



An
Bord
Pleanála

Inspector's Report ABP-303616-19

Development	Change of use from public house to offices.
Location	Corrigan's Public House, 91-93 George's Street & Rear of 95 George's Street & Boyne Centre, Bolton Street, Drogheda, Co Louth
Planning Authority	Louth County Council
Planning Authority Reg. Ref.	18775
Applicant(s)	Leonard & Woods Development Ltd.
Type of Application	Permission.
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Paul Matthews.
Observer(s)	None.
Date of Site Inspection	14 th of May 2019.
Inspector	Karen Hamilton

1.0 Site Location and Description

- 1.1. The subject site is located to the north of Drogheda Town Centre and includes a derelict public house, fronting onto Georges Street, with associated rear buildings. St Peter's National School is located to the east of the site, accessed from Bolton Street, and a Medieval Wall, part of the Drogheda Wall Circuit, separates the site from the school.
- 1.2. The subject site is connected to the Boyne Centre, a mixed use retail and office building, to the north and east of the site, and the site is accessed at the rear via a private carpark associated with the Boyne Centre.
- 1.3. A row of terraced dwellings radiate from the south of the site fronting onto Georges Street. No. 96 Georges Street is directly adjacent to the south of the site and a large block wall runs between No 95 and No 96.

2.0 Proposed Development

- 2.1. The proposed development would comprise of the following:
 - demolition of existing 2 storey rear extension to public house (646.5 m²), 2 storey derelict out buildings (86 m²) and part single storey extension to Boyne Centre (36.1 m²),
 - change of use from public house to medical/office/commercial accommodation to remaining building (237 m²),
 - associated minor elevational changes and 2 storey rear extension (81.2m²),
 - provisions of car parking (23 no. spaces) with vehicular link to existing south car park, Boyne Centre and includes the relocation of 2 no. spaces previously permitted under planning permission reg. ref. 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.

3.0 Planning Authority Decision

3.1. Decision

Decision to grant permission subject to 16 no. conditions of which the following are of note:

C 4- Details of the proposed stone to be used in the paving to delineate the Medieval Town Wall and inclusion as part of the final wearing course and retained.

C 5- Submission of all details of the proposed information signage on the Town Wall (content, design, materials and location) and retained for 1 year of commencement of development.

C 6- Submission of all information on any alterations required to the Town Wall or the adjoining Protected Structure (ST Peters NS) not specified in the application.

C 7- Archaeological Monitoring

C 8- Provision of adequate visibility, layout and orientation of parking spaces and appropriate finish of roadside kerbing and footpaths.

C 9- Surface water design and disposal in compliance with the submitted Drainage Report.

C 13- Submission of a Section 254 licence.

C 15- Compliance with shop front details as per details submitted on the 25th of September and restriction on additional signage and advertisements.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the area planner reflects the decision to grant permission following the submission of further information on the following:

1. Car parking spaces where modified to reflect the required specifications (2.5m by 5.0m),

2. Alteration of the access to allow appropriate visibility for both pedestrians and vehicles, inclusion of signage and road markings and guard rail to space pedestrians and motorists.
3. Inclusion of a proposed security gate to prevent vehicular parking between 6 pm and 6 am and operated by the Boyne Centre Management Staff.
4. The submitted plans indicate the inclusion of the fire door closed off.
5. The layout for the enclosed carpark will conform to fire safety measures and there is no requirement for fire brigade tender access into the carpark as there are access points elsewhere. In addition, an ambulance will be able to negotiate the circulation aisle in the carpark.
6. A public lighted design proposed is submitted.
7. Proposed paving and associated signage will enhance the location of the Medieval Town Wall. The proposed additional measures required for the parking, above, or any other works, will not have a negative impact on the Medieval Town Wall.

The planning application was accompanied by the following:

- An Archaeological Impact Report
- Proposed transport and parking assessment
- Road Safety Audit.

3.2.2. Other Technical Reports

Conservation Officer- No objection to proposal.

Infrastructure Section – No objection to proposal.

3.3. **Prescribed Bodies**

None received.

3.4. **Third Party Observations**

One third party submission was received from the appellant and owner of property to the south of the site, No. 96 -97 George's Street, and the issues raised, including the impact on rear wall and residential amenity, are addressed in the grounds of appeal.

