



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:	Whearty Brothers Ltd.		
Status (i.e. Owner or Occupier):	Owner		
Date of Request for Declaration:	9 th January 2025	Date of Inspection:	27/01/2025
Date of Issue of Declaration:	26 th February 2025	Previous Declarations:	No S57 declarations on record. S5 declarations submitted under ref. 2025/02 on 9 th January 2025 and 2025/08 on 11 th February 2025.

Address:	Location:	
Name of Building:		National Grid co-ordinates: E N
Address 1:	27 Laurence Street	O.S. Map Type:
Address 2:	Drogheda	Map Sheet:
Address 3:	Co. Louth	Site Number:
Eircode:	A92 X2KN	

Protection Status:	Y / N		Details:
Under the Planning and development Act 2000 (as amended)			
Record of Protected Structures:	Y ✓	N	Louth RPS DB-129
Architectural Conservation Area:	Y ✓	N	ACA Number 5 (Laurence Street)
Under the Planning and development Act 2000 (as amended)			
Record of Monuments and Places:	Y	N ✓	
Zone of Archaeological potential:	Y ✓	N	ZAP 1 Drogheda
Preservation Order or Temporary P.O.:	Y	N ✓	

NIAH Registration No. (if applicable):

13619031

Introduction:

The referrer has sought a Section 57 Declaration as per the Planning and Development Act 2000 (as amended) in respect of the proposed change of use of a protected structure at 27 Laurence Street, Drogheda, Co. Louth (shown below.)

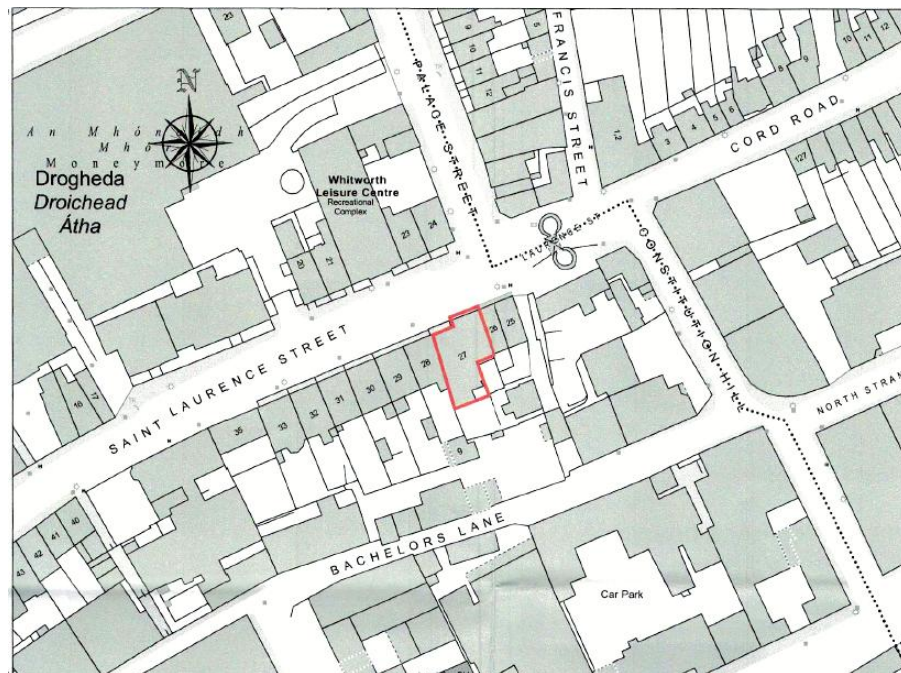


Figure 1: Site Location (Google Maps)



Figures 2-3: Existing property exterior (photos taken 27/01/2025.)

Protection Status:

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

The subject building is included within the RPS and is described as –

“Three-bay three-storey, mid 18thC house, Georgian style with rendered walls and parapet.” Whilst the appraisal refers to “This pair of structures creates an interesting aspect to the streetscape with the tall Georgian building dwarfing the later nineteenth-century structure.”

Planning History:

The building is recorded within the National Built Heritage Service’s NIAH Survey data (NIAH Reg no. 13619031) which refers to the building’s previous name as ‘Bank of Ireland,’ and its use as a surgery / clinic.

