



An
Bord
Pleanála

Inspector's Report ABP-321314-22

Development	Change of use of the bar and restaurant premises to provide for use of the building as a hostel and associated internal reconfiguration works to the building.		
Location	52 Saint Laurance Street, Drogheda, Co. Louth		
Planning Authority Ref.	2460553		
Applicant(s)	Proper Innovation Limited		
Type of Application	Permission	PA Decision	Refuse
Type of Appeal	First	Appellant	Proper Innovation Limited
Observer(s)	None		
Date of Site Inspection	01 st February 2025	Inspector	Colin McBride

Context

1. Site Location/ and Description. The site is located at no. 52 Saint Laurance Street within Drogheda town centre. The site is occupied by a four-storey over basement structure that is currently vacant but was last occupied by a bar/restaurant at ground floor and basement level, office at first floor and bedrooms at second and third floor level. The structure on site has frontage along Bachelors Lane to the southeast and there is an alleyway running along the southwestern/side elevation of the existing structure on site. Adjoining uses and

structures including retail/commercial at ground floor on adjoining sites and office/residential on upper floors.

2. Description of development. Permission is sought for a change of use from pub and restaurant to a hostel and associated internal reconfiguration works to the building (616sqm). The proposal will entail provision a reception area and 4 no. bedrooms at ground floor level, storage, kitchen, dining and recreation, and 1 no. bedroom at basement level, 2 no. bedrooms at first floor. The third and fourth floor have 3 no. existing bedrooms per floor.

3. Planning History.

20/659: Permission granted for a new shop front, replace flat roof, install rooflights and erect fascia signage.

2024/17: Section 5 declaration for use of associated guest accommodation for international protection applicants. Deemed not to be exempted development,

4. National/Regional/Local Planning Policy

- Louth County Development Plan 2021-2027
- Zoning Objective 'B1 Town Centre' with a stated objective 'to support the development, improvement and expansion of town or village centre activities.
- EE 64: To promote a healthy competitive retail environment within County Louth and to maintain the vitality and viability of the town and village centres and their role as primary retail core areas.
- EE 65 To encourage and support the re-use and revitalisation of vacant (and derelict) units and properties within town and village centres and assess change of use applications based on merit and overall contribution to the vitality of the town centre and the day and/or nighttime economy.
- EE 67 To generally support planning applications which propose complementary, non-retail uses in town centre areas, where sustained levels of vacancy are evident.
- EE 70 To support the 'Town Centre First Approach' and the establishment of any future town centre management initiatives that seek to promote this approach.

- The site is located within the Saint Lurance Street Architectural Conservation Area.
- TOU 25 To promote and support the development of additional tourism accommodation at appropriate locations throughout the County in particularly in the Regional Growth Centres of Drogheda and Dundalk.
- TOU 33 To facilitate the provision of budget hostels within existing Level 1, 2 and 3 Settlements ensuring high quality design and architecture, provision of adequate infrastructure, compliance with normal planning criteria and subject to the protection of the unspoilt natural environment and landscape amenity.
- BHC 3 To protect known and unknown archaeological areas, sites, monuments, structures and objects, having regard to the advice of the National Monuments Services of the Department of Housing, Local Government and Heritage.

5. Natural Heritage Designations

- None within the zone of influence of the project.

Development, Decision and Grounds of Appeal

6. PA Decision. Refusal. Permission refused based on two reasons.

1. It is the policy (EE 64 and EE 65) to promote a healthy competitive retail environment within County Louth and to maintain the vitality and viability of the town and village centres and their role as primary retail core areas and to encourage and support the re-use and revitalisation of vacant and derelict units and properties within the town and village centres and assess change of use applications based on merit and overall contribution to the vitality of the town centre and the day and/or nighttime economy.

This property was operational as a public house and restaurant. It is considered that this proposal to change its use from a pub and restaurant to a hostel in the core town centre area would not support the policy of the plan to maintain the vitality and viability of Drogheda town centre and its day and nighttime economy and by reason of reduced footfall and

retail/restaurant offering in the core town retail centre would contravene the policies of the Louth County Development Plan 2021-2027 (as amended). Accordingly, it is considered that the proposal would be contrary to the proper planning and sustainable development of the area.

