

An
Bord
Pleanála

Inspector's Report 311748-21

Development	Removal of artefacts to facilitate their reinstatement in appropriate locations
Location	Holy Cross Church, Holy Cross College, Clonliffe Road, Dublin 3.
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	3270/21
Applicant(s)	St. Laurence O'Toole Diocesan Trust
Type of Application	Permission
Planning Authority Decision	3270/21
Type of Appeal	Third Party v. Decision
Appellant(s)	Fionuala Sherwin
Observer(s)	None
Date of Site Inspection	5 th September 2022
Inspector	Louise Treacy

1.0 Site Location and Description

- 1.1. The subject site is located at Holy Cross College, Clonliffe Road, Dublin 3 and has an overall area of 90,840 m². The building to which this application relates, Holy Cross Church, is located towards the south-western end of the overall college site and dates from 1873-6. The church is no longer used as a place of public worship and the church and college are now closed. The majority of the religious artefacts to which this application relates are located within the church building, with 2 no. statues located on either side of the main entrance in the covered porch.

2.0 Proposed Development

- 2.1. The proposed development comprises the removal of artefacts of a Liturgical and Religious nature from Holy Cross Church (a protected structure RPS no. 1901) to facilitate their reinstatement in appropriate locations (subject to separate statutory consents where required). The artefacts consist of the following:

1. Altar of the Holy Cross - south aisle - bas-relief c.1870
2. Our Lady's Altar - north isle - bas-relief 1870
3. Statue of Pope Pius IX - 1865 by Filippo Matteini
4. Statue of Cardinal Cullen - 1881 by Thomas Farrell
5. Stone plaque built into wall (coat of arms of Cardinal Cullen) 19th century
6. Main altar (late 20th century)
7. Tabernacle (late 20th century)
8. Stations of the cross (19th century)
9. Confessional box (19th century)
10. Crucifix above main altar (late 20th century)
11. Pews to central aisle and side aisles (late 20th century)

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Notification of the Decision to Grant Permission subject to 6 no. conditions issued on 29th September 2021.
- 3.1.2. Condition no. 2 requires that a conservation expert be appointed to manage the works, that all works shall be carried out in accordance with best practice, that all existing original features shall be protected during the course of the refurbishment works and that all repair of original fabric shall be scheduled and carried out by appropriately experienced conservators of historic fabric.
- 3.1.3. All other conditions are generally standard in nature.

3.2. Planning Authority Reports

- 3.2.1. Planning Reports
- 3.2.2. Basis of Planning Authority's decision.
- 3.2.3. Other Technical Reports
- 3.2.4. Engineering Department – Drainage Division: No objection to the proposed development.
- 3.2.5. Conservation Officer: No objection to the proposed development subject to conditions.
- 3.3. Prescribed Bodies
- 3.4. The Heritage Council: None received.
- 3.5. Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs: None received.
- 3.6. An Taisce: None received.
- 3.7. Irish Rail: None received.
- 3.8. Irish Water: None received.
- 3.9. An Chomhairle Ealaíon: None received.

3.10. **Fáilte Ireland:** None received.

3.11. **Third Party Observations**

3.11.1. One third party observation was made on the application by Fionuala Sherwin, 5 Knocksinna Grove, Foxrock, Dublin 18. The issues which are raised can be summarised as follows: (1) ownership of structures and land, (2) lobbying, (3) no method statement provided, (4) site notices not correctly displayed, (5) destruction of church interior, (6) inappropriate change of use of the church, (7) inappropriate removal of items from a Protected Structure.

4.0 **Planning History**

4.1. **ABP Ref. 310860-21:** Planning permission granted on 4th November 2021 for a Strategic Housing Development (SHD) comprising, inter alia, 1,614 build-to-rent apartment units.

4.2. The development also includes the retention of Holy Cross Chapel and its restoration as a tenant amenity space, with external and internal alterations, including the removal of the following items from the chapel: main altar, two side alters, two paintings to either side of chancel arch, stations of the cross, two marble statues to narthex, loose pews, confessional and fixed furniture to sacristy.

5.0 **Policy and Context**

5.1. **Dublin City Development Plan 2016-2022**

5.2. **Land Use Zoning**

5.2.1. The site is subject to land use zoning 'Z12' which has the objective "to ensure that existing environmental amenities are protected in the predominantly residential future use of these lands".

5.3. **Conservation**

5.3.1. Holy Cross Church is a designated Protected Structure (RPS Ref. 1901).

5.3.2. **Policy CH2:** To ensure that the special interest of Protected Structures is protected. Development will conserve and enhance Protected Structures and their curtilage and will:

(a) protect or, where appropriate, restore form, features and fabric which contribute to the special interest.

(b) incorporate high standards of craftsmanship and relate sensitively to the scale, proportions, design, period and architectural detail of the original building, using traditional materials in most circumstances.

(c) be highly sensitive to the historic fabric and special interest of the interior, including its plan form, hierarchy of spaces, structure and architectural detail, fixtures and fittings and materials.

(d) not cause harm to the curtilage of the structure; therefore, the design, form, scale, height, proportions, siting and materials of new development should relate to and complement the special character of the Protected Structure.

(e) protect architectural items of interest from damage or theft while buildings are empty or during course of works.

(f) have regard to ecological considerations, for example, protection of species such as bats.

5.4. **Architectural Heritage Protection Guidelines for Planning Authorities, 2011**

- 5.4.1. Section 5.5.3 of the Guidelines notes that changing liturgical requirements can have an impact on the spatial arrangements and the fixtures in a place of public worship. From a conservation viewpoint, liturgical fixtures that are no longer in liturgical use should not necessarily be removed. If it is necessary to remove them for liturgical reasons, it is important that they are removed with care so that they may be used or stored elsewhere, within the structure or otherwise, returned to the religious authority or donated to a museum.