The submitted details refer to the building’s last known use as offices. 2 no. Section 5 applications have been submitted to Louth County Council’s Planning Authority in relation to the proposed change of use, as follows:

File ref 2025/02 – Not exempted Development (issued 31/01/2025.)

File ref 2025/08 – under consideration.

There is also a live enforcement case in relation to the subject building, namely:

UD 24/248: Alleged unauthorised development works taking place to a Protected Structure – Referred for initial inspection 13/12/2024

Description of the Structure:

The **NIAH** description of this regionally important property is as follows:

“Attached three-bay three-storey over basement former house built c. 1800, now in use as surgery. Attached to two-bay two-storey house c. 1860 to west. Hipped and pitched slate roofs, clay ridge tiles, smooth rendered chimneystacks, cast-iron and aluminium rainwater goods. Painted smooth rendered ruled and lined walling, projecting plinth course to east house. Square-headed window openings, painted stone sills, painted moulded smooth rendered architraves and painted timber one-over-one sliding sash windows to ground floor east, painted timber one-over-one sliding sash window to ground floor west, cast-iron guard rail, uPVC windows to all other window openings. Pair of square-headed door openings to west house flanked by pilasters supporting painted timber cornice, plain-glazed over lights, painted timber doors with four flat panels, cast-iron boot scrapers on granite entrance platform accessed by four granite steps. Site bounded to east by stone plinth wall surmounted by cast-iron railings. Street fronted.”

The **NIAH** appraisal of this properties includes –

“This pair of structures creates an interesting aspect to the streetscape with the tall Georgian building dwarfing the later nineteenth-century structure. The unusual, paired door opening arrangement seen on the west building, with attractive pilasters and cornice, is also worthy of note. This pair is a valuable addition to the historic streetscape of Laurence Street.”

Referral Question:

The submitted question as set out in Question 10 of the S57 declaration request form states:

“Change of use from commercial to Class 20 (f) emergency accommodation for persons seeking International Protection. No changes proposed to the external elevation, no changes proposed to the internal configuration. No alterations proposed to the building fabric. Refer to VCL support document for context information.”

Legislative Provision:

Section 57(1) of the Planning and Development Act 2000, as amended, states:

“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 Planning and Development Act 2000, as amended, stipulates that the carrying out of any works specified in a notice under section 59 (1) or 60 (2) shall be exempted development.

Assessment:

Under question 10 of the submitted declaration request form, the development is described as a change of use, with no works to the property. A site inspection was conducted on 27th January 2025 including internal access. At this time, completed and ongoing works were observed within the building and the applicant advised that they were completing final works in preparation for the intended use.

Section 57 of the Planning and Development Act 2000, as amended does not however relate to a change of use, it only facilitates the carrying out of “works” which is defined under Section 2 of the Planning Act 2024.

In this regard, it is considered that Section 5 of the Planning Act 2000, as amended, sets out the relevant legislative context in relation to the proposed change of use of the subject building and Protected Structure. A separate Section 5 application has been submitted (reference 2025/08) which remains under consideration by the Planning Authority.

In having regard to the degree of works which appear to have been undertaken to the Protected Structure (evident on site and in comparison to the former condition of the building as detailed in the applicant’s photo log,) it is considered that the description provided within question 10 of the submitted declaration form is inaccurate. Accordingly, and in the interest of clarity and accuracy, a more appropriate description for this Section 57 declaration would be:

“Existing external and internal works to a Protected Structure, including replacement of windows and doors and internal refurbishment and restoration works.”

At the time of inspection, the applicant advised that he has additional photographs which may be useful for this assessment and a follow up email was subsequently received from the applicant on 27th January 2025. These additional were subsequently submitted by email on 27th January 2025 and are detailed at the end of this report (Annex 1.) Photos taken by the Planning Authority upon site inspection on 27th January 2025 are also included at the end of this report (Annex 2,) showing the current condition of the property.

The applicant has submitted an accompanying report (prepared by VCL Consultants) which sets out the following:

- Building description.
- History of the building.
- Overview of the building condition.
- Property Survey details.
- The proposed change of use details.