2 It is the policy objective (BHC 3) of the Louth County Development Plan 2021-2027 (as varied) to protect known and unknown archaeological areas, sites, monuments, structures and objects, having regard to the advice of the National Monuments Services of the Department of Housing, Local Government and Heritage. The proposed development contains the site of a recorded monument LH024-041064: House – medieval which is subject to statutory protection in the Record of Monuments and Places, established under Section 12 of the National Monuments (Amendment) Act 1994. Given the scale, extent and location of the proposed development it could impact on subsurface archaeological remains. Based on the information on file the applicant has failed to demonstrate compliance with this policy and as such, it is considered that the proposed development would be contrary to the proper planning and sustainable development of the area.

7. First Party Appeal.

Grounds:

- The existing structure already provided accommodation (second and third floor) in addition to bar/restaurant use with the proposal a change of use to hostel accommodation only. Proposed use is consistent with B1 town centre zoning and provision of tourist accommodation will add to vitality and viability of town centre.
- Bar/restaurant was economically unviable, and the public house licence of the premises has been sold. The appellant has outlined the recent history of activity to outline difficulties in sustain active use at the premises. A hostel use is an appropriate town centre use.
- The previous/established use on site is not relevant with the proposed use compliant with zoning and appropriate for a town centre. The previous section 5 declaration has no relevance to the proposed change of use. The previous

use has no impact on footfall with the pub/restaurant business failing due to lack of footfall. The structure is currently vacant, and the proposed use is a permissible and appropriate town centre use.

- There is a planning precedent for a change of use in Louth County Council with change of use of Ferdia Arms (vacant pub/restaurant) permitted to accommodation (24/60072) with that site also zoned B1.
- Reasons for refusal are a misinterpretation and/or misapplication of Development Plan policy. The appellant cites a legal case in regard to assessment of the proposal.
- The PA assessment of the proposal fails to consider the proposed development under 'tourism policy' under the County Development Plan. The proposal would be an appropriate location for a tourism development and contribute towards the vitality and viability of the town centre.
- The Department of Housing (noted that submission was late) recommended further information in terms of an Archaeological Impact Assessment. It is noted that no excavation works are proposed with the proposal a change of use of the basement area.
- The appeal is accompanied by an archaeological report indicating that the proposal is a change of use, and no alterations will occur that would impact on archaeological material.

8. PA Response

- The PA wish to make no further comment.

Environmental Screening

9. EIA Screening

Having regard to the limited nature and scale of development, being a change of use of an existing structure in a built-up area, and the absence of any significant environmental sensitivity in the vicinity of the site, there is no real likelihood of significant effects on the environment arising from the proposed development. The

need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

10. AA Screening - Use standard wording with site specific focus

Having regard to the nature and scale of development being a change of use of and existing structure in a built up area urban area with connection to existing services and absence of connectivity to European sites, it is concluded that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

2.0 Assessment

- 2.1. Having inspected the site and the associated documents the main issues can be assessed under the following headings.

Principle of the proposed development

Town Centre vitality/Development Plan policy

Archaeological Status

- 2.2. Principle of the proposed development.

- 2.2.1 The proposal entails change of use of an existing premises in Drogheda town centre from a bar/restaurant use to a hostel. The existing structure is four-storey over basement structure with existing bedroom accommodation on the second and third floor. The proposal entails provision of the entire building as hostel accommodation with changes to the basement, ground and first floor level. The appeal site is zoned Objective 'B1 Town Centre' with a stated objective 'to support the development, improvement and expansion of town or village centre activities' under the Louth County Development Plan 2021-2027. Hotel/Hostel/Aparthotel are included as 'generally permitted uses' within this zoning objective. In this regard the proposed use is compliant with Development Plan zoning policy. In this regard the principle of the proposed development is acceptable at this location.

2.3. Town Centre vitality/Development Plan policy

2.3.1 Permission has been refused primarily due to the fact the proposal entails replacing an established bar/restaurant use within the core retail area of the town centre with a hostel use. The proposal is considered contrary the Development Plan objectives EE64 and EE65, which are objectives seeking to ensure that town centres retain or increase their status in term of vitality and viability both day and nighttime. From the information on file the established bar/restaurant use operating on site has ceased (not active at the time of site visit) on basis that it was economically unviable according to the applicant/appellant.