5.5. **Natural Heritage Designations**

- 5.5.1. None.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A third-party appeal against the Planning Authority's decision has been lodged by Fionuala Sherwin, 5 Knocksinna Grove, Foxrock, Dublin 18 and can be summarised as follows:

- It is essential that the interior and exterior of Holy Cross Church remain intact and that the church is not profaned or turned into an amenity for a strategic housing development for international investors.
- The proposed removal of artefacts from the Protected Structure does not conform with proper planning policies and guidelines.
- No record available of pre-planning meetings held in relation to the proposed development.
- The retention of the church in its original religious use is the most desirable option.
- The proposed removal of artefacts would destroy the interior and exterior of the church and should not be permitted.

6.1.2. A copy of the appellant's submission on the planning application is included with the appeal.

6.2. Applicant Response

6.2.1. A response to the appeal was received from Declan McSweeney, Director of the St. Laurence O'Toole Diocesan Trust on 11th November 2021 which can be summarised as follows:

- The appellant is creating a degree of confusion between the current application and a separate application (ABP Ref. 310860-21), which provides for the change of use, part demolition and alterations to the former college building and church as well, as a number of apartments.
- Holy Cross College is now closed, and the church is no longer used as a place of public worship.

- The subject works were created as either items of a liturgical nature or those in support of a religious or liturgical setting. They will lose their significance if retained in a non-liturgical setting. In this context, it is considered that these items should be relocated.

6.3. Planning Authority Response

6.3.1. None received.

6.4. Observations

6.4.1. None.

7.0 Assessment

7.1. I am satisfied that the main issue for consideration in this case is as follows:

- Impact on Protected Structure

7.2. This issue is considered further below.

7.3. Impact on Protected Structure

7.3.1. Holy Cross Church forms part of the former Holy Cross College and is designated as a Protected Structure. The college is now closed, and the church is no longer used as a place of public worship. Planning permission was granted by An Bord Pleanála in November 2021 for a strategic housing development on the Holy Cross College lands, which includes, inter alia, 1,614 apartment units and associated development. This permission provides for the retention and restoration of Holy Cross Church as a tenant amenity space. The applicant submits that the items which are proposed to be removed from the church will lose their significance in this non-liturgical setting and it is considered appropriate that they be relocated elsewhere, suitable to their original use and design intent.

7.3.2. The appellant submits that the proposed removal of artefacts from the Protected Structure would destroy the interior and exterior of the church and does not conform with proper planning policies and guidelines. The appellant also submits that the church should be retained in its original use, although I note that permission has not

been sought for a change of use in this instance, and as such, this matter is not open for adjudication under this appeal case.

- 7.3.3. The planning application documentation includes an Architectural Heritage Impact Assessment, a photographic survey of the artefacts and a method statement for their removal. The impact assessment concludes that the artefacts were commissioned and created as either items of a liturgical nature or those in support of a religious or liturgical setting. Although they have artistic and social significance in their own right, their true significance is in a liturgical context, which will be lost if they are retained in a non-liturgical setting.
- 7.3.4. The impact assessment also notes that Holy Cross Church is to be deconsecrated and given a new and separate purpose to its original use. In this context, it is considered appropriate that the remaining items original to the church be relocated to an alternative liturgical or religious community setting. It is confirmed that the items were not designed or considered as a whole or a set piece and that the placing of the items in different locations will not take from each individual piece. A destination for reinstatement is identified for 9 of the 11 no. items as identified in table 8 of the assessment.
- 7.3.5. While the appellant's concerns regarding the proposed removal of the artefacts from the church are acknowledged, I note that this building is no longer used as a place of public worship and that planning permission has been granted for its use as a tenant amenity space for a strategic housing development on the wider college lands. In this context, I consider it reasonable that the artefacts be relocated to a more appropriate liturgical setting, subject to the removal and reinstatement works being undertaken in accordance with best conservation practice as provided for under the development plan and the Architectural Heritage Protection Guidelines. I also note that the Conservation Officer of Dublin City Council has no objection to the proposed development, subject to conditions.
- 7.3.6. Having regard to the foregoing, I recommend that planning permission be granted for the proposed development.

8.0 Recommendation

8.1. I recommend that planning permission be granted for the proposed development.

9.0 Reasons and Considerations

9.1. Having regard to the Z12 zoning objective which applies to the site, the recent planning history pertaining to the site, under which a change of use of the Protected Structure from a liturgical to a non-liturgical use has been granted, and the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not adversely impact on the character or setting of the Protected Structure. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

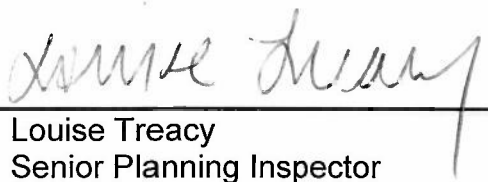
1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to the commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>(a) A conservation expert shall be employed to manage, monitor and implement the works on the site and to ensure adequate protection of the retained and historic fabric during the works. In this regard, all permitted works shall be designed to cause minimum interference to the retained building and façade structure and fabric.</p> <p>(b) All works to the protected structure will be carried out in accordance with best conservation practice as detailed in the application and the</p>

Architectural Heritage Protection Guidelines for Planning Authorities issued by the Department of Arts, Heritage and the Gaeltacht in 2011.

(c) All existing original features in the vicinity of the works shall be protected during the course of the refurbishment works.

(d) All repair of original fabric shall be scheduled and carried out by appropriately experienced conservators of historic fabric.

Reason: To ensure that the integrity of the Protected Structure is maintained and protected from unnecessary damage or loss of fabric.


Louise Treacy
Senior Planning Inspector

6th September 2022