The applicant has stated that the building likely originated as residential use, though would appear to have been used for commercial purposes with the construction of the two storey section in the 19th century, with the commercial use of the building pre-dating 1963. The statement refers to available photographic imagery of the property whereby it appears there were timber windows on the ground floor to the front elevation, with uPVC windows above in 2009, which is the earliest available photo. The statement goes on to note that the ground floor timber windows were replaced with UPVC frames some time between 2009 and 2014, to match the upper floor windows. Prior to 2009, the interior of the property was reconfigured to include timber stud partitions creating a number of self-contained offices. And that use of the building appears to have ceased some time between 2012-2014.

In terms of the property condition, the statement sets out that the property suffered significant anti-social behaviour over the last 6-7 years with external signs of damaged windows in 2019. The front elevation was boarded up in or around 2020, and the statement refers to evidence of unauthorised access to the property through the rear, with internal doors and window surrounds and floors being disassembled and burnt on the premises. Internally, significant damage to the property was inflicted and it appears that the internal available timber elements were disassembled as firewood in the ground floor rear eastern fireplace.

The rear of the flat roof of the property to the rear was also badly damaged (either through wear and tear or break ins) which allowed significant levels of moisture into the building at this location, with a significant level of wet and dry rot evident in the roof structure and timber floors.

The report goes on to update that the property was purchased by the current owner in late 2024 and at this time, the interior presented significant hazards with accumulated debris, drug paraphernalia, unstable floors and finishes. The statement notes that prior to an initial survey of the property it was necessary to clean up the building and provide additional supports to the floor structure. Photos are included within the report to demonstrate the condition of the interior of the building following this clean up and making secure of the structure. Photos provided within the report are included at the end of this report (Annex 3). These are referred to as a photo log of the building's condition upon acquisition by the applicant and taken in October 2024.

The report goes on to state that a survey of the property found that the remaining wall and partition elements (both original fabric and the timber stud partitions installed prior to 2009) could be retained and therefore enable a continuation of the use of the building. The statement notes that for this reason, the property was secured rather than reconfigured, and the building envelope has been fully weathered, the internal removed floors have been reinstated, and the walls finishes have been repaired. The statement further notes that no alterations were required to the original fabric of the building as it existed and sets out that the building is currently ready for reuse with the intention to offer it to the Ministerial Department for emergency accommodation for persons seeking international protection. The statement ends by noting that this change of use will not require any physical works to the property as it is suitable in its current configuration.

Existing and Proposed Plans are included with the application for a S57 declaration as detailed below:



Figure 4: Existing Plans and Elevations



Figure 5: Proposed Plans and Elevations

Having reviewed the details submitted, the submitted drawings (by way of internal configuration) correspond with the existing building layout, as inspected on 27th January 2024. At the time of inspection, it was evident that restoration works that have been carried out to the roof structure, timber floors, staircases, windows (including their replacement,) ceilings and walls (this list is not exhaustive.)

Under Section 57 (1) of the Planning Act 2000, *notwithstanding section 4(1)(h,) the carrying out of works to a Protected Structure, or a 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.*

In having regard to the above and the apparent works carried out to this protected structure, it is considered that the internal restoration works do not materially affect the architectural or historic elements of the structure or any element of the structure which contributes to its protection and as such, are exempt.

In relation to the external works (i.e. replacement of windows and doors,) the NIAH record for this building is relevant (Reg. no. 13619031) which refers to *"painted timber one-over-one sliding sash windows to ground floor west.....uPVC windows to all other openings."*

The replacement external doors do not materially affect the character of the Protected Structure. Given the historical presence and recognition of upper floor PVC windows in this building within the NIAH survey data, the installation of PVC windows to the upper floors is in principle acceptable. Notably however, the existing windows incorporate dark grey frames in lieu of the historical white coloured frames, which arguably alter the character and visual appearance of the front façade of the building.

The applicant's submitted details refer to the installation of PVC windows at ground floor level some stage between 2009-2014. There are no planning records pertaining to the same.

In considering the replacement PVC windows to the ground floor, the design and fenestration of the front elevation contributes significantly to the character of the structure in the streetscape and the material of window frames arguably play as an important part as the materials of walls in relation to design integrity. The subject development relates to a Protected Structure in the ACA.

Whilst reference is made to the existence of PVC windows to the ground floor of the front elevation in the submitted details, there are no planning records granting permission for these. The presence of timber window to the ground floor level are recognised features within the building's architectural protection. Notwithstanding the applicant's submission case in this regard, the existing ground floor PVC appear to have been installed without the benefit of permission and arguably, set an undesirable precedent within the context of the ACA. The ground floor windows also incorporate dark grey frames which significantly alters the appearance of the building.

