

Declaration

In accordance with Part IV, Section 57 (2) of the Local Government (Planning and Development) Act, 2000 (as amended).

Louth County Council:

This declaration specifies what works would, or would not, in the opinion of the planning authority materially affect the character of the protected structure, or any element thereof, and, as a result, require planning permission. Under the Act, protection extends to the entire structure including its interior and the land lying within its curtilage. It also extends to any other structures lying within the curtilage of the protected structure, to their interiors and to all fixtures and features that form part of the interior or exterior of any of these structures. Where specified in the Record of Protected Structures, protection may also extend to any other feature within the attendant grounds of the protected structure.

Nothing in this declaration exempts works that would not otherwise be exempt from a requirement for planning permission. Changes of use or intensification of the current use may require planning permission. If in doubt, the owner/occupier should consult the planning authority for further advice before commencing any works.

This Declaration may be referred to An Bord Pleanála for review within 4 weeks of its issue, upon payment of the requisite fee in accordance with Part IV, Section 57 (8) of the Planning & Development Act 2000 as amended.

Applicant Name:	Laurence and Brieghe Tuite		
Status (i.e. Owner or Occupier):	No		
Date of Request for Declaration:	18 th July 2023	Date of Inspection:	N/A
Date of Issue of Declaration:	01/09/2023	Previous Declarations:	None on record

Address:	The Former St. Joseph's Female Orphanage & Industrial School & St. Malachy's Convent	Location:	E	N
Name of Building:		National Grid co-ordinates:		
Address 1:	Seatown Place	O.S. Map Type:		
Address 2:	Dundalk	Map Sheet:		
Address 3:	Co. Louth	Site Number:		
Eircode:	A91 W102			

Protection Status:	Y / N		Details:
Under the Planning and development Act 2000 (as amended)			
Record of Protected Structures:	Y ✓	N	D290 & D292
Architectural Conservation Area:	Y ✓	N	ACA No. 23 – Jocelyn Street / Seatown Place
Under the Planning and development Act 2000 (as amended)			
Record of Monuments and Places:	Y	N ✓	
Zone of Archaeological potential:	Y ✓	N	ZAP 2 – Dundalk
Preservation Order or Temporary P.O.:	Y	N ✓	

NIAH Registration No. (if applicable):

13705036

Introduction:

The referrer has sought a section 57 declaration as per the Planning and Development Act 2000 (as amended) in respect of works to two protected structures at Seatown Place, Dundalk. i.e. D290 & D292

D292:



Fig 1: St. Malachy's Convent Ref No. D292



Protected Structure D 290 (St Joseph's House)

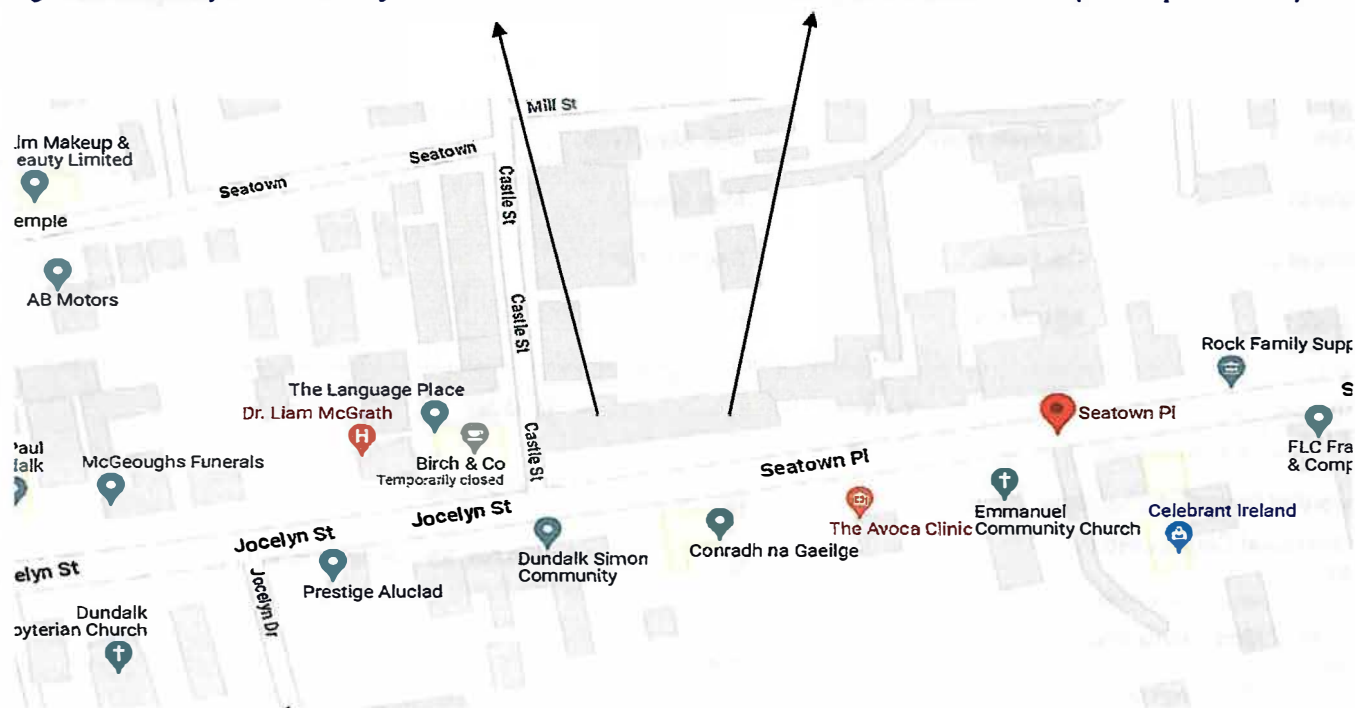


Fig 2: Location of Protected Structures

Protection Status:

Under the Planning and Development Act 2000 (as amended), the Record of Protected Structures is set out in the Louth County Development Plan 2021-2027 as varied. This property at Seatown Place, Dundalk (RPS D292) is described as: "This imposing convent building dominates the streetscape of Seatown Place. Its apparently severe façade is relieved by attractive details including the very fine doorway and handsome railings with no less than three integral boot scrapers. Its considerable size is testament to the expansion of the Convent of Mercy and the Catholic Church in Ireland in the mid nineteenth-century".

Planning History:

LCC granted P.D. Ref. No 21/390 which is currently on Appeal to ABP.

Description of the Structure:

The NIAH description of this property is as follows;

- Corner-sited attached twelve-bay three-storey over basement with attic convent building, built c. 1860.
- Pediments to end three-bays to east and west. Pitched slate roofs, hidden by smooth rendered parapet wall to front elevation, clay ridge tiles, smooth rendered corbelled chimneystacks,
- cast-iron hoppers and downpipes, cast-iron cross finials to gables.
- Unpainted ruled-and-lined smooth rendered walling, chamfered plinth, cut stone coping to pediment and raking cornices forming open-bed pediments,
- statue of St. Joseph in painted stucco niche above entrance door.
- Square-headed window openings, granite sills, uPVC casement windows; round-headed window openings to pediments, painted timber casement window to west pediment.
- Round-headed door opening, slightly-projecting smooth rendered reveals, painted engaged fluted tapering Doric columns on stone plinths supporting frieze and cornice, painted timber six-panel door, petal fanlight, accessed via flight of five splayed stone steps, cast-iron balustrades on painted plinths, three integral boot scrapers.
- Basement area bounded by wrought- and cast-iron railings. Street fronted, part of complex of convent and school buildings.

D290: Attached five-bay three-storey over basement former house, built c. 1760, now in use as convent. Pitched slate roof, clay ridge tiles, smooth rendered corbelled chimneystacks, smooth rendered verge coping, moulded cast-iron gutters, cast-iron hoppers and circular downpipes.

- Unpainted ruled-and-lined smooth rendered walling. Square-headed window openings, granite sills, uPVC windows.
- Round-headed door opening, painted moulded render surround, engaged painted Doric columns on stone plinths, supporting broken entablature and broken-bed pediment, painted timber door with twelve raised-and-fielded panels, moulded render cornice, plain glazed fanlight, accessed by 3 granite steps.
- Site bounded by cast-iron railings with crucifix motifs on painted plinth. Street fronted, part of a complex of convent and school buildings.



Door Opening feature



Cast Iron railings with crucifix motifs

Referral Question:

Would works materially affect the character of the protected structure and as a result, require planning permission?

