



An
Bord
Pleanála

Inspector's Report PL91.247888

Development

Demolish ESB premises; change the Bishops Palace from commercial use to residential use for 7 apartments; construct a commercial building comprising 15 storeys and a residential building of 7 storeys for 35 apartments

Location

Bishops Quay Lower, Cecil St and Henry St, Limerick

Planning Authority

Limerick City and County Council

Planning Authority Reg. Ref.

16/800

Applicant(s)

Kirkland Investments Ltd

Type of Application

Permission

Planning Authority Decision

Grant subject to 37 Conditions

Type of Appeal

Third Party x 3

Appellant(s)

- (1) Brian Phelan
- (2) Cait Ni Cheallachain
- (3) Tom Moloney

Observer(s) None
Date of Site Inspection(s) 22nd & 26th April 2017
Inspector Mary Crowley

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1.0 Site Location and Description

- 1.1. The appeal site with a stated area of c0.34ha is located in Limerick City centre. The site comprises a range of buildings presenting significant frontages onto Henry Street to the south-east, Bishops Quay to the north-west and Lower Cecil Street to the north-east. An existing commercial property, comprising a 5 storey building in office use (Holmes O'Malley Sexton Solicitors), occupies a corner site adjoining the appeal site at Henry Street and Lower Cecil Street. To the south-west on Henry Street, the site is adjoined by No 105 Henry Street, known as Hibernian House (a protected structure). It is stated that the planning application lands include the public footpath space around the perimeter of the site and thus the overall planning application site area comprises 0.4ha approx. overall.
- 1.2. There is a level change in the order of 2.7 metres across the site, falling from 7.1mOD at Henry Street to 4.4mOD at Bishops Quay. The predominant contiguous land uses on Henry Street and Lower Cecil Street are city centre commercial, retail, office and residential uses.
- 1.3. The site is currently occupied by a number of vacant properties:
 - No 104 Henry Street, known as the Bishops Palace
 - A 2 storey over part-basement stone out-building adjoining the Bishops Palace referred to as the "Coach House" and
 - The former 2-storey ESB retail and commercial premises on Lower Cecil Street and Bishops Quay
- 1.4. A set of photographs of the site and its environs taken during the course of both my site inspections is attached. I would also refer the Board to the photos available to view throughout the appeal file and in particular the 3D model DVD, Architectural Heritage Impact Assessment and Visual Impact Photomontages submitted with the application and applicant's response to the appeal.

2.0 Proposed Development

- 2.1. The proposed development submitted to Limerick City & County Council on 2nd September 2016 comprised the following:
 - (i) demolition of the former ESB premises (3,338 sqm);

- (ii) construction of a commercial building comprising 15 storeys over 2-basement car park levels fronting Lower Cecil Street and Bishop's Quay with landscaped terrace and gym at roof level, and comprising 4-storeys fronting Henry Street to provide 14,325 square metres approximately of office floorspace overall and 2 no. café/restaurant units fronting Bishop's Quay;
- (iii) construction of a residential building comprising 7-storey over 2-basement levels fronting Bishop's Quay to provide 35 no. apartments;
- (iv) refurbishment of No. 104 Henry Street, known as 'The Bishop's Palace', to provide 7 no. apartments;
- (v) refurbishment of a 2-storey over basement building on Henry Street known as 'The Coach House' to provide a café/restaurant;
- (vi) new public plaza to Henry Street and public realm enhancement works along Bishop's Quay, Lower Cecil Street and Henry Street;
- (vii) vehicular access serving the development via a proposed entrance point on Lower Cecil Street
- (viii) Car parking spaces at ground floor level (Level 0) and 2 basement levels (Level -1 and Level -2)
- (ix) Cycle parking spaces
- (x) Communal and private opens space to include a roof garden and gym pavilion to the residential building, a courtyard at podium level (Level 1) linking the new residential block with No 104 Henry Street and balconies
- (xi) Removal of existing substation and provision of new substation within the development fronting Lower Cecil Street
- (xii) The development will also include surface water attenuation tanks, general plant, storage areas, shower facilities and refuse management zones at basement level; signage; diversion of underground services; set-down areas; and all related site development and excavation works.

2.2. The gross floor area for residential is 4,497 sqm and café / restaurant is 731 sqm.

2.3. The application was accompanied by the following:

- Healy Partners Architects Drawings
- Schedules Document.
- Architectural Design Statement.
- Garland Engineers Drawings as per attached drawing schedule.
- Moloney Fox Engineering Report.
- Dave Ryan, Landscape Architect Drawings and Report.
- Archaeological Assessment Report.
- Historical Assessment Report.
- Planning Statement.
- Sunlight and Daylight Access Analysis.
- Photomontages and Visual Impact Assessment.
- Workplace Travel Plan.
- Traffic Impact Assessment.
- Flood Risk Assessment.
- Drainage and Water Services Report.
- Road Safety Audit.
- Structural Survey of 104 Henry Street.
- Construction Waste Management Report.
- Appropriate Assessment Screening Report.
- Architectural Heritage Impact Assessment Report.

2.4. In response to a request for further information the applicant submitted the following (25th November 2016):

- Planning Report setting out detailed response to the request for further information. Items of note are as follows:
 - a) Lift within the main stair hall of Bishops Palace is moved to a new location outside the stair hall in the existing south-east annex
 - b) The “through route” to the new apartment block has been omitted with access now via the northern front annex of the former Bishops Palace
 - c) Important rooms and spaces in the Bishops Palace are retained in so far as possible with the introduction of residential accommodation

- d) The penthouse floor (including gym) of the apartment block has been omitted and the north end of the apartment block at level 6 (top floor) is set back further resulting in the omission of one no 1 bed apartment (Apartment No 605). The roof top garden is reduced and retained for use by apartment occupiers.
- e) Revised floor levels of basement apartments in the Bishops Palace to ensure level of 5.17m
- f) Proposals for upgrade of public lighting in Henry Street
 - Report on Bishops Palace Façade
 - Internal Fabric Survey of Bishops Palace and photographic schedule
 - Survey, sampling and assessment for asbestos containing materials at ESB Building.
 - Survey, sampling and assessment for asbestos containing materials at the Bishops Palace.
 - Additional & Revised Photomontages
 - Addendum to Architectural Heritage Impact Assessment
 - Record Drawings setting out the historic development of the site
 - Schedule of Documents
 - Civil & Structural Engineering Report
 - Structural Survey of Bishops Palace & Coach House
 - Building Services Distribution Strategy

3.0 **Planning Authority Decision**

3.1. **Decision**

- 3.1.1. Limerick City & County Council issued notification of decision to **grant permission** subject to 37 conditions.

