



An
Bord
Pleanála

Inspector's Report

ABP-318470-23

Development	Installation of 1 no. new ATM, removal of section of existing boundary railing and stonework plinth and all associated site works.
Location	Bank of Ireland, Main Street, Cavan, Co. Cavan
Planning Authority	Cavan County Council
Planning Authority Reg. Ref.	2360153
Applicant(s)	Bank of Ireland
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Bank of Ireland
Observer(s)	None
Date of Site Inspection	26 th January 2024.
Inspector	Ronan O'Connor

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1.0 Site Location and Description

- 1.1. The site is located at on Main street, Cavan Town, Co. Cavan. The building in question is a protected structure (ref no. CV0463) (NIAH ref no. 40000335). It is currently in use as a bank.

2.0 Proposed Development

- 2.1. Installation of 1 no. new ATM, removal of section of existing boundary railing and stonework plinth and all associated site works.

3.0 Planning Authority Decision

3.1. Decision

On the 20th October 2023, Cavan County Council decided to **Refuse** permission for 1 no. reason as followspp

1. Having regard to the Development Objectives for protected structures as contained in the Cavan County Development Plan, incorporating a Local Area Plan for Cavan Town (2022 – 2028), in particular RPS7 and RPS8, it is considered that the proposed development, by altering the existing window opening and removal of the wrought iron railings and plinth, would have a material negative impact on the fabric of protected structure (CV40000335) by causing the irreversible loss of the historic fabric of the structure which is situated in a prominent location in Main Street Cavan Town. The proposed development would represent an inappropriate alteration to the Protected structure, would materially contravene the said objectives and would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner's Report [dated 20th September 2023] is summarised below:

- Note that no Architectural Impact Assessment has been submitted.
- No drawings which detail the proposed removal of the wrought iron railings.
- Has had regard to the report of the Heritage Officer/would materially alter a protected structure and would cause irreversible loss of the historic fabric of the structure.
- Proposed development represents an inappropriate alteration to the protected structure which is not reversible.
- Not satisfied that the proposed development is in the interests of proper planning and sustainable development.
- Recommended that permission be refused.

3.2.2. Other Technical Reports

Heritage Officer [report dated 29th October 2023] - very fine detached five-bay three-storey Italianate style bank/occupies a prominent location/lack of material recognising the heritage significance and value of the building in particular an Architectural Impact Assessment/particularly concerned about the removal of a section of railing and stone plinth and alterations to the window opening/proposal materially alters a protected structure and will cause irreversible loss of the historic fabric of the structure.

3.3. Prescribed Bodies

3.3.1. The following Prescribed Bodies were notified at application stage:

An Taisce – No response received.

Department of Housing, Local Government and Heritage – No response received.

The Heritage Council - No response received

3.4. Third Party Observations

3.4.1. None.

4.0 Planning History

95991267: Bank of Ireland – change use of first and second floors from domestic to commercial use, proposed car park to rear with minor alterations to side of building at ground floor level

93991197: Bank of Ireland - change use of first and second floors from domestic to commercial use, proposed car park to rear with minor alterations to side of building at ground floor level

5.0 Policy Context

5.1. Development Plan

The operative Development Plan is Cavan County Development Plan, incorporating a Local Area Plan for Cavan town (2022 – 2028).

The Building is a protected structure (RPS ref CV0463) (Appendix 19 of the Development Plan)

Section 11.2 Record of Protected structures/Section 11.4 Protected structures

RPS1 Protect, conserve and manage the built heritage of County Cavan and to encourage sensitive and sustainable development to ensure its preservation for future generations.

RPS3 Positively consider proposals to improve, alter, extend or change use of Protected structures so as to render them viable for modern use, subject to suitably qualified Conservation Architects and / or other relevant experts, suitable design materials and construction methods.

RPS4 Quality contemporary and innovative designs will be supported. These designs should not detract from the historic fabric of a protected structure.

RPS5 Ensure all development works on or at the sites of protected structures, including site works necessary are carried out using best heritage practice for the protection and preservation of those aspects or features of the structures /site that render it worthy of protection. The form and structural integrity of protected structures should be retained as part of any redevelopment proposal and the relationship

between the protected structure and any complex of adjoining buildings, designed landscape features, or designed views and vistas from to the structure should be considered.

RPS6 Support the re-introduction of traditional features on protected structures where there is evidence that such features previously existed.

RPS7 Applications for works to protected structures will be assessed in accordance with the Architectural Heritage Protection Guidelines 2011. Works should ensure that the special character and integrity of the Protected structure is preserved.

RPS8 Resist the demolition and inappropriate alteration of protected structures.

RPS9 Support the rehabilitation, renovation and re-use of existing protected structures for their own economic benefit and that area in which they are located.