I consider that the replacement windows to the front elevation of the building materially affect the character of the structure and an element of the structure which contributes to the building's special architectural interest, namely the original ground floor timber one-over-one sliding sash windows.

Accordingly, the replacement windows are **not exempted development**, as defined under Section 57 of the Planning and Development Act, 2000, as amended, and Section 2 of the Planning and Development Act, 2024.

Conclusion:

In having regard to the condition of the existing building, internal and external restoration works appear to have been carried out to the existing protected structure. It is considered that the internal works are exempted development. However as the external works (specifically the replacement uPVC windows to the front façade of the building) materially alter the visual appearance and character of the Protected Structure, these are consequently, not considered to constitute exempted development. Planning permission should be sought in relation to the replacement of external windows to the entire front façade of the building in this regard.

Recommendation:

I hereby recommend that a declaration of Exemption be issued for the internal works only, for the reason(s) set out hereunder:

WHEREAS the question has arisen as to whether the internal and external restoration works would or would not materially affect the character of the protected structure or any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest at no. 27 Laurence Street, Drogheda.

AND WHEREAS Whearty Brothers Limited has requested a declaration on the question from Louth County Council on the 9th January 2025.

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

- a) Section 2 of the Planning and Development Act, 2024,
- b) Section 2 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 special interest pertaining to the protected structure in question and,
- g) The nature and extent of works set out in the referral question.

AND WHEREAS Louth County Council has concluded that -

- (i) The stated works to the protected structure comprise of “works” as defined in Section 2 of the Planning and Development Act 2024, (as amended);
- (ii) The stated internal works and replacement external doors do not materially affect the character of the protected structure, or any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social, or technical interest and therefore falls within the scope of section 4(1)(h) and Section 57(1) of the Planning and Development Act 2000 (as amended.)
- (iii) The stated external works i.e. replacement windows do materially affect the character of the protected structure, or any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social, or technical interest, and therefore does not fall within the scope of section 4(1)(h) and Section 57(1) of the Planning and Development Act 2000 (as amended.)
- (iv) The said development, therefore, partially falls within the scope of section 4(1)(h) and Section 57(1) of the Planning and Development Act 2000 (as amended.)

NOW THEREFORE Louth County Council, in exercise of the powers conferred on it by Section 57 of the Planning and Development Act, as amended, hereby decides that the internal works and replacement external doors as detailed in this application to the property at no. 27 Laurence St, Drogheda, Co. Louth as detailed above, **constitutes development that is exempted development** and the replacement windows to the property at no. 27 Laurence St, Drogheda, Co. Louth as detailed above, **constitutes development that is not exempted development**.

Note for applicant: Section 57 of the Planning and Development Act 2000, as amended, does not however relate to a change of use, it only facilitates the carrying out of “works” which is defined under Section 2 of the Planning Act 2024.

In this regard, it is considered that Section 5 of the Planning Act 2000, as amended, sets out the relevant legislative context in relation to the proposed change of use of the subject building and Protected Structure.



Any further documentation attached (maps, photographs, sketches, notes etc.)? **Y**

- Request for Section 57 Declaration (date signed 07/01/2024)
- Supporting Statement (prepared by VCL Consultants) including photolog showing front elevation 2009-2023 (Google Streetview) and internal condition of property on acquisition.
- Site Location Map scale 1:1000
- Drawing numbers 224082-101 (Existing floor plans and elevations)
- Drawing number 224082-102 (Proposed floor plans and elevations)

