



An Bord Pleanála

Inspector's Report

Development: **Demolition of Balor theatre building (old Ritz cinema) and shed to rear, including removal of all materials to clear site at Lower Main Street, Ballybofey, Lifford P.O., Co. Donegal**

Planning Application

Planning Authority: Donegal County Council

Planning Authority Reg. Ref.: 15/51416

Applicant: The Butt Hall Committee

Type of Application: Permission

Planning Authority Decision: Refuse

Planning Appeal

Appellant(s): The Butt Hall Committee

Type of Appeal: 1st Party

Observers: None

Date of Site Inspection: 11/04/2016

Inspector: L. Dockery

1.0 SITE LOCATION AND DESCRIPTION

- 1.1 The subject site, which has a stated area of 0.123 hectares, is located on the northern side of Lower Main Street, Ballybofey, Co. Donegal. St. Vincent's Close, a narrow laneway, is located to the east of the site while a pedestrian linkage is also provided to the west of the site from Main Street through to the north.
- 1.2 The site contains the former 'Ritz' cinema, which has previously been extended to the rear. The property is currently boarded up and not in use. This is a detached structure, which was stated to have been built circa 1945-46. It is of distinctive and striking building within the town-an international style cinema, with some art deco references, which externally retains much of its original form and character. It was built to designs from Belfast architect John McBride O'Neill and this is his only known commission in the Republic.

2.0 PROPOSED DEVELOPMENT

- 2.1 The proposed development, as per the public notices, comprises permission for
- (i) Demolition of Balor theatre (old Ritz cinema) building and shed to rear, including removal of all materials to clear site
- 2.2 The reasoning behind the proposed development is stated as being that the building has been vacant for over seven years with no viable proposals having been received for it. The building is now derelict and has fallen into a severe state of disrepair, with concerns regarding its structural stability. It has been broken into and used for anti-social purposes and the owners are having difficulty obtaining public liability insurance. Full planning permission was granted by the planning authority in 2007 for its demolition. The applicants are dedicated to ensuring that any new development proposed for the site would be beneficial to the people of the twin towns.

3.0 PLANNING AUTHORITY'S DECISION

3.1 Permission was REFUSED by the planning authority for one no. reason as detailed below:

1. The subject site is located in an important location on lower Main Street, Ballybofey and is occupied by the Balor Theatre (old Ritz Cinema) building which is identified on the Buildings Survey of Ireland (Ref. NIAH 40838021) as being of Regional rating and of architectural and social value. The building forms an important part of the streetscape and built fabric of the town at this location. It is an objective of the County Development Plan, 2012-2018 (as varied) to “preserve, protect, enhance and record the architectural heritage of the County”- BH-0-1 and to “facilitate appropriate revitalisation and reuse of the built heritage throughout the county including vernacular buildings”- BH-0-2 and it is a policy of the said Plan to “ensure the repair, reuse and appropriate refurbishment of vernacular/historic buildings, which make a positive contribution to the built heritage of the area including those as referred to on any National Inventory of Architectural Heritage listing”- Policy BH-0-5. Having regard to the listing of the Balor Theatre on the NIAH and its Regional importance rating, to its architectural and social value, to the fact that it is the only known commission in the Republic of Ireland by the Belfast Architect John McBride Neill and to the fact that it is a striking period building representing a rare example of its type and date in Donegal and it is an integral and eye-catching element of the architectural heritage of Ballybofey, it is considered that to permit the demolition of same would materially contravene the aforesaid objectives and Policy of the County Development Plan 2012-2018 (as varied) and would thereby be contrary to the proper planning and sustainable development of the area.

4.0 TECHNICAL REPORTS

Planner's Report

The report of the planning officer generally reflects the decision of the planning authority.