3.2. **Planning Authority Reports**

3.2.1. **Planning Reports**

3.2.2. The Local Authority **Case Planner** in their first report (21st October 2016) recommended that **further information** be sought. The report was counter signed by the Senior Executive Planner (26th October 2016). The request may be summarised as follows:

- Schedule of each room of the Bishops Palace describing the original fabric
- Revised proposals for the division of the former Bishops Palace including the location and design of the lift, omission of penthouse and recession of the top floor of the apartment block and revisions to the coach house to minimise structural interventions
- Detailed Record Drawings setting out the historic development of the site.
- Full Archival Standard Photographic Study of the existing buildings and the plots upon which they stand.
- Fabric and Dilapidation Study.
- Detailed specification and method statements for conservation, restoration and reconstruction works are requested.
- In addressing the provision of services, a general set of guiding principles should be prepared and submitted.
- In preparing of alternative proposals, the applicants shall address the issue of breaking up the massing of the Apartment Block in order to demonstrate respect for the site's amenities and character and provide for improved views diagonally across the River Shannon to the former Bishop's Palace.
- An assessment of the overall potential of the development on the settings and amenities of the Newtown Perry Architectural Conservation Area, to include photomontages.
- Raising the proposed finished floor level of the development to at least 5.17 metres above Ordnance Datum in the event of failure of demountable flood barriers at entrances to the proposed development.
- Pedestrian crossings, public lighting, footpaths, car park ramp gradient, car park dimensions and layout, wheelchair access, car parking spaces for the 40 no apartments, bin storage, storm sewer line longitudinal section and a refurbishment demolition asbestos survey RDAS.

- 3.2.3. The Local Authority **Case Planner** in their second report (20th December 2016) and having considered the response to the further information recommended that permission be granted subject to 37 conditions. The report was counter signed by the Acting Senior Planner (20th December 2016). The notification of decision to **grant permission** issued by Limerick City & County Council reflect this recommendation.
- 3.2.4. **Other Technical Reports**
- 3.2.5. **Mid-West National Road Design Office** (3rd October 2016) – No observations
- 3.2.6. **Limerick Smarter Travel** (10th October 2016) – No objection to the development subject to conditions as set out in their report relating to proposed Mobility Management Plan, Smarter Travel Workplace programme and compliance with the Workplace Travel Plan.
- 3.2.7. **Assistant Chief Fire Officer** (18th October 2016) – No objection to the development. In a further report (1st December 2016) and having considered the further information submission there are no stated objections.
- 3.2.8. **Thomas O'Neill** (18th October 2016) – Agrees with the conclusions of the AA Screening that the development of this is not likely to have any significant effects on the nearby SAC or SPA.
- 3.2.9. **Executive Archaeologist** (11th October 2016) –No archaeological issues in regard to this application.
- 3.2.10. **Operation & Maintenance Services** (12th October 2016) – Requested further information in relation to pedestrian crossings, public lighting, footpaths, car park ramp gradient, car park dimensions and layout, wheelchair access, car parking spaces for the 40 no apartments, bin storage, storm sewer line longitudinal section and a refurbishment demolition asbestos survey.
- 3.2.11. **Rory McDermott** (19th October 2016) - Requested payment of €4,000 for the necessary alteration and re-validation of the metro area AUTC vehicle detection systems at Henry Street and Lower Cecil Street and Bishops Quay
- 3.2.12. **Environment** (20th October 2016) – Recommended that consideration be given to raising the proposed floor level of the development of at least 5.17m AOD in the

event of failure of demountable flood barriers at entrances to the proposed development.

- 3.2.13. **Architectural Conservation Officer** (20th October 2016) – Requested further information in relation to provision of architectural and conservation records, archival standard photographic study, fabric and dilapidation study and relocation of Bishops Palace lift.

3.3. **Prescribed Bodies**

- 3.3.1. **Irish Water** (23rd September 2016) – No objection subject to conditions outlined in their report. In a further report (12th December 2016) and having considered the further information submission there are no stated objections.
- 3.3.2. **Transport Infrastructure Ireland** (26th September 2016) – No stated objection to the scheme.
- 3.3.3. **HSE** (5th October 2016) – No objection to the scheme subject to conditions as set out in their report relating to the Coach House café.
- 3.3.4. **Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs** (11th October 2016) – Requested that Limerick City & County Council ensure they are satisfied there is no risk to water quality in the SAC as a result of this proposal, particularly during the construction phase. In a further report (15th December 2016) and having considered the further information submission recommended conditions to be attached to any grant of permission that may issue relating to conservation and heritage, CCTV details, materials and that the conservation and conversion of the former palace and coach house should be completed prior to occupation of the apartment and office development, in order to ensure sustainable development of the historic buildings.

3.4. **Third Party Observations**

- 3.4.1. There are several observations on the planning file from (1) Brian Phelan, (2) Ann & John Conway, (3) Pierce McCann & Company Civil / Structural Consulting Engineers on behalf of Henry Street Investments Limited (owner of Hibernian House the protected structure adjacent to the proposed development, (4) Cait Ni Cheallachain,

(5) Thomas Kirby, (6) Irish Georgian Society and (7) Brendan McGrath & Associates Planning Consultants on behalf of Tom Moloney.

- 3.4.2. The issues raised relate to excessive height, loss of sunlight and daylight to adjoining residential properties, overshadowing, overlooking, visual impact, loss of on street car parking, detrimental impact to adjoining properties during construction, no consultation, safe operation of the private vehicular passageway servicing Hibernian House required, Bishops Palace should be a protected structure, height restriction within the planned Georgian city are required to maintain its integrity, scale of development is beyond the limit of what Bishops Quay could accommodate, horrifying addition to the riverfront, degrades the amenity value of Bishops Quay to the general public and stifle the longer term plan to extend the quay amenities to the dry-dock, proposal would seriously damage the vitality and viability of this section of Lower Cecil Street west of Henry Street, proposal is not in accordance with adopted policy, guidelines and standards, proposal would not strengthen Limericks urban form, the proposal has serious land use transportation implications and insufficient attention has been given to the historic context of the site.

The **Georgian Society** (5th October 2016) appreciates that the development proposal would provide a means of the restoration and re-use of the Bishops Palace. IGS is of the view that the significant interventions proposed to the building itself and the substantial negative impact of the proposed 15 storey tower on the setting of two important 18th century buildings do not justify the intensity and invasive nature of the development proposal. Requested that permission is refused.

4.0 **Planning History**

- 4.1.1. There is no evidence of any previous appeal on this site.

5.0 **Policy Context**

5.1. **Development Plan**

- 5.1.1. The Limerick City Development Plan 2010-2016 set out overall policies and strategies for the proper planning and sustainable development of Limerick. The legal basis for the plan is set out in the Planning and Development Acts 2000 (as

amended). In September 2015, in accordance with Section 28 of the Electoral, Local Government and Planning and Development Act 2013, the Planning Authority proposed not to commence the review of the Limerick County Development Plan 2010 - 2016 and the Limerick City Development Plan 2010 - 2016. Therefore, the City Development Plan will continue to have effect until a new Development Plan for Limerick City and County is prepared.