5.2. Natural Heritage Designations

- 5.2.1. The nearest designated site, Lough Oughter and Associated Loughs pNHA (000007) is 3.2km north-west of the site. Lough Oughter and Associated Loughs SAC (000007) is 4.7km north-west of the site.

5.3. EIA Screening

- 5.3.1. Having regard to the limited nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity/ the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. A First Party Appeal against the decision of the Council to refuse permission was lodged on the 16th November 2023. I draw the Board's attention to **Revised**

Plans/Additional Document (Architectural Heritage Impact Assessment) which have been submitted with the appeal. The grounds of appeal are summarised below

- Proposal is for a very small alteration to the façade/will not detract from the character of the streetscape
- Provides for a modest intervention
- Development Plan policies aim to render protected structures viable for modern use
- ATM will enable the bank to provide a high level of service to its customers
- Considered the proposed works being sought are reversible
- Will be carried out using best-practice methods
- No objection received from any relevant Prescribed Bodies
- Further Information should have been sought rather than refusing the application
- An Architectural Heritage Impact Assessment is submitted with the appeal/This provides a sufficient assessment of the impact of the proposed development/Concludes that the proposed development would not detract from the Protected structure
- Revised drawings submitted showing an alternative form of access to the ATM machine/this would not necessitate the removal of the railings or the plinth
- Existing gate close to the existing ATM will be removed and stored on site to facilitate it being reinstalled in future
- Disagree with the suggestion that the proposal would materially alter the Protected structure
- Total intervention amounts to less than 1% of the total façade of the building
- Windows are modern recent additions to the building/proposal replaces a modern window/there is no loss of original material from the building
- Proposal will drop the ope by 2 blocks/minor removal of original material/this can be replaced in the future so it is entirely reversible
- Proposed ATM's position behind railings will mean it is not readily noticeable

- The report of the Heritage Officer does not define what element is lost or why it is irreversible
- Works are in line with Architectural Heritage Protection Guidelines
- To remain commercially relevant and viable a second ATM is necessary/due to changing banking practices/will provide additional services in future
- Without this second ATM it may be necessary to related to a more modern building further out of time/detrimental impact on the Main Street

Enclosures include: Architectural Heritage Impact Assessment

6.2. Planning Authority Response

6.2.1. A response from the Planning Authority was received on the 7th December 2023. This is summarised below

- Note the proposed 'minor alterations' to the original proposal/of the opinion that this proposal is acceptable as the impact is minor and the original materials will be retained.
- With regard to the proposed removal of the section of the existing limestone windowsill of the opinion that the proposed works will materially alter the front elevation of the protected structure/in agreement with the opinion of the Heritage officer that the insertion of an ATM into the window opening will interfere with the architectural integrity of the building.
- Notwithstanding the proposal to 'retain' materials removed from the window opening, there is no guarantee that the materials will be reinstated for future use and there is potential for permanent loss of the original fabric of the building.
- The Planning Authority has noted the contents of the appeal/respectfully submit that the Board should uphold the decision of the Planning Authority to refuse planning permission for the proposed development

6.3. Observations

6.3.1. None.

7.0 Assessment

7.1. The main issue raised in this appeal is as follows:

- Impact on the Protected Structure

7.2. Impact on the Protected Structure

- 7.2.1. The building in question is a protected structure (RPS ref CV0463) as listed in Appendix 19 of the Development Plan) and is described as *‘Detached five-bay three-storey Italianate style bank, built 1907, with advanced end-bays and single-storey wings, having return and recent single storey extension to rear’*. The building is also listed on the National Inventory of Architectural Heritage (NIAH)(Reference 40000335) and is appraised as *inter alia ‘a very fine example of provincial bank architecture with strong sculptural qualities. It was designed by Derry architect Edward Toye (1857-1932) in a well-composed Italianate style. The symmetry and scale of the design, with the combined use of brick and finely carv’ed ashlar, make it an important landmark in the main street’*. It is given a rating of ‘Regional’ (Importance).
- 7.2.2. The originally submitted proposals, as submitted at application stage, sought to insert an ATM into the front façade and to remove a portion of the existing railing and low-level stone plinth to the front of the building. Revised Plans submitted at appeal stage still propose to insert the ATM in the same location, with alterations to the existing ope. The section of the window cill to be removed will be stored on site for potential future reinstatement. It is now proposed to remove the wrought-iron gate to the left of the existing ATM, and this will be stored on site for potential future reinstatement. This will allow access to the new ATM without the necessity to removal the railings to the front of the building. It is also proposed to relocate a section of wrought-iron railing on a limestone plinth, perpendicular to the building, behind the main railing to the left of the existing ATM. This will be relocated to the other side of the proposed ATM to allow access to same. In relation to internal alterations, it proposed to related a section of existing partition wall to make space for the ATM, the removal of an existing door and the installation of a short section of new partition wall.

