



An
Bord
Pleanála

Inspector's Report

ABP-321756-25

Development	Change of use from office to 2-bedroom house.
Location	Francis Street, Drogheda, Co.Louth
Planning Authority	Louth County Council
Planning Authority Reg. Ref.	24109
Applicant(s)	Matthew Ronan
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party vs. Grant
Appellant(s)	Philip Fulham
Observer(s)	Department of Housing, Local Government and Heritage
Date of Site Inspection	25 th of March 2025
Inspector	Stephen Ward

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1.0 Site Location and Description

- 1.1. The site is located in Drogheda Town Centre, at the southern end of Francis Street at its junction with St Laurence Street, Cord Road, and Constitution Hill. The area is dominated by the presence of St. Laurence's Gate to the immediate south of the site. St. Laurence's Gate is a National Monument and is a barbican, consisting of a defensive pair of fortified circular towers, which formed part of town's historic protective walls.
- 1.2. The site has a stated area of just 67m² and includes an existing ground floor office building with associated storage at ground and first floor level (total area of 82m²). There is a 'common' passage/access at the northern end of the site and an adjoining open yard to the west. The surrounding buildings and uses are generally typical of historic town centre commercial / residential areas.
- 1.3. The St. Laurence Street area to the southwest is designated as an Architectural Conservation Area (ACA). The record of Protected Structures includes St Laurence's Gate (DB-139), McHugh's Public House (DB-010), Sarsfields Public House (DB-011), Laurence Street Town Wall (DB-138), Laurence Street Post Box (DB-327), King Street Office (DB-329), and Palace St / Laurence St Gate Stores (DB-189).

2.0 Proposed Development

- 2.1. Permission is sought for the conversion and change of use of the existing building to provide a 2-bedroom dwelling. In addition to the internal works, and based on the further information submitted, it is proposed to add an arched dormer window to the eastern and southern elevations; to replace an existing window with an entrance door and replace an existing door with a window on the eastern elevation; and to replace existing windows and doors in the northern elevation.
- 2.2. It is proposed to connect to the existing Uisce Eireann water supply and wastewater services.

3.0 Planning Authority Decision

3.1. Decision

By Order dated 17th December 2024, Louth County Council (LCC) made a decision to grant permission subject to standard conditions.

3.2. Further Information Request

After the initial examination of the application, the planning authority issued a further information request. The issues raised in the request can be summarised as follows:

1. Clarification of ownership and rights of way.
2. Proposals for amenity space and bin/bicycle storage.
3. Proposals to install timber windows to respect surrounding character.
4. Clarification of internal ceiling heights to comply with Building Regulations.
5. Demonstration of pre-connection agreement from Uisce Eireann.
6. Submit revised public notices.

3.3. Planning Authority Reports

3.3.1. Planning Reports

The assessment is outlined in two Planner's Reports, i.e., the initial report recommending a Further Information (F.I.) request and the subsequent report on the F.I. submitted. The assessment contained within the two reports can be cumulatively summarised as follows:

- The further information response corrects unintentional errors regarding the site boundaries. The response also alters the design to remove reliance on the rear yard area. The planning system is not a mechanism to resolve legal disputes, and any permission does not solely entitle a person to carry out development.
- The proposed use is acceptable in accordance with the 'B1 Town or Village Centre' zoning objective and Policy HOU 11.
- The proposed external design is acceptable, including the use of aluminium windows as supported by the applicant's further information response.

- As per the further information, the internal areas and dimensions are acceptable.
- A relaxation of private amenity space requirements is justified, and adequate bin/bicycle storage will be provided.
- There would be no unacceptable loss of amenity for existing properties.
- Parking is not required given the site location.
- The applicant has submitted evidence from Uisce Eireann that a domestic water supply is available without infrastructure upgrade. This addresses concern in relation to servicing requirements. Third-party concern about sewer issues is a civil issue.
- It is recommended to grant permission subject to conditions, and this forms the basis of the LCC decision.

3.3.2. Other Technical Reports

None.

3.3.3. Conditions

The conditions of the LCC decision are standard in nature.

3.4. **Prescribed Bodies**

None.

3.5. **Third Party Observations**

One third-party observer (the appellant) raised issues regarding:

- Ownership implications relating to the adjoining yard and proposed access, and the need to correct folio details.
- Blockages in the existing sewer and the need for a new separate connection.
- The need to install replica industrial windows.
- Privacy concerns about a proposed new window on the western elevation.

4.0 Planning History

There would not appear to be any recent relevant planning history for the site.

5.0 Policy Context

5.1. Louth County Development Plan 2021-2027 (LCDP)

While Louth County Council in partnership with Meath County Council are preparing a Joint Local Area Plan for Drogheda, the LCDP is currently the operational plan for the subject area. Relevant provisions are summarised hereunder.