- 5.1.2. The operative plan for the area is the **Limerick City Development Plan 2010-2016** (as varied). The site is located within the area defined as the **City Centre Retail Area** as identified in the Limerick City Development Plan 2010 – 2016. **Zoning Objective ZO.1 City Centre Area (CCA)** states that it is a policy objective is *to support the retention and expansion of a wide range of commercial, cultural, leisure and residential uses in the City Centre as defined in the 2030 Economic and Spatial Plan.*
- 5.1.3. The **Limerick 2030 Economic & Social Plan** seeks to develop **A “World Class” Waterfront – a renaissance of Limerick’s entre Waterfront;** and identifies this appeal site as one of the 7 key sites identified as **City Centre Transformation sites.**
- 5.1.4. The **DoEHLG Guidelines on ‘Sustainable Residential Development in Urban Areas’** (2009) outline sustainable approaches to the development of urban areas. These set out national policy of encouraging more sustainable urban development by the avoidance of excessive suburbanisation and the promotion of higher residential densities in appropriate locations.

5.2. Natural Heritage Designations

- 5.2.1. The site is not located within a designated Natura 2000 site. The nearest European sites adjoining the appeal site is the Lower Shannon SAC (002165) and the River Shannon and River Fergus Estuaries SPA (004077)).

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. There are three third party appeals from (1) Brian Phelan, (2) Cait Ni Cheallachain and (3) Tom Moloney. The appeal issues may be summarised under the following general headings:

- **Overshadowing & Overshadowing** - The development will result in a hugely negative impact on the quality of life and standard of living within the appellant's property and also devalue the property significantly. The proprietor of Squire McGuire's Bar at 11 and 12 Lower Cecil Street for the past thirty-seven years, resides in the floor above this premises. The following specific issues are raised:
 - a) Loss of sunlight and daylight will have an adverse impact on my business and on the residential amenity.
 - b) The proposal would seriously damage the vitality and viability of the section of Lower Cecil Street west of Henry Street.
 - c) The proposal is not in accordance with adopted policy, guidelines and standards.
 - d) The proposal would not strengthen Limerick's urban form.
 - e) The proposal has serious land use and transportation implications.
 - f) Insufficient attention has been given to the historic context of the site.
- **Visual Impact** - The proposed development, given its prominent location next to the road, makes it a potential eyesore and it will be out of character with adjacent structures.
- **Traffic Congestion and Car Parking** - The proposed development plans to remove existing on-street parking spaces this combined with the large increase in visitor, residential and business traffic to the area shall make on-street parking extremely congested and difficult to find.
- **Georgian City & Height** – The main concern is the 15-storey office juxtaposed with the Bishop's Palace and the Georgian Grid. Granting permission for this 15-storey office tower and the 7-storey apartment block will destroy the context of the Bishop's Palace, and set an inappropriate precedent. It is vital that building

heights should be restricted within the planned Georgian City in order to maintain its integrity.

- **Bishops Palace** – The two mansions at No. 103 and No. 104 Henry Street, are recorded by the NIAH as important, but are not listed buildings. The subdivision of the Bishop’s Palace into 7 no. apartments, a 7-storey apartment building on the site of the old ESB building, and a 15-storey commercial block to the east of it completely ignores the context of the historic mansion, by totally obscuring it from view on the north side, and by the construction of the 15-storey tower to the east.
- **Ground Level Treatment** - The landscaped forecourt to Henry Street has been included; any improvements to streetscapes and the public realm will be completely lost on the proposed blank face to Lower Cecil Street.
- **Development Contribution** - The permission which levies €801,362.50 from the Developers in contributions for the city has bartered very little for the people of Limerick. In other countries, it is expected that Developers will fund something to the benefit of the public.
- **Conditions** – Queried as to what is the legal status of a sub Condition and sub sub Condition; does this mean that there are effectively 69 Conditions; how could one do an ‘Opinion on Compliance with Planning Permission. Particular reference is made to Condition No 37.
- **Permission** - In granting this permission Limerick City and County Council has shown no regard for the wider context of the Bishop’s Palace. has not taken into account that the nearby Riverpoint Tower remains largely unoccupied office space.

6.2. Applicant Response

6.2.1. The first party response to the appeal has been prepared as submitted by Healy Partners Architects on behalf of the applicant and may be summarised as follows:

6.2.2. The scheme provides for a comprehensive and coherent approach to the regeneration for the site that will include the retention and restoration of the historic buildings in combination with significant new build contemporary elements that will accommodate new office, residential and café / restaurant uses. In this regard, the proposed development will create an important new urban development with

significant planning, economic and social benefits for Limerick City Centre and the wider city region.

- 6.2.3. The proposed development provides 14,000 sqm of high specification office space that will bring substantial economic benefits and social benefits to Limerick City Centre. The availability of office accommodation of a suitable size and scale is critical to meet the needs of the city. The proposed development will result in the creation of new residential and office accommodation on an important site in Limerick City Centre. It will secure the development of a key and strategic site and create a sustainable, viable and vibrant scheme. The development will have a significant economic renewal and employment generating benefits. The development is a major and significant economic investment in Limerick City. It will ensure the regeneration of a strategic brownfield site. The development will contribute significantly to the economy of the city and promote investment in the heart of the city.
- 6.2.4. The scheme will provide for 41 no apartments of a high standard of design which will expand the residential base of the area and enhance the overall vitality and viability of the scheme. The critical mass of development is essential to ensure the overall viability of the scheme and the successful adaptation and reuse of historic structures of considerable architectural and historic merit.
- 6.2.5. In terms of architectural design, the proposed development is designed to the highest standard and will make a positive contribution to the skyline and significantly enhance the visual appearance of the Bishops Quay, Lower Cecil Street and Henry Street block, particularly when compared to the vacant and underutilised status that pertains at present. The public realm improvements are considered to be a significant planning gain and a positive urban design impact resulting from development of the site.
- 6.2.6. The visual impact of the development has been considered and set out in a detailed assessment included with the planning application. The completed development will deliver an enhancement to local landscape character, with the site itself transformed from a vacant, closed off site to a modern office and residential development that successfully integrates modern buildings with refurbished historical buildings.