- 7.2.3. The provisions relating to protected structures are set out in Part IV of the Planning and Development Act 2000 (as amended) and Section 52 of same refer to guidelines issued by the Minister in relation to architectural heritage, and in considering development objectives, a planning authority shall have regard to these guidelines. The Guidelines in question are the Architectural Heritage Protection Guidelines (2011).
- 7.2.4. Chapter 6 of the Architectural Heritage Protection Guidelines for Planning Authorities (2011) (hereinafter referred to as the Heritage Protection Guidelines) sets out guidance as relates to works to Protected structures and Proposed Protected structures. A required consideration is the impact of a proposed development on the character of the protected structure. Where partial demolition of a protected structure is proposed, the onus should be on the applicant to make a case that the part – whether or not it is original to the structure – does not contribute to the special interest of the whole, or that the demolition is essential to the proposed development and will allow for the proper conservation of the whole structure.
- 7.2.5. I note the contents of the appeal submission which essential state that the proposal is a minimal intervention and will not detract from the character of the protected structure , and that furthermore that the new ATM is necessary to ensure the continued viability of the premises as a commercial bank. The appeal submission also includes an Architectural Heritage Impact Assessment (November 2023). This considers the impact of the revised plans submitted at appeal stage. Within the Impact Assessment it is stated that the existing iron railings will provide some screening to the proposed ATM. It is also stated the section of railings to be relocated is barely visible from the streetscape and does not contribute to the visual amenity of the protected structure . It is accepted that that the removal of the wrought-iron gate will have a visual impact, although it is considered necessary to provide appropriate access and can be reinstated in the future. The overall impact is considered to be minimal.
- 7.2.6. I note the response of the planning Authority, who have acknowledged the revised plans, but are still of the opinion that the insertion of an ATM into the window opening will interfere with the architectural integrity of the building, and cast doubt on the proposals to retain the original fabric of the building that is to be removed.

- 7.2.7. In relation to the acceptability, or otherwise of the proposal, I would share the concerns of the Planning Authority in relation to the insertion of the ATM into the existing window opening. The NIAH survey expressly refers to the existing symmetry of the building, that is still evident despite the existence of the ATM that is in place, and despite the fact that the windows are not original to the building. I would be of the view that the insertion of an ATM, at the location proposed, and the lowering of the window ope, would undermine this symmetry, and would therefore detract from the character of the protected structure. I am also of the view that the existing wrought iron gate and railings also add to the character of the building, and the removal and/or relocation of same would further undermine the character of same. So too, in my view, would the insertion of a further ATM on the façade of this protected structure , where one already exists, which would result in a negative cumulative impact on the character of the building. While I am sympathetic to the need for such an ATM, the provision of same cannot be at the expense of the features of this protected structure that render it worthy of protection. In relation to the reversibility of the proposed alterations, I accept that, in theory, the works could be reversed, but there is no indication within the appeal documents that this would in fact occur, with the ATM proposed to be in place for an indefinite period of time.
- 7.2.8. Overall, I am of the view that the proposal is contrary to guidance as set out in the Architectural Heritage Protection Guidelines for Planning Authorities (2011) and is contrary to Policies RPS5 and RPS 8 of the Development Plan.

8.0 Recommendation

- 8.1. I recommend that the application be **refused**.

9.0 Reasons and Considerations

1. The proposed development, by altering the existing window opening, the removal of the wrought iron gate, and the relocation of the railings and plinth, as well by the insertion of an ATM to the front elevation of the protected structure where one already exists, would have an adverse impact on the character of the protected structure and would therefore be contrary to Policies RPS5 and RPS8 of the Cavan County Development Plan, incorporating a Local Area Plan for Cavan

Town (2022 – 2028) and would be contrary to guidance as set out in the Architectural Heritage Protection Guidelines for Planning Authorities (2011).

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Ronan O'Connor
Senior Planning Inspector

13th February 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	318470-23			
Proposed Development Summary	Installation of 1 no. new ATM, removal of section of existing boundary railing and stonework plinth and all associated site works.			
Development Address	Bank of Ireland, Main Street, Cavan, Co. Cavan			
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes		
		No	No further action required	
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?				
Yes		Class.....	EIA Mandatory EIAR required	
No			Proceed to Q.3	
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?				
		Threshold	Comment (if relevant)	Conclusion
No		N/A		No EIAR or Preliminary Examination required
Yes		Class/Threshold.....		Proceed to Q.4

4. Has Schedule 7A information been submitted?

No		Preliminary Examination required
Yes		Screening Determination required

Inspector: _____ **Date:** _____