

Declaration

In accordance with Part IV, Section 57 (2) of the Local Government (Planning and Development) Act, 2000 (as amended).

Louth County Council:

This declaration specifies what works would, or would not, in the opinion of the planning authority materially affect the character of the protected structure, or any element thereof, and, as a result, require planning permission. Under the Act, protection extends to the entire structure including its interior and the land lying within its curtilage. It also extends to any other structures lying within the curtilage of the protected structure, to their interiors and to all fixtures and features that form part of the interior or exterior of any of these structures. Where specified in the Record of Protected Structures, protection may also extend to any other feature within the attendant grounds of the protected structure.

Nothing in this declaration exempts works that would not otherwise be exempt from a requirement for planning permission. Changes of use or intensification of the current use may require planning permission. If in doubt, the owner/occupier should consult the planning authority for further advice before commencing any works.

This Declaration may be referred to An Bord Pleanála for review within 4 weeks of its issue, upon payment of the requisite fee in accordance with Part IV, Section 57 (8) of the Planning & Development Act 2000 as amended.

Applicant Name:	Beachpool Property Ltd		
Status (i.e. Owner or Occupier):	Owner occupied		
Date of Request for Declaration:	03/05/2024	Date of Inspection:	08/07/2024
Decision Due Date:	25/07/2024	Previous Declarations:	None on record
Date of Issue of Declaration:	16/07/2024		

Address: Church		Location:	
Name of Building:	11 – 15 Merchant Quay, Drogheda	National Grid co-ordinates:	E N
Address 1:	11 – 15	O.S. Map Type:	
Address 2:	Merchant Quay	Map Sheet:	
Address 3:	Drogheda	Site Number:	

Protection Status:	☒ Y / N		Details:
Under the Planning and development Act 2000 (as amended)			
Record of Protected Structures:	Y ✓	N	DB-156
Architectural Conservation Area:	Y ✓	N x	
Under the Planning and development Act 2000 (as amended)			
Record of Monuments and Places:	Y	N x	
Zone of Archaeological potential:	Y ✓	N	
Preservation Order or Temporary P.O.:	Y	N x	
NIAH Registration No.:			13619002

Introduction:

The referrer has sought a section 57 declaration as per the Planning and Development Act 2000 (as amended) in respect of works being carried out to 11 – 15 Merchant Quay, Drogheda, Co Louth.



Protection Status:

Under the Planning and Development Act 2000 (as amended), the Record of Protected Structures is set out in the Louth County Development Plan 2021-2027 (as varied).

11 – 15 Merchant Quay is described in the National Inventory of Architectural Heritage as an:

Attached nine-bay five-storey former mill, built c. 1830, now used as offices. Rectangular-plan, four-storey return to north-west, integral carriage arch to south elevation. Hipped slate roofs, clay ridge and hip tiles, cast-iron gutters fixed to red brick corbelled eaves course, circular cast-iron downpipe, projecting roof canopy to south-west, remnants of pulley mechanism visible. Snecked limestone walling to ground floor, roughly coursed limestone walling to upper levels, tooled limestone block-and-start quoins. Square-headed window openings, tooled limestone sills, red brick block-and-start surrounds, uPVC casement windows. Square-headed door opening to west of south elevation, red brick block-and-start door surround, concrete supports to base, timber diagonally sheeted door, segmental-headed carriage opening to centre of south elevation, tooled limestone block-and-start surround, projecting chamfered plinth blocks, metal roller blind. Street fronted, facing docks and river.

The NIAH appraisal states:

This is a fine typical example of a dockside former flour and corn mill situated on the north side of Drogheda's River Boyne. The stone work is finely crafted and enlivened by the red brick block-and-start surrounds which add to the architecturally significant structure. The remaining pulley system add to the technical interest of the building which is a reminder of Drogheda's industrial past and an important part of Drogheda's architectural heritage.