Zoning

As per Volume 1A 'Drogheda Zoning and Flood Zones' map, the application site is zoned 'B1 Town or Village Centre'. The objective for this area is 'To support the development, improvement and expansion of town or village centre activities'.

Further guidance outlines that the appropriate reuse, adaptation and regeneration of buildings, backlands, vacant, derelict and underutilised lands for suitable uses will be encouraged, and that such uses may include residential development.

Housing

Section 3.7 'Town Centre Living' outlines that part of the multi-dimensional town centre strategy is to facilitate town centre living, including the re-use or adaptation of vacant and under-utilised buildings.

HOU 11 - To encourage and support a range of appropriate uses in town and village centres that will assist in the regeneration of vacant and under-utilised buildings and land and will re-energise the town and village centres, subject to a high standard of development being achieved.

Built Heritage & Culture

This chapter outlines a range of policy objectives aimed at protecting archaeological, built, and cultural heritage, including those relating to formerly walled towns (BHC 6); surviving elements of medieval town defences (both upstanding and buried) and associated features (BHC 8); protected structures; and Architectural Conservation Areas (BHC 31 & BHC 35).

Infrastructure & Public Utilities

Section 10.1.2 outlines that it is policy to work in conjunction with Irish Water to protect existing water & wastewater infrastructure, to maximise the potential of existing capacity and to facilitate the timely delivery of new services.

Development Management Guidelines

Chapter 13 outlines a range of guidelines and standards, including those in relation to housing in urban areas; transport; heritage; and water services.

Section 13.8.34 'Town Centre Living' recognises that it may be difficult to retrofit older buildings to bring them up to current residential standards, and that there may be circumstances where the design standards can be relaxed in part.

Section 13.16.12 outlines that a reduction in the car parking requirement may be acceptable where there was no off-street parking provided with the existing/previous use of the property and the redevelopment of the property would not result in a significant increase in the car parking requirement.

Section 13.19 outlines guidance in relation to protected structures and ACAs.

Section 13.20 outlines that all new developments will be required to utilise and connect to the public water and wastewater network, where practicable. Applicants who need to get a new or modified connection to public water supply or wastewater collection infrastructure must liaise with Irish Water. Where the applicant has concerns about the feasibility of connecting to the public network, they should make a pre-connection enquiry to Irish Water in order to establish the feasibility of a connection in advance of seeking planning permission.

5.2. Natural Heritage Designations

The nearest Natura 2000 site is the River Boyne and River Blackwater SAC, located c. 150 metres to the south of the site.

6.0 EIA Screening

See Appendix 1 and completed Forms 1 & 2 attached to this report. Having regard to the nature, size and location of the proposed development, and to the criteria set out

in Schedule 7 of the Regulations, I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. Therefore, EIA is not required.

7.0 The Appeal

7.1. Grounds of Appeal

The appeal relates to a perceived intensification of use of a malfunctioning wastewater connection to the sewer line on the appellant's property. The grounds can be summarised as follows:

- There is a long and well-known history of sewer blockage associated with the property and its sewer connection.
- The planning authority has not considered the intensification of use associated with the proposed 2-bedroom house.
- A new direct connection to the public sewer should have been a condition of the decision in order to protect health and property.
- It has been stated that a connection is 'feasible subject to upgrades' but no upgrade information or mitigation proposals have been submitted.
- The pre-connection letter from Irish Water offers the option of a pipe diversion and the appellant contends that this would solve the problem and should be made a condition of planning permission.

7.2. Applicant Response

The applicant's response to the appeal can be summarised as follows:

- The applicant is engaging with Uisce Eireann regarding the wastewater connection, and this is the correct mechanism to resolve the matter.
- The applicant and Uisce Eireann are in agreement that upgrades are required, and no further conditions are required in respect of this appeal case.
- The reference to a pipe diversion is an option in the scenario of building over Uisce Eireann infrastructure, which does not occur in this case.

- The sensible alternative, as proposed, is an independent connection directly to the public mains, which would reduce the loading and interdependencies associated with the historical sewer.

7.3. **Planning Authority Response**

The response from LCC can be summarised as follows:

- The grounds of appeal were considered in the planning authority's assessment.
- The proposed change of use does not constitute an intensification of use of the existing connection.
- Issues relating to the existing sewerage infrastructure on private land is a civil matter and not a matter for the planning authority.
- Having regard to the Development Management Guidelines for Planning Authorities (2007) it is not considered reasonable to impose a condition requiring upgrades to the existing sewerage infrastructure.
- The key and pertinent planning issues have been considered, and the planning authority's recommendation remains unchanged.

7.4. **Observations**

Department of Housing Local Government - The location of the development could impact on the visual setting and subsurface archaeological remains associated with the historic town of Drogheda (LH024-041) and Laurence's Gate (LH024-041014). Further Information is recommended in the form of an Archaeological Impact Assessment to include Building Survey and Visual Impact Assessment.

8.0 **Assessment**

Introduction

- 8.1. I have examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority, and I have inspected the site and had regard to any relevant local/regional/national policies and guidance.

Principle of development

- 8.2. I consider that the main issues have been adequately addressed in the course of the application and the LCC decision. In particular, I consider that the principle of the development is acceptable in accordance with the zoning objective for the site and LCDP policies which support the re-use of underutilised properties and to facilitate town centre living.

Ownership and Legal Issues

- 8.3. Consistent with the planning authority approach, I am satisfied that the applicant has provided sufficient evidence of legal interest for the purposes of the planning application and decision. Any further consents that may have to be obtained are essentially a subsequent matter and are outside the scope of the planning appeal. As outlined in Section 5.13 of the Development Management Guidelines for Planning Authorities (DoEHLG, 2007), the planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land. These are matters to be resolved between the relevant parties, having regard to the provisions of s.34(13) of the Planning and Development Act 2000 (as amended), which outlines that a person shall not be entitled solely by reason of a grant of permission to carry out any development.

Heritage

- 8.4. I have acknowledged the sensitive location of the site adjoining a range of important features of built/archaeological heritage, including the historic town of Drogheda and St. Laurence's Gate.
- 8.5. However, notwithstanding the submission from the Department of Housing, Local Government and Heritage, I do not consider that further information is required. The proposed development involves only minor works within the existing footprint, which I do not consider to have significant potential impacts on subsurface archaeological remains. And having regard to the character of the existing building and limited extent of the proposed works, I do not consider that the visual impact has potential to seriously detract from the built/archaeological heritage value of surrounding development or the character of the area.

Development Standards

- 8.6. Consistent with the planning authority approach and sections 13.8.34 and 13.16.12 of the LCDP, I would acknowledge that compliance with all development standards may not be achievable in the case of a town centre conversion such as this.
- Therefore, having regard to the location and nature of the existing development, I am satisfied that an appropriate standard of residential development will be provided and that it would not detract from the residential amenity of surrounding properties.

Wastewater Connection

- 8.7. The appeal centres on concerns about the proposal to use an existing wastewater connection to an existing sewer within the appellant's property. It has been contended that this connection is malfunctioning and results in blockages and flooding for other properties.
- 8.8. There would appear to be some lack of clarity as to the precise proposals for connection. The site layout plan shows a 'connection to the public mains' at the existing sewer in the 'common' passage to the north of the building. However, the proposed ground floor plan appears to indicate an independent connection directly to the public mains on Francis Street (via the passage to the north), which would be consistent with the applicant's stated intentions in the response to the appeal.
- 8.9. I acknowledge the appellant's concerns about intensification of use of the existing sewer connection. However, even if it is proposed to use the existing connection, I would submit that the proposed 2-bedroom house would not constitute any significant intensification of use of an existing commercial property.
- 8.10. I note that the applicant's further information response included a 'Confirmation of Feasibility' from Uisce Eireann which states that the wastewater connection is 'Feasible Subject to upgrades'. I acknowledge that details of the upgrades have not been specified but I consider that any required upgrade would be minimal given the limited scale of the development. It is standard practice that the details of any such upgrades would be agreed as part of any connection agreement with Uisce Eireann.
- 8.11. The Uisce Eireann correspondence also refers to 'an existing wastewater sewer running through this site' and outlines that it will not be permitted to build over this asset. It outlines requirements for its protection and in this context raises the option

of diverting the pipe. However, I would highlight that it is not proposed to extend the footprint of the building in any way that would 'build over' the existing sewer. Therefore, the requirement for a pipe diversion does not arise.

- 8.12. Ultimately, I consider that the pre-existing and proposed wastewater connection issues are matters for resolution between the relevant parties and Uisce Eireann. This is consistent with the Draft Water Services Guidelines for Planning Authorities (Department of Housing Planning and Local Government, January 2018), section 5.4 of which outlines that a condition should be included requiring the applicant/developer to enter into a connection agreement with Irish Water (Uisce Eireann) prior to commencement of development. It also outlines that the granting of a connection agreement is a matter solely for Irish Water and is independent of the planning process. Accordingly, I consider that any grant of permission should include a standard condition to require a connection agreement with Uisce Eireann.

Development Contributions

- 8.13. Consistent with the planning authority approach and section 9.5 of the LCC Development Contribution Scheme, I consider that a contribution should not apply for this change of use application. It will not lead to the need for significant new or upgraded infrastructure/services and will not result in a significant intensification of demand being placed on existing infrastructure.

9.0 AA Screening

- 9.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located within the built-up and serviced urban area and is c. 150 metres from the River Boyne and River Blackwater SAC. The proposed development comprises the conversion and change of use of the existing office building to provide a 2-bedroom house. It includes minor associated works and connection to existing water services. No nature conservation concerns were raised in the planning application or appeal.
- 9.2. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows:

- The simple nature and limited scale of the proposed works.
- The distance from the nearest European site and lack of connections.
- The outcome of the screening report/determination by Louth County Council.

9.3. I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on the River Boyne and River Blackwater SAC or any European Site, either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

10.0 Recommendation

I recommend that permission be **GRANTED** for the proposed development, subject to conditions, and for the reasons and considerations set out below.

11.0 Reasons and Considerations

Having regard to the provisions of the Louth County Development Plan 2021-2027 and the zoning of the site as 'B1 Town or Village Centre'; the nature and extent of existing development and services on site; the pattern and character of development in the area and the design and scale of the proposed development; the Board considered that, subject to compliance with the conditions set out below, the proposed development would constitute an appropriate use and standard of residential accommodation at this location, would not seriously injure the amenities of surrounding properties or detract from the character or heritage value of the area, would be adequately served by infrastructure including water services, would not be prejudicial to public health, and would be acceptable in terms of traffic safety and convenience. The Board considered that the proposed development would be consistent with the provisions of the Louth County Development Plan 2021-2027 and would be in accordance with the proper planning and sustainable development of the area.

12.0 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 29th day of November 2024, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the Planning Authority, the developer shall agree such details in writing with the Planning Authority prior to commencement of development, or as otherwise stipulated by conditions hereunder, and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. 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 and surface water management.

3. Prior to the commencement of development, the developer shall enter into Connection Agreements with Uisce Éireann (Irish Water) to provide for service connections to the public water supply and wastewater collection network.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

4. Site development and building works shall be carried out only between the hours of 0700 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 amenities of property in the vicinity.

5. Details of the materials, colours and textures of all the external finishes to the proposed building shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

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.

Stephen Ward
Senior Planning Inspector

14th April 2025

Appendix 1 - Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-321756-25		
Proposed Development Summary	Change of use from office to 2-bedroom house.		
Development Address	Francis Street, Drogheda, Co.Louth		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	✓
		No	
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	✓	Part 2, Class 10(b)(i) – Construction of dwelling units. Part 2, Class 10(b)(iv) - Urban Development	
No			
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			
No	✓	Part 2, Class 10(b)(i) – More than 500 dwelling units. Part 2, Class 10(b)(iv) - An area greater than 2 hectares in the case of a business district.	

4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	✓	Part 2, Class 10(b)(i) – Involves only one dwelling relative to the threshold of 'more than 500'. Part 2, Class 10(b)(iv) – Involves an area of only 67m ² relative to the relevant threshold of 2 hectares in the case of a business district.	Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No	✓	Preliminary examination required.
Yes		

Inspector: _____ Date: _____

Appendix 1 - Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-321756-25
Proposed Development Summary	Change of use from office to 2-bedroom house.
Development Address	Francis Street, Drogheda, Louth
<p>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</p> <p>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p>	
<p>Characteristics of proposed development</p> <p>(In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p>	<p>The development is proposed as a standalone project on a very small site. The extent of works is very limited and the works and uses would be consistent with surrounding development. The proposed works would not be significant in respect of natural resources, production of waste, pollution or nuisance, or risk of accidents/disasters or to human health.</p>
<p>Location of development</p> <p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely</p>	<p>The site is surrounded by a typical context of commercial and residential development within the historic Drogheda Town Centre. The scale of the development is minimal relative to the overall town centre area.</p> <p>The nearest Natura 2000 site is the River Boyne and River Blackwater SAC located c. 150m south of the appeal site and impacts on same can be addressed under Appropriate</p>

populated areas, landscapes, sites of historic, cultural or archaeological significance).	Assessment Screening, which I have addressed in Section 9 of my report. There are a number of Protected Structures and Architectural Conservation Areas in the immediate surrounding area. The consideration of impacts on built heritage is a standard part of planning assessment (See Section 8 of this report).		
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	Having regard to the modest nature of the proposed development, its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.		
Conclusion			
Likelihood of Significant Effects	Conclusion in respect of EIA	Yes or No	
There is no real likelihood of significant effects on the environment.	EIA is not required.	Yes	
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information required to enable a Screening Determination to be carried out.	No	
There is a real likelihood of significant effects on the environment.	EIAR required.	No	

Inspector:

Date:
