good sight intervisibility also exists between the proposed entrance, and the Ropewalk junction with Magdalene Street. The applicant's F.I. Drawing No.328-02-002 Rev A details the proposed sightlines, in accordance with Table 4.2 and Section 4.4.5 of the Design Manual for Urban Roads and Streets. Notably, having regard to my own observations at site visit, and to the applicant's traffic impact assessment is that traffic volumes along Ropewalk are low. No appreciable queuing at the Magdalene Street junction was also apparent. Further, both the legal urban speed limited and the in situ speed inhibitors along Ropewalk, effectively ensure vehicles approach the entrance into and out of the proposed car park, and the junction onto Magdalene Street at low speeds.

The car park spaces are intended for exclusive use by the employees of the office complex to the south along Magdalene Street. Consequently, no general public access and use will be possible. It must therefore be reasonably expected, that the car park should be filled by approximately 09h00 (peak flow) and empty later in the afternoon by 18h00. Traffic movements outside of these peak times are expected as negligible. With respect to queuing, use of the car park exclusively as office employee parking from a single specific office complex, means that most of the morning traffic will be exclusive into the car park, before 09h00, and with no cars leaving the car park at that time. Consequently, queueing along Ropewalk would be unlikely. Later in the evening, as employees leave, any queueing will be contained within the car park layout itself, with no substantive impact on other users of Ropewalk.

In my view, no serious, disproportionate threat to traffic safety locally, will result from the increased loading of the local urban road network with motor vehicles, and the associated traffic movements off and onto Ropewalk, as well as Magdalene Street.

- 7.8.3 With respect to safe pedestrian connectivity I do not believe that the accessibility and safety issues argued by the 3rd party appellant, impact on the office complex employees, as intended users of the car park.

Clearly, the busiest of the roads locally is Magdalene Street. The office employees moving between the Market Plaza building on Magdalene Street and the car park approximately 100m due north, have no reason to cross Magdalene Street at all. Rather, the direct line enabling pedestrian connectivity is all the way along the concrete western pedestrian sidewalk along Magdalene Street. The Green Lanes and Ropewalk in front of the proposed entrance, require navigation by pedestrians. In my view, this is reasonably and safely achievable (see attached photographs).

The 3rd party appellant points out that Map 5.3 of the Urban Design Framework Plan for the Heritage Quarter Drogheda (May 2013) demonstrates that "Site No.20" relating to Magdalene Street / Rope Walk, opposite the application site is lacking activity and is categorised as poor in terms of movement, particularly pedestrian accessibility. Accordingly, they argue that this location is not suitable for a surface public car park due to the lack of pedestrian accessibility to and from this locality.

Having thoroughly inspected this locality, I hold the contrary view. The modest green space on the corner of Ropewalk and Magdalene Street, opposite the proposed entrance into the car park is pleasantly presented, with good landscaping and existing potential for activity. Certainly, pedestrian accessibility is excellent, with the Magdalene Street sidewalk amongst others, along its eastern boundary, enabling direct pedestrian connectivity passed this space, to the car park. Rather, I am inclined to the view that Site No.20 shown on Map 5.3 of the Urban Design Framework Plan is not a relevant consideration in this instance.

As part of the applicant's F.I. submission, I have also noted that in order to ensure safe provision for pedestrians accessing the car park and crossing the entrance, a separate pedestrian entrance has been proposed, along with dished kerbs, in accordance with the Design Manual for Urban Roads and Streets (see Drawings No. 328-02-002 RevA and 328-02-003).

7.8.4 Accordingly, I affirm the proposed car park development with direct vehicular and pedestrian access onto Ropewalk, to be satisfactory from a traffic safety point of view, and in accordance with the proper planning and sustainable development of the area.

7.9 Appropriate Assessment.

7.9.1 Having regard to the nature and scale of the proposed development, to the location of the site within a fully serviced urban environment, and to the separation distance to any European site, no Appropriate Assessment issues

arise and 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 should be granted for the reasons and considerations as set out below.

9.0 Reasons and Considerations :

- 9.1** Having regard to the “RE” Zoning Objective for the area as set out in the Drogheda Development Plan 2011-2017 and the pattern of urban development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the provisions of the Development Plan, would not seriously injure the amenities of the Ropewalk / Magdalene Street neighbourhood or of property in the vicinity, would not be prejudicial to public health and would be acceptable in terms of traffic safety and convenience. 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 submitted on the 16th day of June 2016, 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.

Reason : In the interest of clarity.

- 2.** (a) The recommendations, mitigation measures and strategy as set out in the archaeology conservation plan and archaeological strategy shall be implemented in full.

- (b) Following the completion of the stripping of topsoil / overburden from the site and the recording of the upper level archaeological features and structures, a plan of the site will be prepared and will be used to inform the creation of an information panel on site which will show the location of the principle features uncovered and explain their significance. The location of the proposed panel to be agreed in writing with the Planning Authority, prior to the commencement of development.

Reason: To ensure the continued preservation of the site, its features and other objects of archaeological interest and protect the character and setting of the town wall circuit and the preservation and enhancement of the amenity associated with the presence of the walls within the historic urban pattern.

3. The construction of the development shall be managed in accordance with a Construction Management Plan, 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 management measures,
- measures to prevent and mitigate the spillage or deposit of debris, soil or other material on the adjoining public road network, and
- off-site disposal of construction / demolition waste, and details of how it is proposed to manage excavated soil.
- details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels

The developer shall be obliged to comply with the requirements set out in the Code of Practice.

Reason : In the interests of public health and safety and residential amenity.

4. (a) 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.
- (b) Cognisance shall be taken of the requirements of BS 5228 Part 1 1997 (Noise and Vibration Control on Construction and Open Sites).
- Reason:** In the interest of sustainable waste management, orderly development, and the prevention of pollution.
5. Physical infrastructure and servicing arrangements to enable the proposed development, shall comply with the requirements of the Planning Authority for such works and services.
- Reason :** In the interest of public health, traffic safety and orderly development.
6. During the course of construction work the developer shall provide on-site, a covered skip or other suitable receptacle for the deposit therein of all rubbish, litter, paper, packaging, rubble and other such materials arising from the works, and shall ensure that the site and its environs are maintained at all times in a clean and tidy condition.
- Reason:** In the interest of sustainable waste management and the visual amenity of the area.
7. Site development and building works shall be carried out only between the hours of 08h00 to 16h00 Mondays to Saturdays inclusive, 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.
8. 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

L W Howard
Planning Inspector

11th November 2016