



An  
Bord  
Pleanála

## Inspector's Report ABP-301766-18

### 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.

### Location

St. Catherine's Church, Summercove, Ardbrack, Kinsale, Co. Cork

### Planning Authority

Cork County Council

### Planning Authority Reg. Ref.

17/6954

### Applicant(s)

St. Catherine's Cultural Centre CLG

### Type of Application

Permission

### Planning Authority Decision

Grant, subject to 10 conditions

### Type of Appeal

Third party -v- Decision

### Appellant(s)

Tony Cournane

### Observer(s)

None

**Date of Site Inspection**

26<sup>th</sup> September 2018

**Inspector**

Hugh D. Morrison

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## 1.0 Site Location and Description

- 1.1. The site is located on the eastern edge of the settlement of Ardrack and in a position to the north of Summercove and to the east of Kinsale Harbour. This site lies on the eastern side of a local road, which passes over land that rises in a northerly direction. On the western side of this road lies a residential area in the south-eastern corner of which is situated Summercove National School.
- 1.2. The site itself comprises the footprint of the former St. Catherine's Church of Ireland and an adjacent piece of land that forms the south-western corner of a field. The said footprint has an area of c. 0.036 hectares and the said land has an area of c. 0.18 hectares. The church (floorspace of 231 sqm), which dates from the early 19<sup>th</sup> Century, is set at an angle to the adjacent local road and it is surrounded by a tree-lined and walled-in cemetery. Pedestrian access is available from the said road via a formal arched gateway. An agricultural gateway also affords access from this road to the field.

## 2.0 Proposed Development

- 2.1. The proposal would entail the change of use of the church from a place of worship to a cultural/performance and exhibition centre. This change of use would be facilitated by the installation of a new wc and kitchenette. It would also be facilitated by the carrying out of essential conservation works and drainage and associated site works.
- 2.2. Additionally, the proposal would entail the construction of a 30-space car park in the south-western corner of the adjacent field to the north of the church. This car park would have 4 spaces for use by mobility impaired drivers and a bus parking space, which could alternatively provide a further 8 car parking spaces. Covered secure cycle parking would also be sited therein. The existing agricultural gateway to this field from the adjoining local road would be widened to facilitate vehicular access, including that of buses.
- 2.3. As originally submitted, the proposal would have entailed the construction of a footpath along the eastern side of the local road between the entrance to the

proposed car park and the entrance to the church. However, under further information, this footpath was omitted in favour of one that would run through the north-eastern corner of the cemetery. A new pedestrian gateway would be formed in the northern boundary wall to this cemetery to facilitate access between the car park and this footpath, which would in turn connect to the existing footpath which runs around the church.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

Following receipt of further information, permission was granted subject to 10 conditions.

#### **3.2. Planning Authority Reports**

##### **3.2.1. Planning Reports**

Further information was requested with respect to the following matters:

- The rationale for the quantum of car parking spaces proposed.
- Future provision of a car park to be the subject of a Section 47 agreement.
- Evidence of a legally binding agreement between the applicant and the landowner concerning the car park.
- Timetable for the provision of the car park.
- Detailed plans concerning the proposed footpath link between the church and the car park.
- Storm water drainage arrangements.
- Cycle parking arrangements.
- Operating hours.

##### **3.2.2. Other Technical Reports:**

- County Archaeologist: Advises that the proposed car park would be close to the Zone of Archaeological Potential around the Recorded Archaeological

Monument CO112-038 01 & 02 church and grave yard. Archaeological testing yielded no archaeological material. No objection, subject to archaeological monitoring condition.

- County Conservationist: Advises that the church is a protected structure (RPS ID: 00728) and it is identified under the NIAH (No. 20911232). No objection, subject to conditions, one of which requires the submission of a detailed method statement.
- Area Engineer: Following the receipt of further information, no objection.

## 4.0 Planning History

Pre-application consultation was held on 26<sup>th</sup> September 2017.

## 5.0 Policy Context

### 5.1. Development Plan

Under the RPS in the Cork County Council Development Plan 2014 – 2020 (CDP), the former Church on the site is identified as a protected structure (ID: 00728).