- 6.2.7. It will enhance social and physical infrastructure and promote pedestrian movement and connectivity through the creation of a new public space, in addition to public realm enhancement.
- 6.2.8. It will ensure the appropriate restoration and reuse of buildings of historic importance. The high quality architecture, landscaping and public realm will create a quality living and working environment and a unique sense of place and identity.
- 6.2.9. In this context the proposed development is entirely consistent with the objectives of the Limerick City Development Plan 2010 – 2016 and with Limerick 2030 – An economic and Spatial Plan for Limerick and is in accordance with the proper planning and sustainable development of the area.
- 6.2.10. The submission was accompanied by the following:
- Response to Planning Appeals on Sunlight Availability prepared by ARUP
 - Technical Responses to appeals Architectural & Urban Design issues prepared by Healy Partners Architects
 - Report in respect of parking issues and the Workplace Travel Plan prepared by Garland Consulting Engineers
 - Two responses to Conservation appeal issues prepared by Consarc Conservation and Judith Hill
 - DVD Model

6.3. Planning Authority Response

- 6.3.1. Limerick City & County Council submit that the site, located in Limerick City Centre with frontage onto Henry Street, Cecil Street and Bishop's Quay, forms one of the last infill brownfield sites along the Quays. Limerick 2030 An Economic and Spatial Plan for Limerick which forms part of the Limerick City Development Plan seeks to create a 'World Class' Waterfront – a renaissance of Limerick's entire Waterfront; and identifies this as one of the 7 key sites identified as City Centre Transformation sites.

6.4. Observations

- 6.4.1. There are three observations recorded on the appeal file that may be summarised as follows:
- 6.4.2. **Ann & John Conway**, US Bargain store, 13 Lower Cecil Street - Loss of natural light, detrimental impact during the construction phase, no public consultation
- 6.4.3. **Irish Georgian Society (IGS)** (3rd February 2017) - The Irish Georgian Society has a particular concern about the impact of the proposed 15-storey tower on the character and setting of the Bishops Palace and that this element of the proposal would not fulfil the following provisions of the Development Plan (Special Standards Applying to Medium and High Rise Buildings) which are taken into account in considering high buildings:
- *The need to suitably incorporate the building into the urban grain;*
 - *The proposal should be very carefully related to, and not have any serious disadvantages to, its immediate surroundings, both existing and proposed, and especially to any other high buildings and prominent features in the vicinity and to existing open space (author's emphasis).*
- 6.4.4. The construction of a 15-storey tower would not just have an impact on nos. 104 and 105 Henry Street but would also further impinge upon the historically low-rise character of Georgian Limerick. In doing so the structure would be contrary to Policy LBR5 of the Development Plan which states that "*it is the policy of Limerick City Council to protect the intrinsic character and scale of the City and the City Skyline*".
- 6.4.5. **Tom Moloney** (4th April 2016) – Loss of sunlight and daylight will have an adverse impact on business and residential amenity, the proposal would seriously damage the vitality and viability of the section of Lower Cecil Street west of Henry Street, the proposal has serious land use transportation implications and insufficient attention has been given to the historic context of the site,
- 6.4.6. **Cait Ni Cheallachain** (29th March 2016) – Limerick City & County Council has a dismal record in protecting Limericks Georgian Architectural Heritage, evidenced by the continuously shrinking area to be protected. The 2030 Spatial Plan indicated heights was almost 6 storeys consistent with the historic fabric of the area. The

precedent along the river edge, east of the appeal site has been 5 – 6 storeys and there is plenty of scope for high rise buildings from Mallow Street to the southwest. The Board is urged to requested to reduce both towers to 6 storeys.

6.4.7. **Limerick Chamber** (21st February 2016) – Limerick Chamber of Commerce which *represents over 500 businesses in the Limerick City Region* and offers its support for the proposed development as there is currently a shortage of quality office and accommodation space in the city.

6.4.8. **Rooney Chartered Surveyors & Auctioneers** (20th February 2016) – The development is required and should be welcomed if the city centre is to meet current and future demand for office, retail, leisure and residential accommodation.

6.5. Further Responses

6.5.1. There is no further correspondence recorded on the appeal file.

7.0 Assessment

7.1.1. The proposed development submitted to Limerick City & County Council on 2nd September 2016 comprised the demolition of the ESB premises, the refurbishment of No. 104 Henry Street, known as ‘The Bishop’s Palace’, and change of use of this building from commercial use to provide 7 no. apartments; the refurbishment of a 2-storey over basement building on Henry Street known as ‘The Coach House’ to provide a café/restaurant; the erection of a 14, 325 sqm commercial office building comprising 15 storeys and a residential building of 7 storeys for 35 apartments; a new public plaza to Henry Street and public realm enhancement works along Bishop’s Quay, Lower Cecil Street and Henry Street with vehicular access serving the development via a proposed entrance point on Lower Cecil Street. In response to a request for further information on 25th November 2016 the penthouse floor (including gym) of the apartment block was omitted resulting in the omission of one no 1 bed apartment (Apartment No 605). The number of residential apartments proposed was therefore reduced down to 41 apartments. Limerick City & County Council granted planning permission subject to 37 conditions.

- 7.1.2. Accordingly, this assessment is based on the plans and details submitted to the planning authority on **2nd September 2016** as amended by further plans and details received by the Planning Authority on **25th November 2016**.
- 7.1.3. Concerns raised regarding the validity of the third party appeal by Brian Phelan is noted. The applicant makes reference to Section 127(1) and Section 127(2)(a) of the Planning and Development Act 2000 (as amended). The Board has accepted the appeal as valid.
- 7.1.4. I also note the concerns raised regarding the *legal status* of a sub-condition and sub-sub-condition of same. In this regard I would point out for the purpose of clarity that the development proposed is considered “de novo”. That is to say that the Board considers the proposal having regard to the same planning matters to which a planning authority is required to have regard when making a decision on a planning application in the first instance and this includes consideration of all submissions and inter departmental reports on file together with the relevant development plan and statutory guidelines and any relevant planning history relating to the application.
- 7.1.5. Having regard to the information presented by the parties to the appeal and in the course of the planning application and to my site inspection of the appeal site, I consider the key planning issues relating to the assessment of the appeal can be addressed under the following general headings:
- Principle / Policy Considerations
 - Heritage & Conservation
 - Visual Impact & Height
 - Sunlight & Daylight Impact
 - Traffic Safety & Car Parking
 - Public Realm
 - Flooding
 - Construction Impact & Methods
 - Screening for Appropriate Assessment
 - Development Contribution(s)