Conservation Officer Report

- Balor theatre is not a Protected Structure- is of Regional rating and of architectural and social value on NIAH survey
- Striking if stark mid 20th century international style cinema retains its original form and character to the entrance front despite some alterations
- Irregular almost blank entrance with clean lines; double-height glass block lights; raised parapets hiding flat roofs are all interesting features of this international style of architecture- subdued art deco references in curved corners, curved canopy porch and mosaic tiled decoration to entrance steps- commonly applied to cinema buildings in Ireland and throughout eth world
- In common with many contemporary cinemas across the county, the application of futuristic style extends only to the entrance block with auditorium block encompassing a much more utilitarian design
- Built to designs of Belfast architect John McBride Neill (1905-1974)- a prolific and noted designer of individualistic cinemas, almost exclusively in Northern Ireland- this is his only known commission in Republic from 1929 to 1950s.
- Built for a William Barry and completed during the winter of 1945/46
- Although somewhat dilapidated, this striking building represents a rare example of its type and date in Donegal and is an integral

and eye-catching element of the architectural heritage of Ballybofey, adding variety to the streetscape to the east end of the centre of the town

- Cites Policy BH-0-2 of operative County Development Plan
- As presented, proposal is not acceptable

5.0 EXTERNAL REPORTS

5.1 None

6.0 APPEAL GROUNDS

6.1 The grounds of appeal may be summarised as follows:

- Applicant is registered charity, consisting entirely of voluntary unpaid members from the local area
- Outlines background information including of new Butt Hall Centre in 2008- now accommodates Balor Theatre
- Decision to relocate Balor Theatre was taken after the feasibility of renovating the existing old cinema building was not considered realistic or viable
- Acquired in 1970s- altered for use as a theatre in early 1980s and used as such until 2008- front part was used as a tourist office for a number of years
- New Arts Centre is fitted out with all latest sound and lighting, retractable seating, toilets and is fully accessible- new building can accommodate a wide variety of performance arts
- Main constraint against restoration and conversion of existing 'Ritz' building is the fact that the internal concrete floors and ceilings are stepped to form the auditorium of the cinema- the only way to add level floors would be to remove the complete

internal structure which in turn will undermine the external walls and roof- therefore the complete building will have to be demolished

- Outlines previous sales history
- Issues considered before lodging application were (i) importance of site to the development of the centre of town; (ii) no proposal for site since 2008 (iii) age and condition of building (iv) difficulty in obtaining public liability insurance (v) permission granted in 2008 to demolish (vi) prime location of site
- While the building is listed on the Building of Ireland Survey, it is not a Protected Structure
- Rear of original cinema building does not contain any features of architectural merit- similarly the interior does not have an architectural merit
- The frontage is not particularly well proportioned or detailed and it is suspected that the building was designed and constructed without any strong input from the architect- other examples of architect's work are of much greater architectural merit
- Considers that this building is not sufficiently well designed to merit its protection given that that to do so will most likely have the effect of its continued dereliction
- Most likely ground floor use would be for commercial use which would require a level access from pedestrian footpath frontage- current level is some 550mm above footpath level
- The viability of the new commercial usage would require a fully glazed frontage to Main Street with vertical circulation located away from prime Main Street frontage
- Existing raked seating of the building's interior renders the space totally inappropriate for any kind of commercial use

- Of the opinion that the decision to refuse permission for its demolition would not be in the best interest of the streetscape and overall planning and development of this urban space
- Refusal of permission will result in neither facilitation or an appropriate revitalisation or reuse of building- Butt Hall Committee has in effect already revitalised the town and local community by providing an alternative building to serve social and community needs in the town
- Unless the building has a viable use it is unlikely to make a positive contribution to the built heritage of the town- in the seven years since it was vacated there have been no proposals for the use of the building- not an option to refurbish as a cinema
- Any planning decision must consider the likely wider implications of a refusal on the development of this area of Ballybofey
- Permission previously granted by planning authority for demolition of this building when it was occupied by Balor Theatre and in much better state than today
- Refusal of permission results in owners of old cinema facing a significant financial penalty- outlines reasons
- Building now derelict and is in very poor state- had to secure doors and windows with plywood- existing roof consisting of corrugated asbestos sheeting on timber trusses is severely deteriorated in places
- Refusal of permission will most likely result in building remaining vacant, derelict and an eyesore in centre of town
- Firm intention to see the sustainable redevelopment of the site for the benefit of the town- demolition of existing building would facilitate the provision of a proper access to back road from Main Street

- Considers that to refuse permission on the sole basis on architectural heritage is not a balanced one

7.0 OBSERVERS

7.1 None

8.0 RESPONSES

8.1 None

9.0 PLANNING HISTORY

08/60205

Permission GRANTED for demolition of Balor theatre and shed to rear and construction of mixed use building and associated site works.