Under the Bandon-Kinsale Municipal District Local Area Plan 2017 (LAP), the site of the proposed car park is shown as lying within the settlement boundary and in an area that is the subject of Specific Development Objective KS-C-04 for a new primary school.

### 5.2. Natural Heritage Designations

Sovereign Islands SPA (site code 004124)

Old Head of Kinsale SPA (site code 004021)

## 6.0 The Appeal

### 6.1. Grounds of Appeal

- Fire safety: The appellant has examined the proposal in detail and he sets out a series of fire hazard concerns that he has.
- Traffic: The appellant draws attention to the pattern of on-street car parking that occurs at present. He predicts that this would continue with the proposed car park only being used as an “overflow facility”. On-street car parking would continue to force south-bound drivers into the north-bound lane of the public road. Furthermore, the availability of the proposed car park in perpetuity is not assured.
- Residential amenity: While the closing times proposed and conditioned are welcomed, the requirement on fire safety grounds to keep the church doors open would lead to noise break-out and the continuing incidence of on-street car parking would lead to noise and disturbance.
- Grave yard disturbance: The alternative footpath link through the grave yard would traverse land that is not in the applicant’s ownership: Has consent be given by the Church of Ireland and the families of the deceased for this link? While the applicant’s archaeologist considers that it would be “unlikely” to lead to disturbance, the footpath would reduce from 1200 mm to 600 mm on approach to the church with adverse implications for wheel chair users.

### 6.2. Applicant Response

- Fire safety: The capacity of the church would be reduced when allowance is made for wheel chair accessibility and light and sound equipment. Two separate means of escape would be available: While the outer doors would remain open during performances, corresponding inner, double hinged, doors would be closed and so noise break-out and patron comfort would be, variously, mitigated and provided for.
- Traffic: The number of car parking spaces proposed would accord with the CDP’s maximum standards. A bus space would also be included. The

proposed car park is the subject of a “Put and Call” agreement between the applicant and the landowner and an understanding exists with Summercove National School that, should the site be developed for a new school building, the accompanying car park would be shared.

- Residential amenity: The proposal would be an amenity to the surrounding locality. The applicant CLG has been formed by local residents and the project would ensure that the church remains in active use, thereby safeguarding its conservation interest into the future.
- Grave yard disturbance: The route through the grave yard would not entail the disturbance of any graves. This route has been identified and approved by the local grave digger, the select vestry, and the applicant’s archaeologist. It could be the subject of mitigating measures if such become necessary in practise. The narrower portion of the footpath could be avoided by means of the existing footpath that runs around the church.

### 6.3. **Planning Authority Response**

None

### 6.4. **Observations**

None

### 6.5. **Further Responses**

None

## 7.0 **Assessment**

7.1. I have reviewed the proposal in the light of the CDP, the LAP, the submissions of the parties, and my own site visit. Accordingly, I consider that the application/appeal should be assessed under the following headings:

- (i) Land use, conservation and fire safety,
- (ii) Land use, traffic, access and parking,



(iii) Amenity, and

(iv) Screening.

**(i) Land use, conservation and fire safety**

- 7.2. Under the CDP, the church is identified as a protected structure and under the NIAH it is classified as being of regional interest. Under the LAP, the church is shown as lying outside the settlement boundary and in a rural area. Under Part 4 of Schedule 2 to Article 10 of the Planning and Development Regulations, 2001 – 2018, the current proposal would entail a material change of use of the church from its last use for public worship (Class 7(a)) to its proposed use as a cultural/performance and exhibition centre (Classes 11(a) & (b) and 10(e)), respectively. This change of use is not exempted development and so it requires express planning permission.
- 7.3. A comparison of the last and proposed uses indicates that they would have certain similarities from a land use perspective, for example public assembly, and from a conservation perspective the proposed ones would allow the church to be retained in its present form without the need, for example, of internal sub-division. While the introduction of a new building into a rural area to facilitate these uses would raise land use issues, the current proposal would entail the re-use of an existing building, which, as it is a protected structure and thus in need of viable uses to safeguard its future upkeep, is in principle to be welcomed.
- 7.4. The application is accompanied by a Pre-Planning Archaeological Assessment and a Conservation Report.
- 7.5. The Pre-Planning Archaeological Assessment recommends that the site of the proposed car park should be the subject of test trenching. It was supplemented by a commentary, under further information, of the proposed footpath link between the car park and the church through the cemetery. This commentary expresses the view that the presence of burials under the route of this link is unlikely. It advises that monitoring should, nonetheless, be carried out.
- 7.6. With respect to the recommended test trenching, I note that the County Archaeologist advises that such testing has been undertaken since the Pre-Planning Archaeological Assessment was written and that no sub-surface burials or material of archaeological interest was unearthed thereby.