7.2. Principle / Policy Considerations

- 7.2.1. The proposed development is comprised of a number of elements. The Bishops Palace itself is to be retained and converted into apartments. The two storey over basement out offices (referred to as the Coach House) at the north side of the Bishops Palace are also to be retained. There are three main new elements. The largest of these is a 15 storey commercial building to be located on the corner of Lower Cecil Street and Bishops Quay while a 7 storey residential block, with landscaped terrace at roof level, is proposed immediately to the south along Bishops Quay. The final element is a narrow four storey element running from the commercial tower onto Henry Street, immediately north and behind the Coach House.
- 7.2.2. Under the provisions of the Limerick City Development ~Plan 2010 – 2016 (as varied) the appeal site is wholly contained within an area designated under Zoning Objective Z01(B) City Centre Commercial Area (CCCA) *where It is the policy of Limerick City and County Council to support the retention and expansion of a wide range of commercial, cultural, leisure and residential uses in the commercial core area (apart from comparison retail uses (Policy CC.4 City Centre Commercial Area refers).*
- 7.2.3. In my view the development presents a quality mixed use scheme to include both commercial office space and residential development with active ground floor uses to the river side; the historic Bishops Palace is retained, along with the Coach House and the original residential function of the Bishop Palace is reinstated with the surface car park to the front of the building replaced by a landscaped public plaza.
- 7.2.4. As stated above the proposed development includes the demolition of the existing unoccupied ESB structures on the site. Neither the Bishops Palace or the Coach House are listed in the Record of Protected Structures nor is the site located within a designated Architectural Conservation Area. I consider the ESB building to be of little architectural merit either in its own right or in terms of its contribution to the visual amenity of the area, and therefore I have no objection to its proposed demolition.
- 7.2.5. Having regard to the zoning objectives for the site I am satisfied that all uses proposed in the redevelopment of the site (offices; residential, café / restaurant) are

identified as being permissible at this location. Overall I consider the principle of the proposed land uses and demolition of the ESB Building to be acceptable subject to the acceptance or otherwise of site specifics / other policies within the development plan and government guidance.

7.3. Heritage & Conservation

- 7.3.1. It is submitted that the development proposals would have a negative effect on the architectural integrity of the Bishops Palace and No 105 Henry Street (adjoining property) and on the character and scale of Georgian Limerick. As such, the development proposals are considered by the appellants to be contrary to the provisions of the Limerick City Development Plan and so should be refused planning permission.
- 7.3.2. A portion of the appeal site, No 104 Henry Street comprises the Bishops Palace, a 3 storey over basement building with an attic level red brick building built in c 1780 as a Bishops residence. The building was in use as offices from c1926 and has been vacant in recent years. The adjoining Coach House is a 2 storey over part basement stone cut building which adjoins the Bishops Palace to the north and was built in association with the main house. The Coach House was also converted into office use and has also been vacant in recent years. The Bishops Palace is listed as being of “regional” importance in the National Inventory of Architectural Heritage (NIAH) but remarkably is not listed on the Record of Protected Structures in the current Limerick City Development Plan. The NIAH notes that the house together with the neighbouring house, built after the Palace, is among the grandest and most formally realised townhouse pair built according to a Palladian concept of the flanking range of outbuildings. In this regard I agree with the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs *that the steps to put the former palace and coach house back onto the Record of Protected Structures should be commenced as soon as possible*. Notwithstanding its omission from the RPS it is noted that the Development Plan calls for all works to buildings of “architectural heritage significance” to comply with the DEHLG Guidelines and Advise series.
- 7.3.3. I refer to the Historical Assessment and Architectural Heritage Impact Assessment submitted with the application. I agree with the applicant that while most of the original curtilage of the Bishops Palace has long since been severed from the

Bishops Palace and has been built upon, the actual Bishops Palace itself is of considerable architectural heritage importance for a number of reasons among which is its notable historical and cultural association, and the fact that the house contains a large number of original high quality decorative features in the style of the early to mid-Georgian period (as noted on day of site inspection). It was also observed on day of site inspection that the Bishops Palace is vacant and in deteriorating condition due to lack of occupancy and maintenance. Furthermore, a number of changes effected internally all to complement the commercial use of the building, have resulted in the loss of some historic fabric and have impacted the character and architectural value of the house. Similarly, the Coach House is vacant and also deteriorating due to lack of occupancy. Such vacancy, coupled with the existing surface car park to the front of these buildings is having a negative impact on the public realm along Henry Street.

7.3.4. I agree with the applicant that the occupation of Bishops Palace and the Coach House is the best way to ensure the continued well-being and maintenance of the buildings fabric. The change of use represents a viable, sustainable and alternative use which, from a conservation point of view allows for the retention for both structures. Having regard to the amendments proposed in the further information submission I support the proposed change of use and associated intervention as amended subject to conditions relating to best conservation practice and that the refurbishment works to the Bishops Palace & Coach House be completed prior to occupation of any other part of the development.

7.3.5. As observed on day of site inspection and as documented in the Architectural Heritage Impact Assessment there is a single cast iron, wrought iron and timber stable stall still in place on the ground floor of the Couch House. The stall is not preserved either in situ or incorporated elsewhere in the proposed redevelopment plans. In my view this original element of the structure is worthy of preservation and should be incorporated appropriately into the proposed redevelopment of the Coach House. In line with the report of the report of the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs it is recommended that should the Board be minded to grant permission that a condition be attached requiring that this stable stall be preserved and incorporated into the new scheme with details to be agreed with the Planning Authority in consultation with their Conservation Officer.

7.4. Visual Impact & Height

- 7.4.1. Concern is raised that the granting of permission for the 15-storey office tower and the 7-storey apartment block will destroy the context of the Bishop's Palace, and set an inappropriate precedent. It is submitted that building heights should be restricted within the planned Georgian City of Limerick in order to maintain its integrity.
- 7.4.2. Limerick City & County Council submit that the site, located in Limerick City Centre with frontage onto Henry Street, Cecil Street and Bishop's Quay, forms one of the last infill brownfield sites along the Quays. The Limerick 2030 An Economic and Spatial Plan for Limerick which forms part of the Limerick City Development Plan seeks to create a 'World Class' Waterfront; a renaissance of Limerick's entire Waterfront; and identifies the ESB Showrooms site at Bishops Quay as one of the 7 key sites categorised as City Centre Transformation sites. The Limerick City Development Plan 2010 – 2016 identifies standards for high and medium rise buildings however no maximum height has been determined for a high-rise or "tall" building in the city.
- 7.4.3. Limerick's city skyline is not protected and is defined by primarily low scale buildings with the height across Limerick's waterfront, for the most part uniform. Riverpoint and the Clarion Hotel to the south west extend upwards breaking the typical 5 – 7 storey city model. The high-rise prominent benchmarks in the city skyline are Riverpoint at 58.5m and the Clarion Hotel at 57m currently Ireland's 14th and 15th tallest building respectively. It is stated that Limerick is also home to the tallest Church in Ireland with the spire of St John's Cathedral extending to 93.8m.
- 7.4.4. I refer to the Architectural Design Statement and the Visual Impact Assessment together with associated photomontages submitted with the application and the response to the further information. It is evident that the 15 storey commercial building will be widely visible along the river and will also be visible from a number of locations within the city. As stated previously the curtilage of the Bishop's Palace has been degraded by the construction of the ESB buildings to the rear and the surface car park to the front of the building. The proposed 7 storey residential block and 15 storey office block will intervene between the Bishop's Palace and the River, interrupting some views both to and from the Bishop's Palace. In this regard I refer to the submission from the Department of Arts (5th October 2016) where it

acknowledges that the rear elevation of the Bishops Palace is without a particular formal character and that the Department is not opposed in principle to the building of a large structure on Bishops Quay that will obscure the rear elevation from direct views.