Signed by Inspector

Orla Rooney, Assistant Planner

Date

26th February 2025

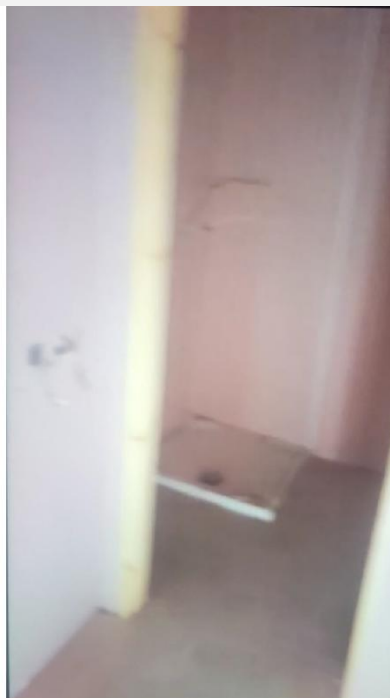
Signed by Planning Authority Officer

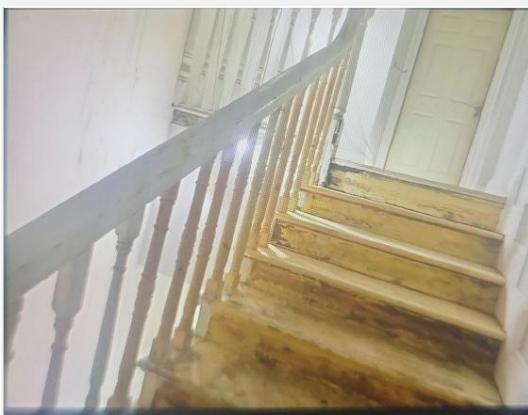
Turlough King, Senior Executive Planner

Date

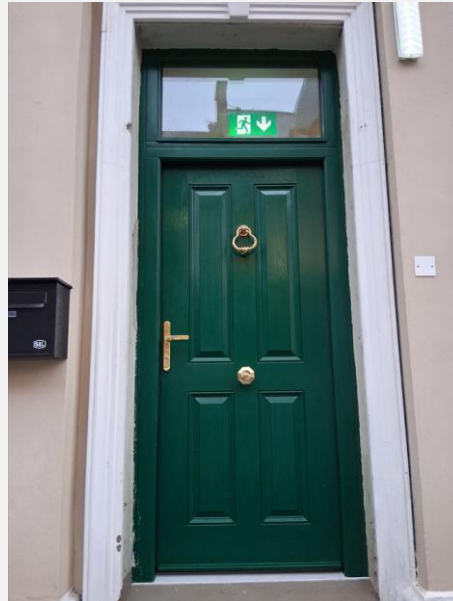
26th February 2025

Annex 1: Additional photos submitted by the applicant by email 27th January 2025





Annex 2: Planning Authority photos taken 27th January 2025



Front exterior as existing



Front exterior as existing

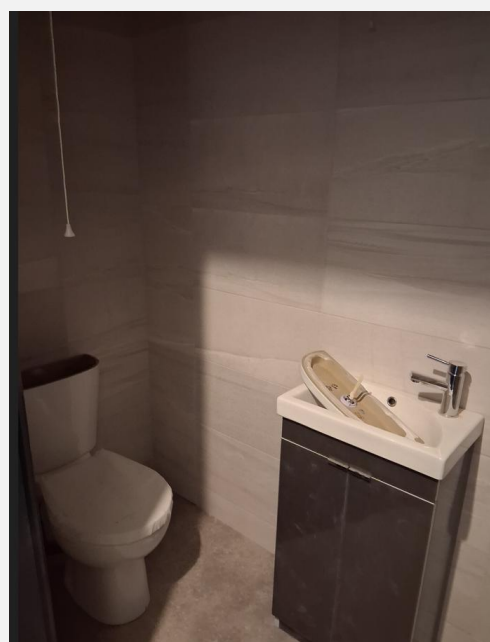
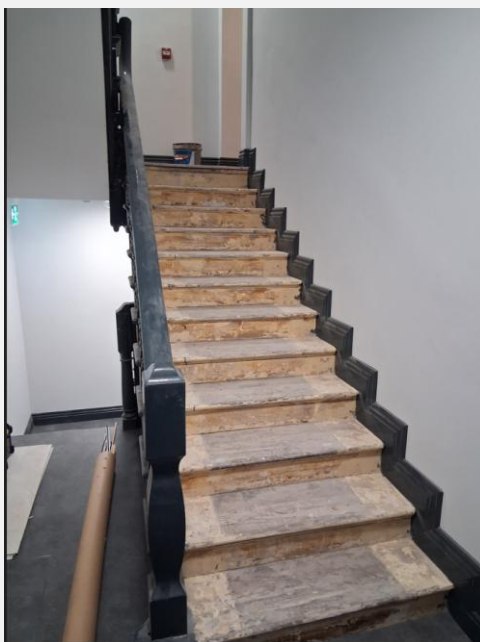