- 7.7. The Conservation Report advises on the history of the church, its present condition and proposals for the same, which would entail the following works:
- The installation of a unisex accessible wc in an existing storeroom underneath the staircase to the balcony. The existing doorway to this storeroom would need to be widened slightly and a new door fitted. The balcony and the bell tower above are to be the subject of future investigation/assessment,
  - The installation of a mini-kitchenette in the vestry,
  - Mechanical and electrical installations, for example, overhead and under pew heating,
  - The altar rail would be removed, thereby opening up the envisaged performance space, and the pair of doors to the nave would be re-hung to open outwards, to facilitate emergency escape, and
  - The main roof would be re-slatted on a breathable membrane and it would be insulated. Existing rainwater goods would be repaired/restored/replaced with replicas. Minor roofs would be repaired and re-slatted as appropriate. Measures would be undertaken to ease the problem of rising damp.
- 7.8. Policy Objective HE 4-1(f) of the CDP states that development proposals should be appropriate in terms of architectural treatment, character, scale and form to the existing protected structure. The above cited interventions and remedial works would be proportionate and sensitive to the character of the church. Subject to the greater detail which could be provided by conservation method statements, the aforementioned Policy Objective would be met. Such statements should thus be conditioned.
- 7.9. The appellant raises a series of detailed fire safety concerns. The applicant has responded to these concerns by drawing attention to the two means of escape that would be available, i.e. via the front door to the church and the external door to the vestry. As these doors are inward opening they would remain open during the use of the church. The pair of inward opening doors to the nave would be reversed and so they would be capable of opening outwards into the vestibule.
- 7.10. I note the foregoing exchange. I note, too, that, essentially, fire safety is a matter for the Fire Officer to address under an application for a fire certificate. In this respect,

the Planning Authority's Conservation Officer advises that the applicant has been in discussions with the fire officer and they have appointed their own fire consultant.

7.11. I conclude that the proposed uses of the church would be welcome and that the works needed to facilitate them would be consistent with upholding the character of this church, which is a protected structure. While fire safety matters are the subject of a separate statutory process, aspects of the proposal indicate that likely requirements in this respect have been anticipated.

**(ii) Land use, traffic, access and parking**

7.12. Under the LAP, the site of the proposed car park is shown as lying within the settlement boundary. This site is also shown as forming part of a larger site that is identified for a new primary school.

7.13. The future prospect of a new primary school and the implications of the same for the proposed car park were explored under further information. The applicant submitted a copy of a "Put and Call Agreement", with respect to their use of the site for this car park, and a copy of a letter from Summercove National School, which states that, if the new school goes ahead on the larger site, then the applicant would be able to use the car park provided for such a school. In the interim, the applicant has also undertaken to allow the school to use the currently proposed car park, thereby relieving existing pressure on the local road network arising from on-street parking.

7.14. The appellant envisages that, notwithstanding the availability of the proposed car park, on-street parking would persist. He also expresses concern that this car park may not be available in perpetuity. The applicant responds by drawing attention to the aforementioned documents.

7.15. I note that the former use of the church would, in the absence of a car park, have generated traffic, potentially, commensurate with that which would be generated by the proposed uses. I note, too, that, under the CDP's car parking standards, a maximum of 1 space per 4 seats is allowed. As the church would seat 120, the provision of the proposed 30-space car park accords with these standards.