4.0 **Planning History**

Reg Ref 17/261

Permission granted for 2 no parking spaces to the north of the Boyne Centre, a single storey upper ground floor extension to the south of the existing building, new signage, entrance and shop front to the west façade, new signage to the north elevation and minor elevation changes to the building.

Reg Ref 16/405

Permission granted for a change of use and minor alterations of existing upper ground units 7, 9, 10 and 11 from shop use to medical consulting, community facility use.

5.0 **Policy and Context**

5.1. **Drogheda and Borough Development Plan 2011-2017**

The site is located on lands which are zoned Town Centre where it is an objective to *"To protect and enhance the special physical and social character of the existing town centre and to provide for new and improved town centre facilities and uses."*

The site is located adjacent to St Peters National School and the Drogheda Medieval Wall both **protected structures**, therefore the following policies apply.

Policy CH 13- Protection of the setting of the town wall circuit.

5.2. **Natural Heritage Designations**

The site is located c. 300m north of the River Boyne and River Black Water SAC (site code 002299).

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal are submitted from the owner of the property adjoining the site and the issues raised are summarised below:

- The regeneration of an existing vacant commercial building is positive.
- The site is located beside the medieval town walls of Drogheda and the old parity walls.
- The appellant is the owner of No 96 (dwelling) and no 97 Georges Street (counselling centre).
- The counselling service was permitted in 2015 under Reg Ref 15/752. This permission is not reflected in the survey drawings for the proposed development.
- A site history for No. 97 Georges Street is provided.
- There is a wall between the subject site and the appellant's site which varies in considerable distance when viewed from the appeal site i.e. 1.7m above ground level at no. 95 and 3.7m above ground level at no. 97.
- The boundary wall is leaning towards the appellant's property.
- The concerns of the appellant have been dismissed by the Planning Authority as a civil matter.
- The proposal would have a detrimental impact on the amenity of his property.

The proposal, by failing to **address the parity wall would** give rise to serious concerns for the safety of the adjoining occupants.

- The wall will collapse before the development has been carried out.
- This is a public safety issue.
- The safety would be exacerbated by the erection of a new wall in the garden of No. 95 which would run perpendicular up to the boundary wall as indicated on submitted drawings.

- It is essential that the applicant put forward a method statement for the safe demolition and reconstruction of this boundary.

There is a serious **lack of detail on the application** form in relation to the existing and proposed integration within the appellant's property.

- This does not facilitate the integration of proper planning and sustainable development.
- The failure to consider the appropriate treatment of the wall would lead to abandonment of this boundary and anti-social problems.
- A detailed topography survey is needed showing the levels between the existing and proposed.

Integration of an urban development in an existing urban fabric is an important consideration.

- The proposed development should provide a positive contribution to this site and neighbouring properties.

The proposed development would give rise to the demolition of the wall and have a **negative impact on the adjoining property**, causing devaluation of property.

- The lack of proposal to upgrade No. 95 would also cause a negative impact on the surrounding area.
- There is a genuine cause of concern over the amenity and privacy of the counselling service.
- The new boundary wall should be of appropriate height and external finish should reflect the existing with a stone finish. An appropriate condition for the new wall is included.

The proposed development would give rise **to serious traffic concerns arising** from the internal traffic arrangements due to substandard vehicle access arrangements at a pinch point into the proposal.

6.2. Applicant Response

A response was received by the applicant and the issues raised are summarised below:

Lack of proposal to deal with the parity wall (safety and security).

- The appellant has been provided with detailed drawings and the applicant has fully engaged with the appellant during the process (emails and correspondence provided).
- The current building along Georges Street (Corrigans) will be retained, as will the existing rear boundary wall between No 95 and No 96/97 Georges Street.
- All works are outside the zone of influence of the wall.

The **serious lack of detail** does not facilitate the assessment of the proper planning and development of the area.

- The proposal will be integrated into the existing Boyne Centre with pedestrian links from Bolton Street through to Georges Street.
- The renovation of No 95 has not been included within the proposed development and the site has been made secure until such times.

Integration into the urban fabric is a serious concern and should not be dismissed as a civil matter

- The proposed development provided a positive addition to the surrounding area.
- Wall height issues are irrelevant as the existing boundary wall is retained under the applicant and any undisturbed ground buffer zone as proposed by the applicants engineering consultant.

The proposed development will give rise to the **collapse of the wall**.

- The existing wall will be retained as part of the application.
- The applicant has consulted with the appellant during the process.