- 7.4.5. The photomontages illustrate the development from important points within the city, most particularly the view towards the two buildings from the Shannon Bridge, and show that the rear elevations remain visible from this angle. The proposed office element of the planned development is not located within the Georgian City / Grid and will not be visible from many vantage points to the south / south west within the Newtown Perry Architectural Conservation Area, due to the location of the development and the gridded nature of the Georgian City. I have considered the reports and associated photomontages available on the appeal file together with my site inspections and I consider that the impact of the proposal on the setting and character of Bishops Palace and Coach House together with the Georgian City including streetscapes and areas of conservation value, both individually and as a series of set-pieces, would not have a significant impact on the character and heritage of the sensitive historic city core.
- 7.4.6. As set out above, the Limerick 2030 Executive Summary Report delineates certain sites along the riverfront for commercial development and among these is the old ESB Showrooms site at Bishops Quay. Therefore, having regard to the City Development Plan and the Limerick 2030 Executive Summary Report where there appears to be no defined constraints or maximum standards set for building height, the transformed context of Limericks quay front over recent decades, particularly characterised by the Riverpoint commercial and residential scheme at the junction of Mallow Street and the quay together with its location adjoining a wide section of the River Shannon I do not consider that the proposed development would have a significant visual impact on the setting and visual amenity of the Georgian core of the City of Limerick as to merit a refusal in this instance.

7.5. **Sunlight & Daylight Impact**

- 7.5.1. Two of the appellants raised specific concerns regarding the loss of sunlight, daylight and overshadowing to residential and commercial properties opposite the appeal site on Lower Cecil Street and Howleys Quay.

- 7.5.2. I refer to the “Sunlight and Daylight Access Analysis of the proposed development on lands at Bishops Quay Limerick City” (September 2016) submitted with the planning application and to the response to Planning Appeals on Sunlight Availability prepared by ARUP and submitted with the first party response to the appeal. The latter report concluded that from viewing the analysis detailed within the body of this report and considering the findings described in the report it can be stated that *constructing a 15 storey massing on the Northern aspect of Lower Cecil Street will have an impact on sunlight on the properties that have made submissions based on the planning applications.*
- 7.5.3. The assessment of predicted impact of the proposed development on sunlight and daylight access notes that, notwithstanding the urban location of the application site and the already dense shadow environment of the urban area *“it is to be expected that the proposed development will result in a considerable change to the existing shadow environment”* given that the proposal entails replacement of a 2 storey building with significantly more dense development rising to 15 storeys (60 metres) in height at its highest point. The assessment states further that *“the construction of denser development of any kind on the application site has the potential to increase overshadowing of buildings in close proximity to the application site, such as those on Lower Cecil Street, to the north Buildings on the opposite site of Lower Cecil Street are likely to experience “significant” additional overshadowing during the afternoons throughout the year”*.
- 7.5.4. In meeting objectives to increase city centre densities and consolidate city centre core areas a reasonable balance has to be struck between the development of new structures and the extent of overshadowing and impact to daylight and sunlight that could arise. Generally, sunlight and daylight levels are considerably lower than the guidelines figure in town and city centre areas. The proposals in this case envisage a significant quantum of development at a high density in a central city location identified for development. While it has been demonstrated that there will an impact on the existing daylight and sunlight availability to adjoining properties it remains the case that this is a high density city centre setting and therefore the impact caused by the proposed development it is not considered so significant as to warrant a refusal in this case.

7.6. Traffic Safety & Car Parking

- 7.6.1. Vehicular access to the site will be through a barrier-operated access off Lower Cecil Street. This access will connect via ramps to the two levels of underground car parking. The development entails modifications to on-street parking on both Lower Cecil Street and Bishops Quay whereby parking will be removed and the resulting road space used to widen footpaths.
- 7.6.2. I refer to the Traffic Impact Assessment and Road Safety Audit submitted with the application. I agree with the applicant that *restricting the provision of on-site car parking well below the maximum provision allowed under the development plan, coupled with the Council measures to encourage sustainable non-car based travel and the reasonably significant charges for private parking within the city core, will all combine to suppress car based travel to and from the development.* Furthermore these reports stated that the adjacent junction when assessed was found to be adequate to cater for the combined development traffic and background traffic in both assessment years (2018 and 2035) and to have good levels of reserve capacity.
- 7.6.3. In terms of car parking provision, the scheme provides 108 car parking spaces. However, the proposed development will result in the loss of 8 no existing on-street car parking spaces, currently managed by Limerick City and County Council. The Limerick City Development Plan 2010 – 2016 provides the maximum numbers of parking spaces that can be provided within a development. It is stated that the number of car parking spaces proposed was determined in consultation with the Limerick Smarter Travel design office to encourage the use of sustainable transport in the city centre in line with Limerick City's role as a designated Smarter Travel City. The proposed strategy is outlined in the Workplace Travel Plan and associated planning documents.
- 7.6.4. This development is located within the city centre of Irelands third largest city and is adequately served by a wide range of sustainable transport options, including bus and train services from the suburbs, local towns and regional cities. The Workplace Travel Plan outlines the strategies and sets targets about the reduction of the use of private car parks in connection with the development and therefore an associated reduction in parking spaces required for cars.

7.6.5. Given the location of the appeal site within the city centre together with the layout and design I am satisfied that the vehicular movements generated by the proposed development would not have a significant material impact on the current capacity of the road network in the vicinity of the site or conflict with traffic or pedestrian movements in the immediate area. I note the parking arrangements proposed and I am satisfied that there is adequate parking provision. Overall I consider the proposal for parking and access to be acceptable and I am satisfied that the proposed development will not result in the creation of a traffic hazard.

7.7. Public Realm

7.7.1. The site has significant frontages onto Henry Street, Bishops Quay and Cecil Street Lower. The landscape elements such as an area of parking on Henry Street and an overgrown yard, inside some industrial railings to Bishops Quay and poor quality cast in situ concrete slabs which have not been maintained to any standard and have simply become an eyesore. The public footpaths adjacent to the site on Cecil Street and Bishops Quay have recently been refurbished with a new paving, tree planting and a comprehensive lighting scheme.

7.7.2. The proposed landscape plan has four main elements; the courtyard, the Henry Street Plaza, the pavements fronting Bishops Quay and Lower Cecil Street and the apartment block roof terrace. The proposed new apartments on Bishops Quay will have their own private balconies. There are many amenity and recreation areas close to the development site such as adjoining quays amenity walks, skate park, Arthurs Quay Park, the Peoples Park etc.

7.7.3. Proposals to remove car parking from the front of the Bishops Palace and provide public space are to be welcomed. Further there is an objective in Limerick 2030 that the forecourt of the Bishops Palace combined with the forecourt of No 105 and the area of Henry Street directly in front would be combined to become a plaza uniting development on the appeal site, the site of No 105 and perhaps the Garda Station and the Hanging Gardens site on the opposite side of Henry Street.