7.16. With respect to the appellant's concerns, I consider that, if on-street parking were to persist, then the Roads Authority would have powers available to it to address such an eventuality. I consider, too, that the applicant, landowner, and school have gone as far as can reasonably be expected to address the yet future school development

scenario and the place within it of on-going car parking provision for the proposed uses of the church.

- 7.17. The proposed access to the car park would entail the widening of the existing agricultural access to the site. The adjoining local road is subject to a 50 kmph speed limit. While it passes through a slight bend to the south of this access and rises in advance of this bend on a mild upward gradient in a northerly direction, adequate sightlines and forward visibility would be available to those using the access.
- 7.18. As originally submitted, the proposal would have entailed the introduction of a footpath along the nearside of the local road between the aforementioned widened access and the existing pedestrian entrance to the church grounds. However, under further information, this footpath was omitted in favour of one that would be routed solely through these grounds/cemetery. A pedestrian gateway would be formed in the northern boundary wall to the cemetery to afford access from the car park to this footpath. The applicant's archaeologist has scrutinised the route of the footpath and he expresses the view that there is unlikely to be any burials underneath it. The local grave digger and the Select Vestry have consented to this footpath.
- 7.19. In addition to the aforementioned points, the appellant expresses concern that the proposed footpath would connect with a narrow footpath that runs along the north north-western side of the church. Thus, wheelchair access would be impeded. The applicant has responded to this concern by drawing attention to the footpath that encircles the remaining sides of the church, which would be sufficiently wide to afford the needed access. The front door to the church is at grade, too.
- 7.20. I conclude that the proposed car park would be an appropriate use of the site identified for it and that continuity of car parking provision is in prospect under a scenario wherein the wider site maybe developed to provide a new primary school. Traffic generated by the proposal would be capable of being handled satisfactorily by means of the proposed car park and the widened access to the subject site. The proposed footpath route through the cemetery would be a more satisfactory option than its roadside predecessor.

### **(iii) Amenity**

- 7.21. The appellant welcomes condition 10 attached to the draft permission that limits the days and hours of operation to which the proposed uses would be allowed to

operate. However, he expresses concern that the fire safety requirement that the external doors remain open during performances would lead to noise breakout that would adversely affect the amenities of local residents.

7.22. The applicant has responded to this concern by drawing attention to the wider communal benefit that would arise from the availability of the church again to the local community and the prospect that its conservation interest would be maintained as a result of it being a building in active use.

7.23. I note the applicant's response. I note, too, that internal doors would accompany both external doors and so the opportunity for noise mitigation would arise in practise.

7.24. I conclude that, subject to the aforementioned condition, the proposal would be compatible with the residential amenities of the area.

#### **(iv) Screening**

7.25. Having regard to the nature and scale of the proposal, there is no real likelihood of significant effects on the environment arising from the proposal. The need for EIA can, therefore, be excluded at preliminary examination and a screening determination is not required.

7.26. Having regard to the nature and scale of the proposal, no Appropriate Assessment issues arise, and it is not considered that the proposal would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## **8.0 Recommendation**

8.1. That permission be granted.

## **9.0 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 conditions, the proposed uses of the church would be appropriate to it as 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.

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 relevant 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 EIA or AA issues would arise. The proposal would thus accord with the proper planning and sustainable development of the area.

## 10.0 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 11<sup>th</sup> 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 ensure that all existing burial plots are protected and respected during the course of conservation 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 method statement shall be submitted to and agreed in writing by 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, and
  - (e) Details of all new fixtures and fittings.

**Reason:** In order to afford the Planning Authority the opportunity to control these works in the interest of safeguarding the character of the 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 3 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 to 1900 Mondays to Fridays inclusive, between 0800 to 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 re-commencement 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 shall be between 0800 hours and 2230 hours Monday to Friday and between 0800 hours and 2300 hours on Saturday and Sunday or public holidays.

**Reason:** In the interest of the residential amenities of property in the vicinity.



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Hugh D. Morrison  
Planning Inspector

19<sup>th</sup> October 2018