There is a genuine concern of over the **impact on amenity**.

- From a privacy point of view the wall will be retained and the ground level or height at the applicant's side will be affected.

There are serious **traffic concerns**.

- The proposed development has been analysed by traffic consultants "Trafficwise", in addition to a Road Safety Audit.
- The new carpark will operate and be managed as private carpark by the Boyne Centre Management, will be closed at 6pm and opened at 6 am in the morning.

Appendix A submitted includes correspondence between the applicant and the appellant and is accompanied by detailed drawings relating to the treatment of the wall and other boundary treatments.

6.3. **Planning Authority Response**

A response was received from the planning authority and no further comments are provided.

6.4. **Observations**

None received.

7.0 **Assessment**

7.1. The main issues of the appeal can be dealt under the following headings:

- Principle of Development
- Impact on the Medieval Town Wall and Built Heritage
- Impact on the Residential Amenity
- Appropriate Assessment

Principle of Development

7.2. The proposed development refers to the demolition of a 2 storey rear extension to a public house, demolition of a 2 storey derelict outbuilding and part single storey

extension to the Boyne Centre and the change of use of an existing public house to medical/ office/ commercial.

- 7.3. The site is located on lands zoned for “Town Centre” in the development plan, where it is an objective *“To protect and enhance the special physical and social character of the existing town centre and to provide for new and improved town centre facilities and uses”* and the medical, office and commercial uses are permissible uses within this zone.
- 7.4. The grounds of appeal are in the most part, concerned with the impact of the development of a party wall and the increase of traffic via a new entrance, as discussed below and having regard to the location of the site within the town centre of Drogheda, I have no objection to the principle of the use site for the proposed development, subject to complying with other planning requirements as addressed in the following sections.

Impact on the Medieval Town Wall and Built Heritage

- 7.5. The site is located directly adjacent to Saint Peter’s National School, Bolton Street and the existing Medieval Town Wall of Drogheda, both of which are protected structures. The proposed development includes the removal of a boundary wall at the rear of the Boyne Centre carpark, adjacent to St Peters National School and the Medieval Town Wall, to accommodate a new access into the site. No works are proposed to St Peter National School. The wall to be removed has not been identified as part of the town wall circuit.
- 7.6. The Report of the Conservation Officer notes the proposed delineation and information signage adjoining and in association with the Medieval Town Wall and following the submission on further information on the treatment of road signage and marking, does not consider the proposed development would have a negative impact on the built heritage.
- 7.7. Policy CH 13 of the development plan requires the inclusion of an appropriate buffer between the town wall circuit in order to ensure the preservation and enhancement of the historic urban pattern. The works along the south of the site, closest to the town wall mostly comprise of car parking which is surrounded by decorative paving to act as a buffer between the proposed development and the existing wall.

Archaeology

- 7.8. The site is located within the Zone of Archaeological Potential of Drogheda Town (RMP LH024-041) and the proposed development includes the demolition of existing buildings and construction of an extension onto the existing Corrigan's public house. An Archaeological Report was submitted with the application which details the location and age of the medieval wall.
- 7.9. As stated above the report of the Conservation Officer had no objection to the proposal subject to the inclusion of condition of which one referenced a recommendation from the Department of Culture, Heritage & the Gaeltacht on a similar development on the site (Reg Ref 173922) which was subsequently withdrawn. Having regard to the location of the site adjacent to this medieval town wall circuit I consider the inclusion of this condition reasonable.
- 7.10. Having regard to the design and details of the proposal which do not include any alterations or disturbance to the town wall, I do not consider the proposed development would have a negative impact on this walled circuit or the character and setting of St Peters National School and therefore complies with the policies of the development plan.

Impact on Residential Amenity

- 7.11. The rear of the site, No 95 Georges Street, is located along the north of the rear garden area of No 96 Georges Street, the appellant's property. The proposed development includes the removal of existing warehouse buildings to accommodate car parking associated with the conversion and extension of the existing public house along the front of Georges Street. The existing party wall between No. 95 and No. 96 is retained as part of the overall development.
- 7.12. No 96 Georges Street, the appellant's property is occupied by a counselling service. The grounds of appeal have raised concern over the lack of detail provided in the proposal in relation to the difference in ground levels between the sites. In addition, it is stated that the impact of the overall development and activity on the site will have a negative impact on the residential amenity of No 96, and the setting of the counselling service, by way of overlooking and traffic movements along the edge of the site.