10.0 DEVELOPMENT PLAN

10.1 The operative Development Plan is the Donegal County Development Plan 2012-2018

10.2 The subject site is located within the Tier 2, Strategic Support town of Ballbofey as designated in the operative County Development Plan.

10.3 Section 6.2 Built Heritage

10.4 Policy BH-P-4

It is a policy of the Council to ensure retention of historic structures (and parts of structures), including their functional and decorative details, in accordance with current conservation guidelines and best practice.

10.5 Policy BH-P-5

It is a policy of the Council to ensure the repair, reuse and appropriate refurbishment of vernacular/historic buildings, which make a positive contribution to the built heritage of the area including those as referred to on any National Inventory of Architectural Heritage listing.

10.6 The subject structure is not designated as a Protected Structure within the operative County Development Plan although it is listed on the NIAH, Buildings of Ireland Survey (Ref. 40838021).

10.7 Architectural Heritage Protection, Guidelines for Planning Authorities (2004)

Chapter 7 Conservation principles

11.0 ASSESSMENT

11.0.1 This application is assessed in terms of Development Plan policy and all other relevant Government Guidelines. I have undertaken a visit of the site and its environs. I consider that the following are the main issues pertaining to this appeal:

1. Principle of proposed development
2. Other issues

11.1 PRINCIPLE OF PROPOSED DEVELOPMENT

11.1.1 Ballybofey is designated as a Tier 2 town within the operative County Development Plan and the subject site is located within its settlement envelope. The subject site is located within the designated town centre, on the northern side of Lower Main Street. The site contains the former 'Ritz' cinema, which is designated as being of regional importance, of special architectural and social interest on the NIAH Buildings of Ireland Survey. This structure is not designated as a Protected Structure within the operative County Development Plan.

11.1.2 This is a former cinema, built in the winter of 1945-46 to designs of Belfast architect John McBride Neill, a prolific and noted designer of individualistic cinemas, almost exclusively in Northern Ireland. This is his only known commission in the Republic and notwithstanding its current condition, it is noted that this building represents a rare example of its type and date in Donegal. It is stated in the NIAH report

that this type of architecture was commonly applied to cinema buildings in Ireland and throughout the world and at the time of construction was seen as reflecting 'modern' and 'futuristic' image of cinema. I would concur that it is indeed a striking building and forms an eye-catching element of the streetscape of Ballybofey. When viewed from the distance, it draws the eye and encourages further investigation.

11.1.3 I have examined the appeal submission and acknowledge its contents.

I accept that the points made therein that the applicants have made a significant positive contribution to the streetscape at this location with the construction of the new Balor Theatre. I also accept that finding new uses for such historic buildings can be a challenge, in particular with more unusual structures. Notwithstanding this, I consider that the refurbishment/re-use of this historic structure is not an impossible challenge, in particular considering its prominent position within the town. I acknowledge that the complete demolition and redevelopment of the site would be an easier option but in the long-term, I consider that the loss of this structure from the streetscape of Ballybofey would be a regrettable decision. While I acknowledge the points made by the appellants in relation to the unfair financial liability that a refusal of permission would result, this is considered not to be material to the case and are not planning issues per se. While permission may have been granted in 2008 for the demolition of the subject structure, I draw the attention of the Board to the fact that this was under a different policy framework and also that there was no appeal to An Bord Pleanála.

11.1.4 It is the front element of the subject structure that is the most striking and I consider that the demolition of the front element of the structure, that contains the curved corners, recessed bay, canopy porch with curved corners, would be a major loss the character of the streetscape at this location. Moving around to the rear of the structure, I consider that it adds little in its current state to the rear laneway and in fact detracts significantly from it. It is stated that internally the internal floors and ceilings are stepped to form the auditorium of the drawing

and drawings have been submitted showing same. My primary concern would be for the front element of the structure, namely the art deco inspired element that fronts onto Lower Main Street and I consider that an appropriate, sensitive proposal for the retention of this element, whilst demolishing part of the rear elements may be considered acceptable and may warrant further investigation.