Rear exterior as existing

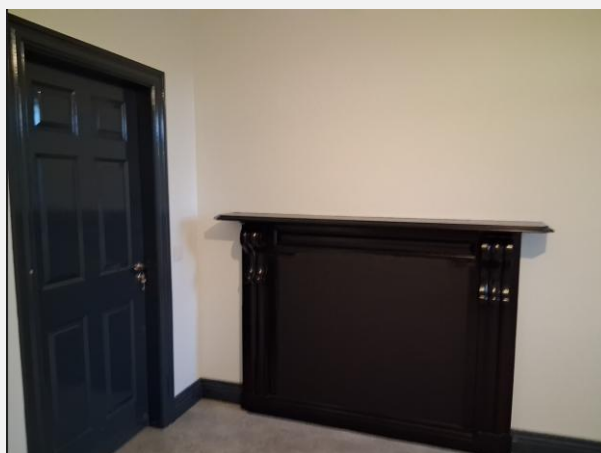




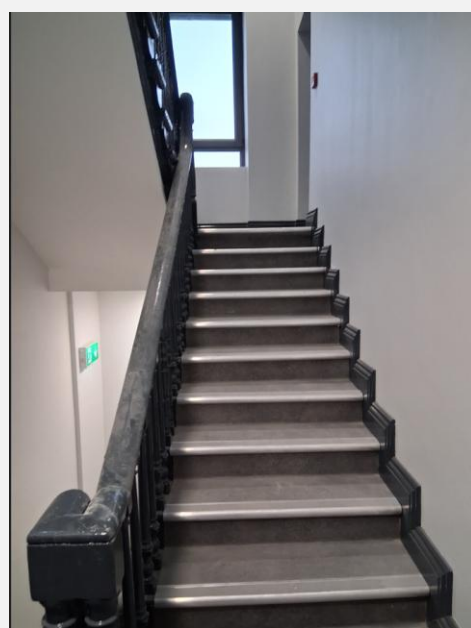
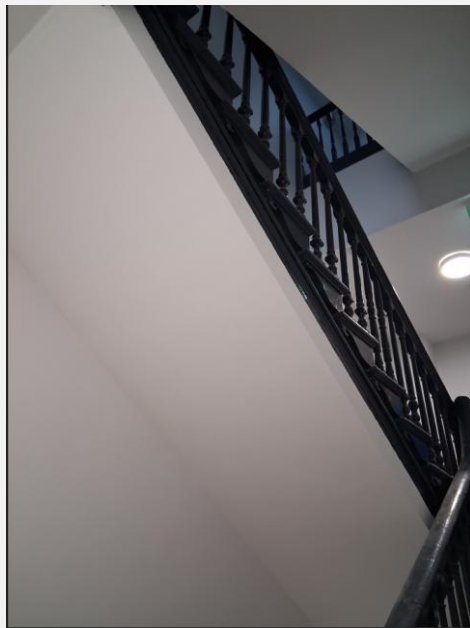
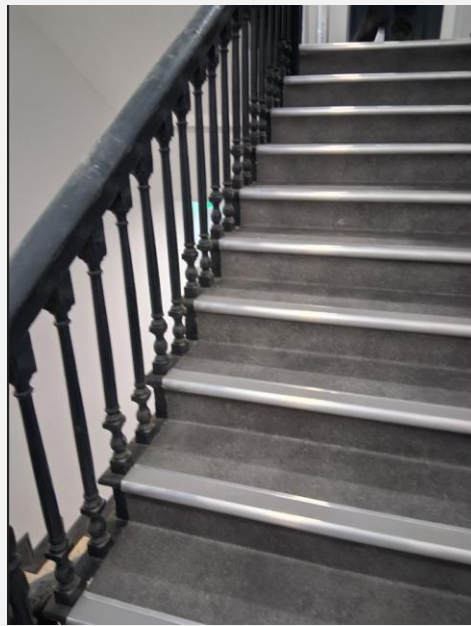
Rear exterior as existing



Interior as existing



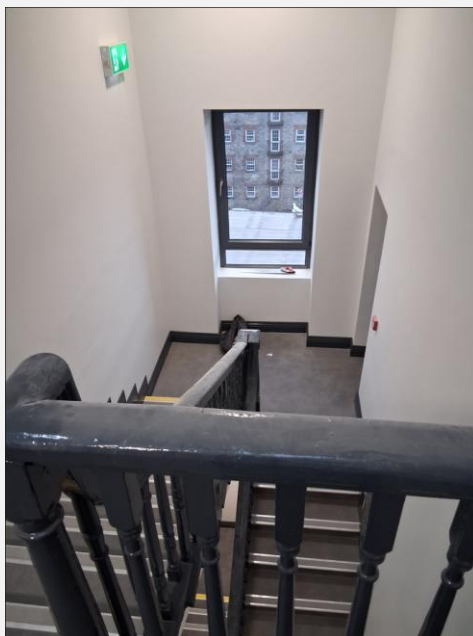
Interior as existing



Interior as existing

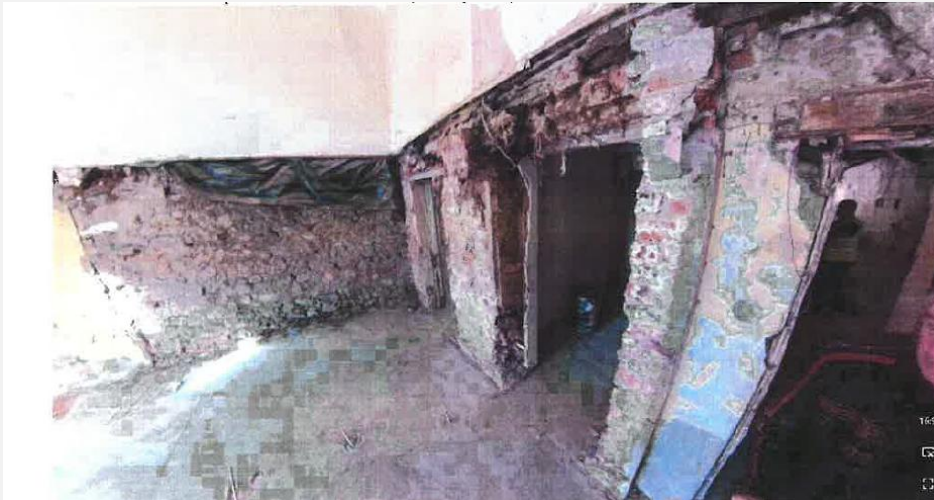


Interior as existing

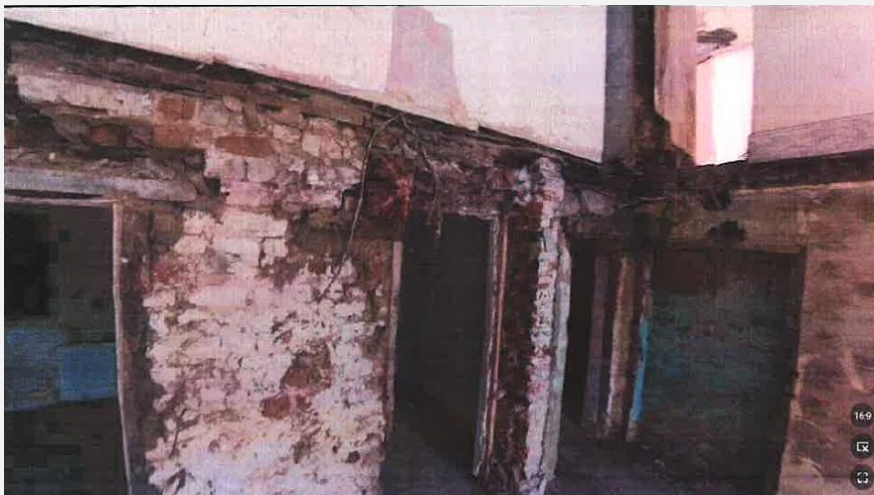


Interior as existing

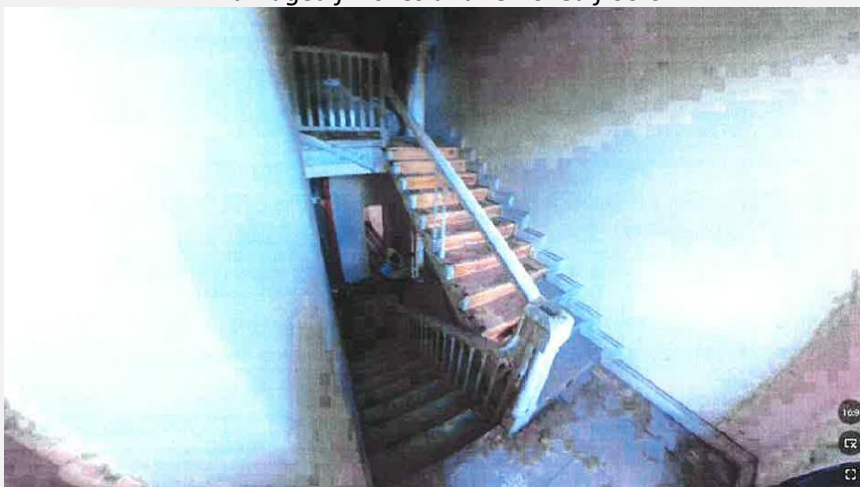
Annex 3: Photos submitted by the applicant showing the condition of the property upon acquisition