Works to the parity wall.

- 7.13. Upon site inspection it was evident there is a significant variation in the ground levels between the rear of No. 95, to the north of the site, and No. 96, to the south and an embankment drops down c. 1m below the base of the parity wall. Drwg No 2120/C03 illustrates existing and proposed ground levels of the site in comparison to No 96 along the site. The proposal does not include any alterations to the wall or the include works c. 1m from the edge of the wall and 2 no. car parking spaces are proposed adjacent to the road which will generate activity associated with those patrons accessing and egressing these spaces.
- 7.14. A buffer area of c. 2m separates the car parking spaces with the existing wall and includes a paving and grassed area, which I consider will detract any pedestrian activities along the appellant's rear boundary line. There appears to be some discrepancy between the ground levels of the proposed carparking spaces on Drwg 2120/C03 where these proposed space have a FFL of 22.10 (increase of c. 1.3m) where the drawing illustrates an increase of c 0.3m. I consider this can be rectified by way of condition restricting the height of FFL of the car parking space to 21.30. Whilst I note the height of the wall remains unaltered (1.7m in height) I consider there is a slight potential for overlooking although considering the proposed activities on an urban site, as discussed above, I do not consider there would be any significant negative impact on the amenities of No. 96.
- 7.15. The stability of the parity wall is also of concern to the grounds of appeal. I note the response from the applicant includes correspondence between themselves and the appellant referring to a number of proposals relating to the inclusion of a retaining wall. These proposals do not form part of the application nor where they submitted as a revised proposal to the appeal, therefore I have not considered them as part of this assessment. I noticed the condition of the parity wall upon site inspection which is beginning to separate from the rear of No. 95 and whilst I note the ground levels are not proposed to be altered significantly, I would consider it reasonable that a construction method statement is submitted by the applicant to ensure the proposed development will not have a significant adverse impact on the stability of this wall.

7.16. A new wall is proposed to the rear of No. 95 which will adjoin the parity wall. Full details have not been submitted and I consider a condition on any grant of permission can ensure the wall is in line with the parity wall.

Access and traffic

7.17. The proposed development generates a requirement for 20 no car parking spaces provided to the rear of the site, north of the appellant's property. Two car parking spaces are proposed along the south of the site, adjacent to the access. The report of the Roads Department notes no objection to the proposal.

7.18. The site is located within the town centre of Drogheda where the redevelopment of lands is considered appropriate and sustainable and I do not consider the provision of an additional 20 no. spaces is excessive at this location.

7.19. As stated above, I do not consider the location of the spaces would have a significant negative impact on the amenities of No 96, therefore having regard to the scale and design of the proposal I do not consider it will have a negative impact on the surrounding area.

Appropriate Assessment

7.20. Having regard to the nature and scale of the proposed development within a serviced area and separation distance to the nearest 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 the conservation objectives of any European site.

8.0 Recommendation

8.1. I recommend that planning permission should be granted, subject to conditions, as set out below.

9.0 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 the proposed development would not seriously injure the visual or residential amenity of

the area and would not detract from the character or setting of the adjacent Protected Structure or the Medieval Town Wall. 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, 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. Prior to the commencement of development the application shall submit the following revised drawings showing compliance with the requirements below for the written agreement of the planning authority:

- (a) The finished floor levels of the proposed car parking spaces and associated vehicular access along the south of the site, adjoining No 96 Georges Street, shall not be increased by more than 0.3m (FFL 21.10).
- (b) Submission and location of the paving detail and along the Medieval Town Wall.
- (c) Details of signage, including the colour, signage and lettering along the façade of the building facing onto Georges Street.

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

3. Prior to commencement of development, detailed structural drawings and a construction methodology statement (including the results of detailed structural surveys of the existing wall between No 95 & 96 Georges Street, to be retained) indicating the means proposed to ensure the protection of the structural stability and fabric of the parity wall shall be submitted to and agreed in writing with the planning authority. These details shall include demonstrating the methods proposed for the new wall at the rear of No 95 Georges Street and other ground works along the boundary of No 95 as proposed, demolition and excavation arrangements, the proposed foundation system and underpinning, structural bracing and support and method of construction.

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 the commencement of this 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.

Karen Hamilton
Planning Inspector

15th of May 2019