Planning History:

Development Address	11-15 Merchants Quay & North Strand Drogheda Co Louth MERCHANTS QUAY DROGHEDA.
Applicant Name	KFE Property Development
Application Status	APPLICATION FINALISED
Decision Date	05/02/2015
Decision	CONDITIONAL
Development Description	Extension of Duration for permission 09510053 - Redev.of extg. Protected Structures at 11-15. Dev. consist of RESPITE/DAYCARE & assisted living Facility with 24 bedrooms, 24 assisted living Apts, Offices, Dining, Residents Lounge, Activities Room & all a
File Reference	14463
Development Address	1.ALONG NORTH STRAND, DRO 2.11-15 MERCHANTS QUAY, D 1.NORTH STRAND,2.11-15 MERCHANTS QU
Applicant Name	
Application Status	APPLICATION FINALISED
Decision Date	14/12/2000
Decision	CONDITIONAL
Development Description	1.DEMOLISH CONCRETE BLOCK WALLED SINGLE-STOREY WAREHOUSE,2.DEMOLISH CONCRETE BLOCK WALLED ANNEXES TO EXISTING P1 LISTED 4/5 STOREY LIMESTONE WAREHOUSES
File Reference	00510217
Development Address	11-15 MERCHANTS QUAY & NORTH STRAND DROGHEDA MERCHANTS QUAY & NORTH STRAND
Applicant Name	GILLEN CONSTRUCTION LTD
Application Status	APPLICATION FINALISED
Decision Date	27/07/2001
Decision	CONDITIONAL
Development Description	REDEV.EXISTING P1/41 LISTED 4/5 STOREY WAREHOUSES-APPROX.904 SQ.M OF OFFICES(2)24 NO.APARTMENTS ON 1ST-5TH FLOORS INCLUS.,RELOCATE ENTRANCE,CARPARKING,RECONSTRUCT DOORCASES & WINDOWS,REPLACE & RENEW ROOFS,NEW LIFT TOWER
File Reference	00510283

Development Address	11-15 Merchants Quay & North Strand Drogheda MERCHANTS QUAY DROGHEDA.
Applicant Name	Merchants Quay Partnership
Application Status	APPLICATION FINALISED
Decision Date	02/07/2009
Decision	CONDITIONAL
Development Description	Redev.of extg. Protected Structures at 11-15. Dev. consist of RESPITE/DAYCARE & assisted living Facility with 24 bedrooms, 24 assisted living Apts, Offices, Dining, Residents Lounge, Activities Room & all assoc. facilities. Ground floor will provide for
File Reference	09510053

Description of the Structure:

- Substantial stone former warehouse / mill located facing towards River Boyne.
- Building is five storeys tall
- Building was used for clothing manufacture between late 1960's and late 1990's but is no longer in use
- Internal floor plan is mainly open reflecting its former industrial and warehouse use
- The front façade of this building is imposing and retains much of the buildings original character whilst a number of returns and additions have been constructed to the rear
- Building is currently vacant although internal conversion and erection of stud walls have taken place
- Windows have been replaced
- Building is accessed off Merchants Quay, North Strand to the rear
- Public car parking is available directly opposite this building on Merchants Quay

Referral Question:

Would works materially affect the character of the protected structure and as a result, require planning permission?

The Section 57 form submitted refers to a Heritage Assessment for providing a schedule of works being carried out. It should be noted that works have commenced.

The Assessment provides an internal and external inventory of this building.

- It is proposed to convert the main building on the street frontage, with its middle and eastern returns and also the 1970s building to the rear to provide for emergency accommodation for refugees.
 - This includes subdivision of the three upper floors to provide bedrooms and bathroom facilities, while the ground floor is to be used as recreation areas, library and ancillary functions, with kitchen and dining room in the later building at the rear. The works also involve the installation of new windows and doors along the front elevation.
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Legislative Provision

Section 57(1) of the Planning and Development Act 2000 (as amended) states 'that notwithstanding Sections 4(1)(h) and any regulations made under Section 4(2), the carrying out of works to a protected structure, or proposed protected structure shall be exempted development only if those works would not materially affect the character of:

- (a) the structure; or
- (b) any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest.

Section 68 of the Act stipulates that the carrying out of any works specified in a notice under section 59 (1) or 60 (2) shall be exempted development.

