



Planning and Development Acts 2000 to 2018

Planning Authority: Cork County Council

Planning Register Reference Number: 17/06954

Appeal by Tony Cournane of Abbot's Way, Fort View, Kinsale, County Cork against the decision made on the 8th day of May, 2018 by Cork County Council to grant subject to conditions permission to Saint Catherine's Cultural Centre CLG care of Design Forum Architects of 3 Ardeevin, Saint Lukes, Cork in accordance with plans and particulars lodged with the said Council:

Proposed Development: Change of use from place of worship to cultural/performance and exhibition centre including new wc and kitchenette and essential conservation works, drainage and associated site works and associated car parking on adjoining lands. Saint Catherine's Church is a Protected Structure and Recorded Monument, all at Ardbrack, Kinsale, County Cork.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

Having regard to the Cork County Development Plan 2014 – 2020 and the Bandon – Kinsale Municipal District Local Area Plan 2017, it is considered that, subject to compliance with the conditions set out below, the proposed uses of the church would be an appropriate use of a protected structure and the use of an adjacent site as a proposed car park would be consistent with the Local Area Plan's Specific Development Objective KS-C-04 for this site. The proposed works to the protected structure would, in principle, be in order to facilitate the proposed uses. The size of the proposed car park and its access arrangements would comply with the current County Development Plan standards. An off-road footpath link between this car park and the church would, subject to archaeological monitoring during its construction, be satisfactory. The proposed uses themselves would be compatible with the residential amenities of the area. No Environmental Impact Assessment or Appropriate Assessment issues would arise. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

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 11th day of April, 2018, 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 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 (including hydrological and geotechnical investigations) relating to the proposed development,
 - (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
 - (c) 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.

3. Prior to the commencement of development, a detailed conservation method statement shall be submitted to, and agreed in writing with, the planning authority and thereafter, development shall only proceed in accordance with this statement. This statement shall be prepared by a qualified professional with specialised conservation expertise and it shall comprise the following:
 - (a) A fully detailed schedule of works.
 - (b) An outline of how the said works are to be undertaken.
 - (c) A specification of all the materials to be used in these works.
 - (d) Details of interventions required to facilitate the installation of services and utilities.
 - (e) Details of all new fixtures and fittings.

Reason: In order to ensure an appropriate standard of restoration and conservation works for this protected structure.

4. All works to the protected structure shall be carried out under the supervision of a qualified professional with specialised conservation expertise.

Reason: To secure the authentic preservation of this protected structure and to ensure that the proposed works are carried out in accordance with best conservation practice.

5. A detailed record of all conservation works and interventions shall be maintained during, and on completion of, the development. This record shall comprise a written commentary and photographs. Within three months of the completion of the development, a paper and digital copy of the document shall be submitted to the planning authority.

Reason: In the interest of maintaining a permanent record of works to the protected structure.

6. Site development and building works shall be carried out only between the hours of 0800 and 1900 from Mondays to Fridays inclusive, between 0800 and 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 residential amenities of property in the vicinity.

7. Prior to the recommencement of use of the church, the proposed car park and the proposed footpath shall be fully implemented and made available for use.

Reason: To ensure that the opportunity for off-street parking is available at all times.

8. The hours of operation for the centre shall be between 0800 and 2230 from Mondays to Fridays inclusive and between 0800 and 2300 hours on Saturdays, Sundays and public holidays.

Reason: In the interest of residential amenity.

Maria FitzGerald

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this day of 2019.