Any works to the exterior of the building which impacts upon the key features of its design including the Pediments to end three bays east and west; pitched slated roof, parapet wall, chimneystacks, cast iron hoppers and downpipes; statue of St. Joseph above entrance door, window details, entrance steps and railings to basement area.

Note:

The proposed works are noted for the temporary refurbishment of the protected structure to provide a total of 245 bed-spaces to the former St. Joseph's female orphanage and Industrial school in accordance with the Guidelines for Temporary Accommodation in Existing Buildings – Single Persons & Family Type Accommodation May 2022 as revised in June 2023.

- The proposed works are temporary in nature which allows the fit out of the protected structure to be used as temporary residential accommodation for persons fleeing the war on Ukraine.
- All original historical features are to be conserved in situ so that the building can be restored following this period of temporary occupation.
- A full survey of the building has been undertaken together with a comprehensive photographic survey.

Legislative Provision:

Section 57(1) of the Planning and Development Act 2000 (as amended) states 'that notwithstanding Sections 4(1)(h) and any regulations made under Section 4(2), the carrying out of works to a protected structure, or proposed protected structure shall be exempted development only if those works would not materially affect the character of:

- a) the structure; or
- b) any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest.

Assessment:

Under **Question 10** of the Request form, works that are proposed are described as follows:

- The refurbishment of the property for temporary accommodation of 245 people including all associated conservation, fire rated upgrading, mechanical, electrical and drainage works.
- The fit out works to facilitate the temporary residential use of the building does not propose external alterations to the building. Fire rated upgrading, mechanical, electrical and drainage works are reversible and are to be carried out in accordance with best conservation practice.

I am satisfied that these works including the fire rated upgrading, mechanical, electrical and drainage works would not materially affect the character of this protected structure; or any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest and as such are works which do not require planning permission.

Any further documentation attached (maps, photographs, sketches, notes etc.)? Y

- Declaration form
- Drawings/ maps submitted with application
- Survey Existing – Measured Survey
- Internal Photographic survey of existing structures.

Conclusion:

I conclude, that **WHEREAS** a question has arisen as to whether the proposed development detailed under Section 10 of the Request for Section 57 Declaration:

As the refurbishment of the property for temporary accommodation of 245 people including all associated conservation, fire rated upgrading, mechanical, electrical and drainage works as per drawings and particulars submitted by Ailteacht Architects, 30 Mountjoy Square, Dublin dated the 18th July 2023, would or would not materially affect the character of protected structures or any element of the structures which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest at St. Joseph's Female Orphanage & Industrial School & St. Malachy's Convent Seatown Place Dundalk A91 W102.

AND WHEREAS Lawrence & Briege Tuite requested a declaration on the question from Louth County Council on the 18th July 2023,

AND WHEREAS Louth County Council in considering this referral, had regard particularly to –

- (a) Section 2 of the Planning and Development Act 2000, as amended,
- (b) Section 3 of the Planning and Development Act 2000, as amended,
- (c) Section 4 (1)(h) of the Planning and Development Act 2000, as amended,
- (d) Section 57 of the Planning and Development Act 2000, as amended,
- (d) the Architectural Heritage Protection Guidelines for Planning Authorities,
- (e) the nature and extent of works set out in the referral question in respect of this structure,

AND WHEREAS Louth County Council has concluded that:

- (i) the stated works to the protected structure comprise of works that are development,
- (ii) the stated works would not materially affect the character of the structure, or any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest,
- (iii) the stated works would consist of the carrying out of works for the maintenance, improvement and alteration of this structure which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures,

(iv) the proposed works would comprise development which comes within the meaning of 4(1) (h) and Section 57 of the Planning and Development Act 2000 as amended and would not therefore require planning permission.

NOW THEREFORE Louth County Council, in exercise of the powers conferred on it by section 57 of the 2000 Act as amended, hereby decides that the proposed works above, refurbishment of the property for temporary accommodation of 245 people including all associated conservation, fire rated upgrading, mechanical, electrical and drainage works as detailed by the Request for Section 57 Declaration at St. Joseph's Female Orphanage & Industrial School & St. Malachy's Convent Seatown Place Dundalk A91 W102 , **constitutes development that is exempted development.**

Signed by Inspector



Declan Conlon, Executive Planner

Date 1/9/2023

Signed by Planning Authority Officer



Turlough King, Senior Executive Planner

Date 01/09/23