Section 57 (5) of the Act stipulates that if the declaration relates to a protected structure that is regularly used as a place of public worship, the planning authority (or the board)

- (a) in addition to having regard to the guidelines and recommendations referred to in subsection (4), shall respect the liturgical requirements, and
- (b) for the purpose of ascertaining those requirements shall –
 - (i) comply with any guidelines concerning consultation which may be issued by the Minister for Arts, Heritage, Gaeltacht and the Islands, or
 - (iii) If no such guidelines are issued, consult with such person or body as the planning authority (or board) considers appropriate.

Assessment

I have had regard to the proposal described; the proposed works involved and the impact on the Protected Structure, carried out a site inspection of the building and its setting and had regard to the legislation described above and the setting of the buildings.

It is considered that the installation of new windows would materially affect the character of the structure and therefore cannot be considered as exempted development under the provisions of section 57 (1) (a) or (b).

The front elevation of this building is the most prominent feature of this protected structure and serves as a landmark along the riverside area of Drogheda. It is considered that the introduction of PVC windows is not in keeping with the historic fabric of this building.

The internal subdivisions for the purpose of providing rooms for accommodation and other ancillary features including kitchen and living areas do not erode the historic fabric of this building or detract from its visual appearance and are considered to be reversible.

The temporary use of a building for accommodating persons seeking international protection is exempt under Class 20F subject to a number of limitations. This assessment does not relate to the proposed use of this building, the purpose of this assessment concerns potential impact upon the character of this Protected Structure. The applicant must ensure they satisfy all the limitations of the exemption and that they satisfy other codes such as fire and building control.

Conclusion:

I conclude, that WHEREAS a question has arisen as to whether the proposed development under Section 10 of the Request for Section 57 Declaration –

- Proposed works to facilitate the conversion of the main building at 10-15 Merchant Quay on the street frontage, with its middle and eastern returns and also the 1970s building to the rear to provide for emergency accommodation for refugees as detailed in the submitted Architectural Heritage Impact Assessment.

Would or would not materially affect the character of protected structure or any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest at 10-15 Merchant Quay, Drogheda.

AND WHEREAS Beachpool property Ltd requested a declaration on the question from Louth County Council on the 3rd May 2024.

AND WHEREAS Louth County Council in considering this referral, had regard particularly to –

- (a) Section 2 of the Planning and Development Act 2000, as amended,
- (b) Section 3 of the Planning and Development Act 2000, as amended,
- (c) Section 4 (1)(h) of the Planning and Development Act 2000, as amended,
- (d) Section 57 of the Planning and Development Act 2000, as amended,
- (e) the Architectural Heritage Protection Guidelines for Planning Authorities,
- (f) the nature and extent of works set out in the referral question in respect of this structure,

AND WHEREAS Louth County Council has concluded that:

- (i) the stated works above, to the protected structure comprise of works and are, therefore, development, and
- (ii) the replacement of windows to the protected structure with white pVC windows materially affects the character of the structure, and elements of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest and as such of the carrying out of works which has altered this structure and affects the exterior of the structure so as to render the appearance inconsistent with the character of the structure for which it was protected and as such cannot be considered exempt development.
- (iii) The internal works to the structure and amendments to the layout are not considered to affect the external appearance of the protected structure and are not such that would materially detract from the character of the protected structure or historic fabric of the structure and therefore can be considered exempt development.

NOW THEREFORE Louth County Council, in exercise of the powers conferred on it by section 57 of the 2000 Act as amended, hereby decides that

- (i) The replacement of the windows to white pvc windows at 10-15 Merchant Quay, Drogheda, as detailed by the Request for Section 57 Declaration and submitted Architectural Heritage Impact Assessment at 10-15 Merchant Quay, Drogheda, **constitutes development that is NOT exempted development.**
- (ii) The internal amendments and alterations to the layout to the protected structure at 10-15 Merchant Quay **constitutes development that is exempt development.**

Signed by Inspector



James King (Assistant Planner)

Date: 16/07/2024

Signed by Planning Authority Officer

Joanna Kelly (Senior Planner)

Date: