



An
Bord
Pleanála

Inspector's Report ABP-308127-20

Development	Demolition of former convent and extension to existing car park
Location	Knockaneroe, Castletownbere, County Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	20/306
Applicant(s)	Murphy's Stores Berehaven Ltd.
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Murphy's Stores Berehaven Ltd.
Date of Site Inspection	9 th December, 2020
Inspector	Kevin Moore

1.0 Site Location and Description

1.1. The site of the proposed development is located within the town centre of Castletownbere to the rear of a Supervalu shop and immediately north of the Catholic Church. There is an existing 19th century three-storey convent building within the confines of the site. Access is gained to the site via the existing car park entrance serving the shop. It is understood from the planning authority's reports that the building was last in use as a hostel. My internal inspection of the building confirmed a use of this nature. The building is in a state of disrepair, with many windows broken, internal and external structural damage, and evidence of waste associated with anti-social behaviour within.

2.0 Proposed Development

2.1. The proposed development would comprise the demolition of the former convent building and the extension of an existing car park. The area of the site is 0.114 hectares. The convent building proposed to be demolished has a stated floor area of 835 square metres. The extended car park would provide an additional 27 car parking spaces within this area.

3.0 Planning Authority Decision

3.1. Decision

On 11th August 2020, Cork County Council decided to refuse permission for the proposed development for two reasons relating to the loss of the former convent building as a building of architectural, artistic and social importance and because it would contravene a condition of a previous planning permission.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner noted the site's planning history and that the requirements of Condition 19 of Planning Permission 16/232 had not been complied with. Development plan provisions and reports received were referenced. It was acknowledged that the

proposed parking would be of benefit in addressing deficiencies in parking in the town. Concerns of the Heritage Unit were noted in relation to the proposed demolition. The lack of consideration by the applicant of an alternative use for the existing building was alluded to. A refusal of permission for two reasons was recommended.

The Acting Senior Planner concurred with the Planner's recommendation.

3.2.2. Other Technical Reports

The Conservation Officer noted that the existing 19th century convent is included in the National Inventory of Architectural Heritage (NIAH), that it is provided with a Regional Rating, and that it adjoins the Catholic Church which is a protected structure. Development Plan provisions relating to protected structures and structures included in the NIAH were referenced. It was submitted that the policy of the planning authority is to give regard to and consideration of all structures included in the NIAH and that the proposal would compromise the wider setting of the adjoining church. It was noted that the building forms part of an ecclesiastical cluster and is an important part of the social, cultural and architectural heritage of Castletownbere. The proposed demolition was regarded as resulting in an irreversible loss of architectural heritage and was viewed as setting an unfavourable precedent. It was noted that the building is in the applicant's ownership and that its use and maintenance is within their remit. A refusal of permission was recommended.

The Area Engineer requested a revised site layout plan, noting the access ramp is too narrow and sightlines are deficient.

The Environment Section requested the submission of a waste management plan.

4.0 Planning History

P.A. 94/2553

Permission was granted in 1995 for the retention of renovations to the convent building and its change of use to a hotel with leisure and health facilities and a shop.

P.A. Ref. 09/1011

Permission was granted for a new entrance access road with a new car park incorporating changes to the layout of the church car park with a covered walkway and a new entrance to the supermarket with two lifts at the church grounds.

P.A. 14/563

An extension of the duration of Planning Permission 09/1011 was granted until 10th December 2019.

P.A. Ref. 16/232

Permission was granted for an extension to the shop that included alterations and renovations on the ground floor with a lift and stair to the proposed extension to the existing car park to the rear. Condition 19 of that permission was as follows:

19. *The entrance to the car park shall be re-aligned as per details outlined in planning application 09/1011 and where necessary by agreement at time of construction. The entrance shall be re-aligned as per the details outlined in planning application 09/1011 within 30 months of any grant of permission.*

Reason: In the interests of orderly development.

5.0 Policy Context

5.1. Cork County Development Plan 2014

Architectural Heritage

Objectives include:

HE 4-1: Record of Protected Structures

- a) The identification of structures for inclusion in the Record will be based on criteria set out in the Architectural Heritage Protection Guidelines for Planning Authorities (2005).
- b) Extend the Record of Protected Structures in order to provide a comprehensive schedule for the protection of structures of special importance in the County during the lifetime of the plan.
- c) Seek the protection of all structures within the County, which are of special architectural, historical, archaeological, artistic, cultural, scientific, social or

technical interest. In accordance with this objective, a Record of Protected Structures has been established and is set out in Volume 2, Chapter 1 of the Plan.

- d)** Ensure the protection of all structures (or parts of structures) contained in the Record of Protected Structures.
- e)** Protect the curtilage and attendant grounds of all structures included in the Record of Protected Structures.
- f)** Ensure that development proposals are appropriate in terms of architectural treatment, character, scale and form to the existing protected structure and not detrimental to the special character and integrity of the protected structure and its setting.
- g)** Ensure high quality architectural design of all new developments relating to or which may impact on structures (and their settings) included in the Record of Protected Structures.
- h)** Promote and ensure best conservation practice through the use of specialist conservation professionals and craft persons.

HE 4-2: Protection of Structures on the NIAH

Give regard to and consideration of all structures which are included in the NIAH for County Cork, which are not currently included in the Record of Protected Structures, in development management functions.

The Plan states that It is important to recognise the contribution that all historic structures, features and landscapes including those which are not listed in the Record of Protected Structures, makes to the county's heritage. The Council will seek the enhancement of these elements in recognition of their quality, character and local distinctiveness.

5.2. West Cork Municipal District Development Plan 2017

Castletownbere is designated a 'Main Town' in the Plan. The site lies within the area zoned 'Town Centre'.

Specific Development Objectives for the town centre include:

CR-T-01:

To promote the town centre as the primary area for retail and mixed use development, encourage sensitive refurbishment/redevelopment of existing sites and promote public realm improvements.

5.3. Appropriate Assessment

Having regard to the nature, scale, and location of the proposed development within the urban centre of Castletownbere, the nature of the receiving environment, and the separation distance to the nearest 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.

5.4. EIA Screening

Having regard to the nature, size and location of the proposed development, there is no real likelihood of significant effects on the environment. The submission of an EIAR is not required.

6.0 The Appeal**6.1. Grounds of Appeal**

The grounds of the appeal may be summarised as follows:

- The applicant tried to keep the former convent trading and in use by renting it as a hostel until it ceased trading in 2014 as it was not profitable. The Supervalu has traded on the adjacent site since the 1900s and has extended.
- The former convent does not contribute to the architectural or artistic view of the town centre, located to the rear of the shop and next to the church. It is of modest standard construction with little or no architectural features. It is becoming a distraction to the church and is falling into disrepair.

- The surrounding ground in the convent area is being used as an overflow car park for the church and shop. It is also used as a rat-run and with continued use will become an insurance issue. The area will eventually need to be closed to public access.
- The proposal will remove on-street parking. There is a huge need at the junction in front of the shop on the quayside for parking. Access to the church would also be improved.
- The applicant proposes an architectural recording of the existing building. Items of interest could be maintained and stored. A plaque could be erected detailing the building and its history. This could be given to the Council and could also be stored in the parish church.
- The building is in a derelict state and it is generating anti-social behaviour. There is concern that this could lead to an accident. The building has nothing of value within it.
- Planting and landscaping would be introduced to enhance the area.
- The existing shop has access to this area served by stairs and a lift to the main retail floor. This will remove the chaotic parking at the front of the shop.
- There were no third party objections. The local community has no issue with the building's removal and redevelopment of the area.
- By increasing parking, it will allow for social distance and allow customers to access the store from more than one entrance. It will also allow for social distancing to be managed within the store.
- The second reason for refusal would be addressed by the removal of the convent. When the last extension was built funding was limited. Major civil works were required as the building was built into the side of a hill. As trade has improved funding is available to rework the entrance and will form part of the new works. By removing the building, it will increase the capacity of on-site parking which will have a direct impact on turnover.

The appellant concluded by submitting that it is proposed to remove the convent to provide a better shopping experience for customers.

6.2. Planning Authority Response

The planning authority submitted that exceptional justification for the proposed demolition of the existing building has not been made. It was also submitted that the onus is on the developer to correct the deteriorating condition of the building. It was considered that there is no good reason why the reason referenced in the second reason for refusal cannot be complied with. It was concluded that the appeal raises no new issues that were not previously considered.

7.0 Assessment

7.1. Introduction

- 7.1.1. I consider that the principal planning issues requiring consideration are demolition of the existing convent building and compliance with planning permission.

7.2. Demolition of the Convent Building

- 7.2.1. The existing convent building on the site is a building of architectural, artistic and social significance. The following is noted on the structure from the National Inventory of Architectural Heritage (NIAH) which is under the administration of the Department of Culture, Heritage and the Gaeltacht:

“NIAH Registration No. 20835011: Harbour Lodge hostel and Day nursery, Knockaneroe, Castletownbere, County Cork

Rating - Regional

Categories of Special Interest - Architectural Artistic Social

Original Use - Convent/nunnery

In Use As - Hostel

Date - 1860 – 1900

Description

Detached L-plan former convent, built c.1880, comprising seven-bay two and three-storey main block to south-west, projecting two-bay chapel and flat roofed porch, adjoining flat roofed three-bay two-storey block to north-east. Detached U-plan two-storey block with projecting gabled end bays to north-east. Now in use as hostel and day centre. Hipped and pitched artificial slate roofs to main block with timber brackets to eaves course, render parapet and cross finial to gable front of chapel. Pitched artificial slate roof to north-east block having carved timber bargeboards and cross finials to gables. Cast-iron rainwater goods. Painted rendered walls with render plinth to south-west block, render plaque to chapel gable front and carved limestone cross to north-east elevation over carriageway. Square-headed openings with one-over-one timber sliding sash windows to first floor of south-west block and two-over-two timber sliding sash windows to north-east block, with replacement timber and uPVC windows to remainder, all having painted sills and rendered surrounds. Round-headed openings to second floor of south-west block with uPVC windows, painted stone sills and moulded render hood mouldings. Paired round-headed openings to chapel gable front with lead lined stained glass windows, chamfered reveals and moulded render surround with roundel motif. Square-headed openings to entrances having replacement timber glazed doors with overlights and sidelights to porch. Camber-headed integral carriage arch to north-east block with rendered keystones and raised render reveal. Car park to south with recent concrete block enclosing wall.

Appraisal

This former convent, though now in use as a hostel and day centre, retains much of its original character. Designed in blocks of varying form and scale which reflected the varying uses of each section, it is of a style that is representative of late nineteenth century ecclesiastical design. The carved bargeboards, cast-iron finials timber sliding sash windows and particularly the chapel, are notable historic features. It originally formed part of a religious complex with the nearby Roman Catholic church.”

- 7.2.2. It is apparent from the above that many of the original main features of the structure remain. The existing building retains notable historic features of architectural merit and must be understood in the context of it forming a religious complex with the adjoining church, which itself is a protected structure.
- 7.2.3. The objective of Cork County Development Plan as it relates to structures on the NIAH is:
- “Give regard to and consideration of all structures which are included in the NIAH for County Cork, which are not currently included in the Record of Protected Structures, in development management functions.”* (Objective HE 4-2)
- 7.2.4. It is further noted from the Plan that the contribution that all historic structures, features and landscapes including those which are not listed in the Record of Protected Structures, makes to the county’s heritage is seen to be important. The Plan seeks the enhancement of these elements in recognition of their quality, character and local distinctiveness.
- 7.2.5. While the objective to ‘Give regard to’ and ‘consideration’ are very limited in creating any meaningful intent for the future of existing structures of architectural, artistic or social merit that are on the NIAH, it is my submission that this objective does not seek to facilitate the demolition of such structures. This is particularly so when it is clear to see that the features that have merited the structure’s placing on the NIAH remain in place, i.e. the plan, openings, surrounds, etc. While I acknowledge that the building is gradually falling into a state of disrepair, it would be remiss to note that the principal features of the layout and built form of this building remain. Given that the Development Plan seeks enhancement of such built elements, the proposal to demolish the former convent could not be seen to be consistent with the Plan provisions.
- 7.2.6. The convent building is understood to have originally formed part of a religious complex with the adjoining church. While the use may have altered for the building, its structural form and its relationship with the adjoining church did not distinctly alter. Thus, it remains an important part of the ecclesiastical heritage of this area dating from the 1800s. The adjoining church is a protected structure (RPS No. 741) and

Objective HE 4-1 of the County Development Plan seeks the protection of all structures within the County, which are of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest and to ensure the protection of all structures (or parts of structures) contained in the Record of Protected Structures. It is also part of that objective to protect the curtilage and attendant grounds of all structures included in the Record of Protected Structures. With both the church and the former convent being understood as a religious complex, it must reasonably be determined that the demolition of the convent building would significantly undermine and erode the context of the protected structure and its distinct relationship with that building. Thus, it may reasonably be ascertained that the proposed demolition does not protect the historical, architectural, cultural and social interest of this protected structure.

7.2.7. Finally, I note the *Architectural Heritage Protection Guidelines for Planning Authorities* published by the Department of the Environment, Heritage and Local Government in 2004. Chapter 2 refers to the Development Plan and the Record of Protected Structures. Section 2.4 refers to the means of identifying structures of special interest. In reference to Ministerial recommendations, it is submitted that, where an NIAH survey has been carried out, those structures which have been attributed a rating value of international, national or regional importance in the inventory will be recommended by the Minister to the planning authority for inclusion (para. 2.4.4). While I acknowledge the 'Regional' rating of the existing building, I further acknowledge that it is not a protected structure. Notwithstanding this, I submit to the Board that its regional rating, its relationship with the adjoining church structure, and its retained built form merit a refusal of permission for the structure's demolition.

7.3. Compliance with Planning Permission

7.3.1. I first note that the appeal submission would appear to indicate that there is an acknowledgement of non-compliance with a previous planning permission when the appellant states "*The second condition as raised by the council will be addressed with the removal of the convent.*" In undertaking the construction of an extension to

the appellant's adjoining shop as permitted under Planning Permission 16/232, the appellant is submitting that funding was not available to carry out works to the entrance which were required in accordance with Condition 19 of the planning permission. The appellant states that the works to the entrance would form part of the new works but that this is contingent upon the removal of the convent.

- 7.3.2. I note that the development of the proposals permitted under Planning Permissions 16/232 and 09/1011 were each not reliant upon any demolition of the convent building. The proposed development before the Board, seeking demolition of the former convent building and the provision of extra car parking behind the existing shop, is a separate, standalone planning application. The non-compliance with planning permission is an enforcement issue for the planning authority.

8.0 Recommendation

- 8.1. I recommend that permission is refused in accordance with the following reasons and considerations.

9.0 Reasons and Considerations

1. The former convent building on the site is a structure listed in the National Inventory of Architectural Heritage (NIAH) and is a building attributed a rating value of regional importance which is of architectural, artistic and social special interest. Furthermore, the building forms part of a religious complex with the adjoining church which is a protected structure in the Record of Protected Structures in Cork County Development Plan 2014 (RPS No. 741). It is the objective of Cork County Development Plan to give regard to and consideration of all structures which are included in the NIAH for County Cork, which are not currently included in the Record of Protected Structures, in development management functions (Objective HE 4-2). In addition, it is a provision of the Plan to recognise the contribution that historic structures make to the county's heritage and to seek the enhancement of these elements in recognition of their quality, character and local distinctiveness. It is also an objective of the Plan to seek the protection of all structures within the County, which are of special

architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest and to protect the curtilage and attendant grounds of all structures included in the Record of Protected Structures (Objective HE 4-1).

It is considered that the proposed demolition of the former convent building, which retains its many features of architectural, artistic and social special interest, would result in the loss of a building of architectural, artistic and social significance for the town of Castletownbere, would undermine and erode the historical complex of religious structures at this location, and would, thereby, conflict with Objectives HE 4-1 and HE 4-2 of Cork County Development Plan. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Kevin Moore
Senior Planning Inspector

16th December 2020