Damaged finishes



Damaged finishes and removed floors



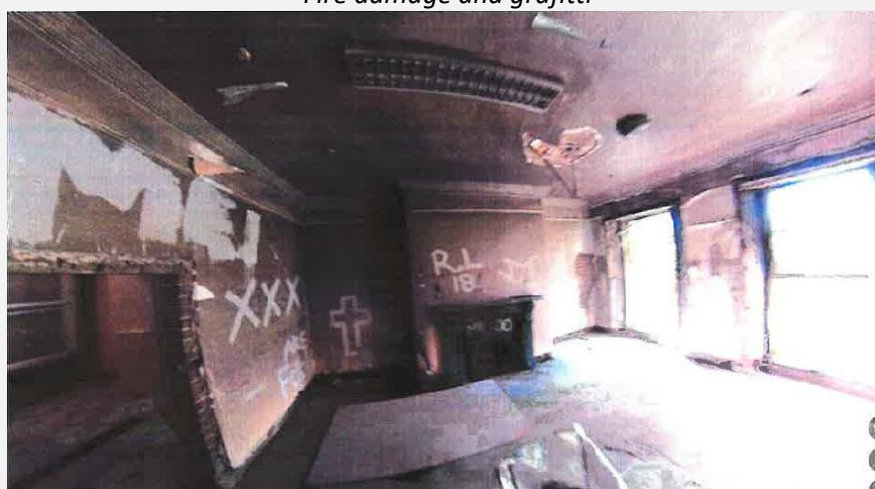
Damaged stairs



Badly rotted floor structure



Fire damage and graffiti



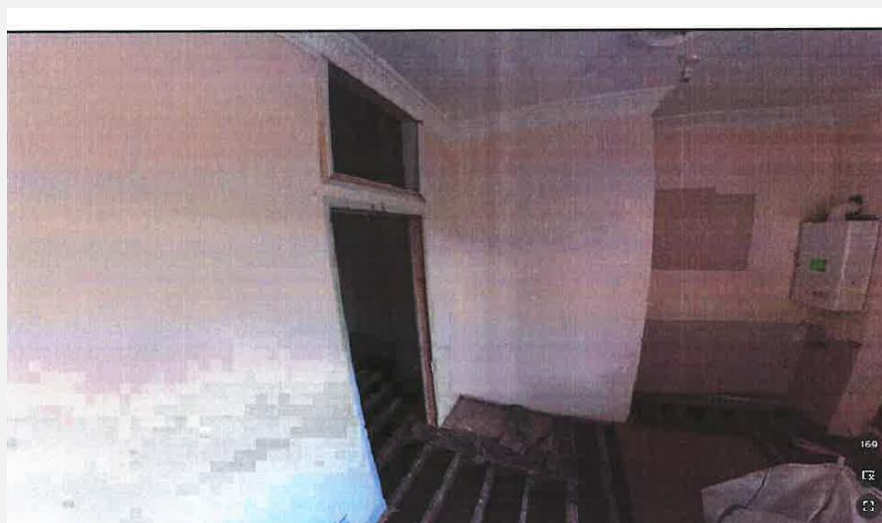
Fire damage (walls and floor)



Missing floor structure



Missing floor structure



Partitions installed as part of pre 2009 re-reconfiguration



Badly rotted floor structure