2.3.2 Policy objectives EE64 and EE65 are noted, and the provision of appropriate town centre uses to ensure vitality and viability is important. I would note that the County Development Plan provides for a town centre zoning, objective B1 within, which the site is located and in providing that zoning it provides a list of appropriate uses within the town centre context under two classifications, 'generally permitted uses' and 'open for consideration uses'. In this case the proposed use falls under the category of 'generally permitted uses'. In this case the Local Authority have identified appropriate town centre uses and have within their power to limit this list to uses that they do not consider appropriate within the town centre zoning when making their Development Plan. In this case the location of a proposed hostel development within the town centre is in accordance with Development Plan policy.

2.3.3 I would note that Development Plan includes a number of tourism objectives including TOU 25 which is to promote and support the development of additional tourism accommodation at appropriate locations throughout the County in particular in the Regional Growth Centres of Drogheda and Dundalk. Specifically in relation to hostel accommodation objective TOU 33 is to facilitate the provision of budget hostels within existing Level 1, 2 and 3 Settlements ensuring high quality design and architecture, provision of adequate infrastructure, compliance with normal planning criteria and subject to the protection of the unspoilt natural environment and landscape amenity. The proposed use would be in accordance with these objectives.

2.3.4 The Local Authority appear to consider that the proposal is an inappropriate use at this location as it is within the retail core of Drogheda and entails removal of an

established bar/restaurant use. Having inspected the site and surrounding area there is a high degree of vacancy within Drogheda town centre including the ground floor/basement use within the structure on site. I do not consider that the proposed use would be detrimental to vitality and viability. This is on the basis that a tourism use at this location is an active use, does provide a degree of activity at ground floor with entrance and reception area off Saint Laurance Street. A tourism use will bring visitors into the town centre, which would have beneficial impact on footfall on the street and the viability of existing or future active uses within the retail core including daytime and nighttime uses. In this regard I do not consider that the proposal would be contrary either Objective EE64 and EE65. I would consider that in event of grant of permission that a condition should be applied stating that proposed hostel use shall be for tourist use on a short-term basis only and shall not be used for any other purpose without a prior grant of planning permission.

2.3.5 The proposed development would be compliant with Development policy in regard to land use zoning, town centre policy objectives and tourism policy objectives.

2.4. Archaeological Status

2.4.1 The site includes a recorded monument LH204-0410064-House. A submission was received from the Department of Housing, Local Government and Heritage recommending that further information be requested with an Archaeological Impact Assessment required to assess any impact on archaeological remains on site. The proposal was refused on the basis that it may have an adverse impact on a recorded monument.

2.4.2 The applicant/appellant argues that the proposal is a change of use and that works to the basement entail no subsurface works. It is stated that no material works are proposed to the cellar and will remain unchanged apart from use.

2.4.3 I am satisfied that the proposal is change of use and that there are no excavation works proposed and that no major structural alterations are proposed that would result in an archaeological impact. Notwithstanding such I would consider it appropriate to apply an archaeological condition including employment of a suitably qualified archaeologist to oversee construction works to ensure no impact on archaeological material on site.

3.0 Recommendation

- 3.1. I recommend that permission for the development be granted subject to the following conditions.

4.0 Reasons & Considerations

Having regard to the design, scale and configuration of the proposed development and the existing pattern of development in this town centre location, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with current Louth County Development Plan 2021-2027 policy, would not detract from the vitality and vibrancy of the town centre and provides for an active use identified as an 'generally permitted use' within the town centre. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

5.0 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. The proposed hostel use shall be for tourist use on a short-term basis only and shall not be used for any other purpose without a prior grant of planning permission.

Reason In the interests of clarity.

3. Site development and building works shall be carried out only between the hours of 07.00 to 18.00 Mondays to Fridays inclusive, between 08.00 to 14.00 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 amenities of property in the vicinity.

4. No advertisement or advertisement structure, the exhibition or erection of which would otherwise constitute exempted development under the Planning and Development Regulations, 2001, or any statutory provision amending or replacing them, shall be displayed or erected on the building or within the curtilage of the site unless authorised by a further grant of permission.

Reason: In the interest of visual amenity.

5. 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 relating to the proposed development, and
 - (b) employ a suitably qualified archaeologist who shall monitor all site works, and 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.

6. 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 traffic management, noise, vibration and dust management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and the amenities of the area.

7. 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.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Colin McBride

Senior Planning Inspector

04th February 2025