11.1.5 This is said to be one of the only cinemas to be designed by architect John McBride O'Neill in Donegal. It is stated to be of regional importance within the NIAH Buildings of Ireland Survey, of architectural and social importance. It is a striking feature of the streetscape of this location and a rare example of such architecture within the County. It begs the question why it is not on the Record of Protected Structures. Even in its current state, boarded up in need of repair and refurbishment, the structure remains an important feature on the streetscape of Ballybofey. It gives a sense of place, a sense of history and it is buildings such as this that give the streets of such towns their unique character and form. It is the ad hoc nature of these historic buildings that differentiate one town from the next. While it is acknowledged that there is a place for modern developments within town centres, we should not be too quick to demolish our past.

11.1.6 I consider that the proposal to demolish the existing structure on site would result in the erosion of the character of a structure of architectural and social value, would remove the contribution of the cinema to the streetscape and would be contrary to Policy BH-P-5 of the operative County Development Plan which seeks to 'ensure the repair, reuse and appropriate refurbishment of vernacular/historic buildings, which make a positive contribution to the built heritage of the area including those as referred to on any National Inventory of Architectural Heritage listing.

11.2 OTHER ISSUES

11.2.1 I note the Planning Authority state in their reason or refusal that it is considered that to permit the demolition of proposed structure would

materially contravene the aforesaid Objectives and Policy of the operative County Development Plan. Under the Planning and Development Act 2000, the Bord is precluded from granting permission for development that is considered to be a material contravention, except in four circumstances. These circumstances, outlined in Section 37(2)(b), are in the national, strategic interest; conflict with national/regional policy; ambitious policy within the development plan and the pattern of permissions in the vicinity since the adoption of the development plan. As has been stated above, the subject site is located within the area designated for town centre development. This objective is considered reasonable. I also consider that the policy in the operative County Development Plan is clear and concise and lacks ambiguity. The operative Development Plan is relatively recent, was adopted in 2012 and there have been no pattern of developments for reference in the area since its adoption. The only remaining issue therefore remains as to whether the proposed development is in the national, strategic interest. I consider that the demolition of this structure would not be in the national, strategic interest but considering the points raised above in relation to its regional importance due to its architectural and social value, it may be in the national interest to ensure its protection.

11.2.2 The subject site is located in the established town centre and is not located adjacent to nor in close proximity to any European sites, as defined in Section 177R of the Habitats Directive. Having regard to the nature and scale of the proposed development and/or the nature of the receiving environment and/or proximity to the nearest European site, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

12.0 CONCLUSION

12.1 Having addressed the matters arising, I am not satisfied that the proposal is an acceptable form of development at this location. Having regard to all of the above, I consider the proposal unacceptable and inconsistent with the proper planning and sustainable development of the area.

13.0 RECOMMENDATION

In light of the above assessment, I recommend that the decision of the planning authority be UPHeld and that permission be REFUSED for the following reasons and considerations.

REASONS AND CONSIDERATIONS

1. The subject structure is stated to be the only known commission of Belfast architect John McBride O'Neill in the country and is identified on the Buildings Survey of Ireland (Ref. NIAH 40838021) as being of regional importance representing both architectural and social value. The subject structure represents a rare example of its type and date in Donegal and is an integral part of the architectural heritage of Ballbofey, adding character and variety to the streetscape. It is considered that the proposed demolition of the old Ritz cinema would result in the loss of a structure of architectural and social value and would diminish the character of the streetscape at this location. The proposal is considered not to be in accordance with Policy BH-P-5 of the Donegal County Development Plan 2012-2018 (as varied) which seeks to ensure the repair, reuse and appropriate refurbishment of vernacular/historic buildings, which make a positive contribution to the built heritage of the area. The proposed development is therefore

considered to be contrary to the proper planning and sustainable development of the area.

L. Dockery

Planning Inspector

14th April 2016