7.7.4. I have considered the public realm and landscaping proposals and I consider them to be a satisfactory response to the sites context. However, I would draw attention to the corten steel planters proposed to the Henry Street in front of the Bishops Palace

and Coach House. While I consider the overall landscaping and public realm proposal to be well thought out and elegant I consider this element to be a barrier to the Bishops Palace and the Coach House. It is imperative that the public realm of this scheme or any scheme is durable and low maintenance and for these reasons it is recommended that should the Board be minded to grant permission that the corten steel planters proposed to the Henry Street be omitted.

- 7.7.5. The proposal will deliver significant gain in redressing current vacancy and decline along Lower Cecil Street; and otherwise will provide for an enlivened streetscape along the street, particularly by reason of positioning of the café / restaurant at the western end of the quayside junction. The development will create a positive relationship with its immediate environs as the proposed café / restaurant unit will open onto an enhanced public realm along the Bishops Quay and Lower Cecil Street site frontages, whilst the development of the new public open space to the front of Bishops Palace and the Coach House will significantly enhance accessibility to the historic buildings and create a new public realm on Henry Street.

7.8. **Flooding**

- 7.8.1. A Flood Risk Assessment of the proposed development accompanied the application. An overview of the development is set out, possible sources of flooding at the site are considered and the flood risk assessment is set out with reference to the historical records of flooding and the Shannon CFRAM. A justification test in line with the requirements of the Guidelines has been undertaken which set out key measures to be undertaken within the development to minimise flood risk. The assessment concludes that the proposal represents sustainable development and achieve full compliance with the requirements of the “The Planning System and Flood Management Guidelines”.
- 7.8.2. It is stated that the key flood risk to this development would be caused by a storm surge in the estuary coinciding with high spring tide levels and high flows in the River Shannon.
- 7.8.3. Such an extreme flood occurs during spring tides and as such its occurrence is predictable. Limerick City and County Council are therefore in a position to erect demountable flood barriers along when tidal flood warnings are issued, typically over

the winter months. The most recent occurrence of such an event in the city centre was on 1st February 2014, with the highest ever recorded flood level in the city of 4.55m. The demountable flood barriers erected by Limerick City and County Council protected Bishops / Howley Quay from inundation during this event.

- 7.8.4. A justification test was carried out to justify the development at this location. The key measures to minimise flood risk within this development are the provision of a second line of defence at the building using demountable flood barriers on the Bishops Quay and Lower Cecil Street entrances and the placement of the main entrance to the development above 1/1000-year flood level, in Flood Zone C. No residential development will be located at ground floor level within the flood zone.
- 7.8.5. Part of the development includes apartments at level of 4.64m AOD (drawing 222) which would be considered to be highly vulnerable. Demountable flood barriers are proposed at all entrances from Bishops Quay and Lower Cecil Street, including to the apartments, in the event of an extreme flood event as a second line of defence to flood barriers along the quay. It is recommended that consideration be given to raising the proposed floor level of the development to at least 5.17m AOD in the event of failure of demountable flood barriers at entrances to the proposed development. I am satisfied that this can be dealt with by way of a suitably worded condition.
- 7.8.6. Having regard to the information available on file I am satisfied that the potential impacts of the proposed development in terms of flooding have been established and that the type of development proposed is appropriate for this flood zone. I do not consider that the proposed development would exacerbate the risk of flooding in the area. Should the Board be minded to grant permission it is recommended a condition be attached requiring that adequate storm / surface water infrastructure is provided on site to ensure that the proposed scheme does not contribute or exacerbate any existing deficiencies in relation to storm / surface water infrastructure in the area.

7.9. **Construction Impact & Methods**

- 7.9.1. I note the concerns raised regarding the demolition and excavation works required to accommodate the proposed development. Such concerns are an engineering issue

and not a planning issue, whereby it falls to the applicant to ensure that no damage or deterioration occurs to adjoining properties. In this regard should the Board be mindful to grant permission for the proposed development I consider that a construction management plan should be submitted prior to commencement of development, in order to address construction management concerns. With the attachment of such a condition I do not consider that the construction phase of the development would give rise to an unreasonable impact on neighbouring properties in this instance.

7.9.2. It is also noted that survey, sampling and assessment for asbestos containing materials at ESB Building Report concluded that no asbestos materials were discovered. Survey, sampling and assessment for asbestos containing materials at the Bishops Palace concluded that there was a low risk of fibre release from roof slates, mastic beneath floor tiles, ceiling over boiler unit and rope ties to insulations and that these may be interfered with during construction works. The report recommends that if the asbestos containing materials are disturbed that they should be removed under controlled conditions by a specialist asbestos contractor and that site and task specific risk assessments should be carried out ahead of any work in proximity to the asbestos materials. I agree with these recommendations.

7.10. Screening for Appropriate Assessment

7.10.1. I refer to the Appropriate Assessment Screening Report submitted with the planning application. The proposed development is not located within any Natura 2000 site, however the site is located approximately 25m to the north east of the Lower River Shannon SAC and 165m to the north east of the River Shannon and River Fergus Estuaries SPA.

7.10.2. The report states that the proposed development would not give rise to any direct impacts on the conservation objectives of any Natura 2000 site with particular reference to the Lower River Shannon SAC and 165m to the north east of the River Shannon and River Fergus Estuaries SPA which are located away from the proposed development.

7.10.3. The potential for indirect and cumulative impacts arising with regard to the disturbance are evaluated as being below the level by which any significant adverse

effects may occur, taking account of the location of the proposed development and the absence / low level occurrence of any disturbance sensitive receptors (qualifying interests) within close proximity to Bishops Quay. In the context of the urban setting of the proposed development scheme at Bishops Quay and optional activities the impact of this proposed development is considered negligible with respect to other disturbance pressure on birds and water quality impacts.

7.10.4. Based on the information provided the Screening Assessment has determined that a Natura Impact Statement as part of the Appropriate Assessment process is not required, with regard to the potential for impacts affecting the Natura 2000 network arising from the proposed mixed-use commercial and residential development scheme located in Bishops Quay, Limerick.

7.10.5. The Local Authority agreed with the conclusions of the AA Screening that the development of this site in the midst of built up area is not likely to have any significant effects on the nearby SAC or SPA. Further stated that the intervening 25m buffer will help to ensure that no run off or other substances would be likely to water courses.

7.10.6. Having regard to the nature and scale of the proposed development, the nature of the receiving environment and proximity to the nearest European site (Lower Shannon SAC (002165) and the River Shannon and River Fergus Estuaries SPA (004077)), no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

7.11. **Development Contribution**

7.11.1. **Section 48 Development Contribution** - Limerick City and County Council has adopted a Development Contribution scheme under Section 48 of the Planning and Development Act 2000 (as amended). Limerick City and County Council Development Contribution Scheme 2017 – 2021 refers. This development is not exempted from payment. Condition No 2 of the notification of decision to grant permission required that payment of a Section 48 Development Contribution in the amount of €551,362.50. Accordingly, it is recommended that should the Board be

minded to grant permission that a Section 48 Development Contribution condition should be attached.

