

An
Bord
Pleanála

Board Order
ABP-320913-24

Planning and Development Acts 2000 to 2022

Planning Authority: Limerick City and County Council

Planning Register Reference Number: 2460685.

Appeal by Phillip Conway care of The Planning Partnership of Upper Chapel Street, Castlebar, County Mayo against the decision made on the 30th day of August, 2024 by Limerick City and County Council to refuse permission.

Proposed Development: Demolition of the existing third floor residential accommodation and to reinstate a hipped pitched roof to the existing three-storey building with all ancillary and associated works, all at 46 Nicholas Street, Limerick. The works are adjacent to Bourke's Castle which is a protected structure (reference number Recorded Protected Structure 3011).

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

P.C.

Reasons and Considerations

Having regard to the nature and scale of the proposed development, the prominent location and setting that the existing building occupies at the junction of the historic streets of Nicholas Street and Athlunkard Street within a significant historic core of Limerick City centre, and its immediate proximity to Bourke's Castle, a designated Protected Structure and recorded monument, it is considered that, subject to compliance with the conditions set out below, the proposed development would adequately integrate with the existing building by reason of its design, scale, bulk, and material finishes, would not detract significantly from the architectural integrity and historical significance of the adjoining historic streetscapes, and would respect the character and visual amenities of the adjoining Protected Structure and wider area, in accordance with Objective EH O50 of the Limerick Development Plan 2022-2028. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The proposed 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 commencement of development and the proposed development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

P.C.

2. The period during which the development hereby permitted may be carried out shall be three years from the date of this Order.

Reason: Having regard to the nature of the development and its location within the historic core of Limerick City, it is considered appropriate to specify a period of validity of this permission for less than five years.

3. Prior to commencement of development, the developer shall submit revised plans, elevations and sections to the planning authority for written agreement to provide the following:
 - (a) Reconfiguration of the first and second floor plans to provide each bedroom with a window on an external wall (and which may result in a reduced number of bedrooms overall).
 - (b) details of the overall height of the proposed roof.

In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity and orderly development.

4. 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 or public holidays. Deviation from these times shall 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.

5. Prior to commencement of development, the external finishes of the proposed development and samples of materials shall be submitted for the written agreement of the planning authority, and all works shall be carried out in accordance with this written agreement. In the event of agreement not being reached between the developer and the planning authority, the matter may be referred to An Bord Pleanála for determination, and all works shall be carried out in accordance with any determination made resulting from such referral.

Reason: In the interest of the protection of architectural heritage in accordance with the provisions of the Architectural Heritage Protection Guidelines for Planning Authorities.

6. Prior to commencement of development, the developer shall submit for the written agreement of the planning authority a detailed method statement covering all works proposed to be carried out, including:
- (a) A full specification, including details of materials and methods, to ensure the development is carried out in accordance with current Conservation Guidelines issued by the Department of Arts, Heritage and the Gaeltacht.
 - (b) A full specification of finishings of the existing wall tops.
 - (c) The specifications for the mortar to be used throughout the building.
 - (d) Details of how the roof will be integrated to the existing parapet roof top.
 - (e) Methodology for the recording and/or retention of concealed features or fabric exposed during the works, including the existing parapet roof top and fabric.
 - (f) Details of features to be temporarily removed/relocated during construction works and their final re-instatement.

- (g) Protection of the existing historic fabric during the construction works.
- (h) Materials/features of architectural or archaeological interest to be salvaged.
- (i) Details of any rainwater goods or bargeboard which, where possible, shall be repaired and reused, the replacement of which (if any) shall match the original in terms of design and materials.
- (j) Details of proposed window(s) which shall be modelled on surviving windows and shall match them in dimensions, opening mechanism, profiles and materials.

Details in this regard shall be accompanied by drawings of an appropriate scale of not less than [1:50] in respect of the proposed roof plan and any elements thereof.

Reason: In the interest of the protection of architectural heritage in accordance with the provisions of the Architectural Heritage Protection Guidelines for Planning Authorities.

7. Prior to commencement of development, the developer shall submit for the written agreement of the planning authority confirmation that:
- (a) the development will be monitored by a suitably qualified architect with conservation expertise and accreditation; and
 - (b) competent site supervision, project management and crafts personnel will be engaged, suitably qualified and experienced in conservation works.

Reason: In the interest of the protection of architectural heritage in accordance with the provisions of the Architectural Heritage Protection Guidelines for Planning Authorities.


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8. The attic shall be for storage purposes only and shall not be used for human habitation.

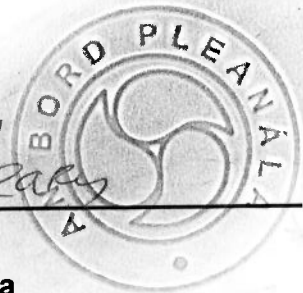
Reason: In the interest of clarity.

9. The construction of the proposed development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the proposed development, including noise management measures and off-site disposal of construction and/or demolition waste.

Reason: In the interest of public safety and residential amenity.


Patricia Calleary

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**



Dated this 22 day of April 2025.