7.11.2. **Section 48(2)(c) Special Development Contribution** - Condition No 3 of the notification of decision to grant permission required the payment of a Section 48 2(c) Development Contribution in the amount of €4,000.00 in respect of the necessary alteration and re-validation of the metro area AUTC vehicle detection systems at Henry Street and Lower Cecil Street and Bishops Quay and configuration and modification of systems in station apparatus to enable construction and operation of the development. This condition is in line with the documented recommendations recorded on the planning file and has not been appealed.

7.11.3. The Board will be aware that a special development contribution may be imposed under section 48(2)(c) where specific exceptional costs, which are not covered by the general contribution scheme, are incurred by a local authority in the provision of public infrastructure or facilities which benefit very specific requirements for the proposed development, such as a new road junction or the relocation of piped services. The particular works should be specified in the condition and only developments that will benefit from the public infrastructure or facility in question should be liable to pay the development contribution.

7.11.4. I am satisfied Special Contribution Condition No 3 clearly outlines the precise works to be carried out by the local authority to which the contribution relates and that a clearly specific exceptional cost, which is not envisaged in the Limerick City and County Council Development Contribution Scheme 2017 – 2021 has been demonstrated. Accordingly, it is recommended that should the Board be minded to grant permission that a Section 48(2)(c) Special Development Contribution condition should be attached

8.0 Recommendation

8.1. Having considered the contents of the application and the provisions of the current Limerick City Development Plan 2010 - 2016, the Limerick 2030 Economic & Social Plan for Limerick, the location of the site within Limerick City Centre and adjoining the waterfront, the status of the Bishops Palace as being of Regional Importance in the NIAH, the pattern of development in that area, the density, layout and design of

the proposed development, together with the grounds of appeal, planning history, site context, policies and objectives for the area and my two site inspections and assessment of the planning issues, I recommend that permission for the proposed development be **granted** for the reasons and considerations set out hereunder.

9.0 Reasons and Considerations

- 9.1.1. Having regard to the land use zoning objective of the site as set out in the current development plan for the area, the established existing use on the site and the pattern of development in the area, it is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the residential amenities of property in the vicinity or the visual amenities of the wider area, and would not significantly impact on the character of the Bishops Palace and adjoining Coach House. The proposed development would, therefore, be in accordance 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 25th November 2016, 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. (a) Prior to commencement of any development on foot of this grant of permission, the phasing of the permitted development, including in relation to demolitions and conservation works, shall be agreed in writing with the planning authority.

(b) The refurbishment works to the Bishops Palace & Coach House shall

be completed prior to occupation of any other part of the development.

(c) No part of the development shall not be occupied until all landscaping and public realm proposals have been completed to the satisfaction of the Planning Authority.

(c) The corten steel planters proposed to the Henry Street Plaza shall be omitted and replaced with paving. Details shall be agreed with the Planning Authority prior to commencement of work on site.

(d) The single cast iron, wrought iron and timber stable stall still in situ on the ground floor of the Couch House shall be preserved and incorporated into the redevelopment of the Coach House with details to be agreed with the Planning Authority in consultation with their Conservation Officer prior to commencement of work on site.

Reason: In the interest of the proper planning and sustainable development of the area and to regulate and control the development

3. The developer shall engage the services of a qualified professional with specialised conservation expertise and experience for the following purposes:

(a) to oversee the development of the detailed design for works to the interior and exterior of the Bishops Palace and Coach House,

(c) to oversee the implementation of the restoration to Bishops Palace and Coach House,

(d) to submit to the planning authority detailed design and methods statements as required by the planning authority, and

(e) to certify to the planning authority on completion of works that best conservation practice has been followed throughout.

Reason: To ensure protection of the special interest of the protected structures

4. 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 facades structure and/or fabric.

- b) All repair works to the Bishops Palace and Coach House shall be carried out in accordance with best conservation practice as detailed in the application and the Architectural Heritage Protection Guidelines for Planning Authorities issued by the Department of Arts, Heritage and the Gaeltacht in 2011. The repair works shall retain the maximum amount of surviving historic fabric in situ, including structural elements, plasterwork (plain and decorative) and joinery and shall be designed to cause minimum interference to the building structure and/or fabric. Items that have to be removed for repair shall be recorded prior to removal, catalogued and numbered to allow for authentic re-instatement.
- c) All existing original features, including interior and exterior fittings/features, joinery, plasterwork, features (including cornices and ceiling mouldings) staircases including balusters, handrail and skirting boards, shall be protected during the course of refurbishment.

Reason: To ensure that the integrity of the retained structures is maintained and that the structures are protected from unnecessary damage or loss of fabric

- 5. Prior to commencement of all works to the Bishops Palace and Coach House, including all demolition works to the outbuildings/extensions, the developer shall make a record of the existing structures. This record shall include:
 - (a) a full set of survey drawings to a scale of not less than 1:50 to include elevations, plans and sections of the structure, including the outbuildings/extensions, and
 - (b) a detailed, labelled photographic survey of all internal rooms (including all important fixtures and fittings), the exterior and the curtilage of the building.

One copy of this record, including all survey drawings and the photographic

survey shall be submitted to the planning authority and one further copy of this record, the photographic survey and a full set of the survey drawings shall be submitted to the Irish Architectural Archive.

Reason: In order to establish a record of the Bishops Palace and Coach House

6. (a) The developers of this development shall at all times be responsible for the erection of Flood Protection Measures around this building as set out in the Planning Application and should not rely on the Local Authority provided protection. A flood risk mitigation plan shall be prepared and submitted to the planning authority at least two months before construction works are due to commence. The plan shall include a warning / trigger system, measures to mitigate against flooding (including measures to mitigate against risk to people, the premises and residual risks), as well as the persons responsible for the implementation of the mitigation measures. The flood risk mitigation plan should be incorporated onto the overall management plan for the development.

(b) The finished floor level of the lower ground floor apartments shall be a minimum of 5.17m OD

Reason: In the interests of proper planning and sustainable development.

7. Prior to commencement of construction on site, details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to and agreed in writing with the planning authority. **Reason:** In the interest of orderly development and the visual amenities of the area.
8. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area

9. A take-away element i.e. serving fast food for consumption off the premises is not permitted as part of the permitted use. This grant of planning

permission is for a sit down restaurant only. Any deviation from the use as granted will be require a subsequent grant of planning permission.

Reason: In the interest of orderly development and City Centre amenity.

10. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health and to ensure a proper standard of development.

11. Proposals for a development name and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, street signs, and house/apartment numbers, shall be provided in accordance with the agreed scheme. No advertisements/marketing signage relating to the names of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed names.

Reason: In the interest of urban legibility.

12. The management and maintenance of the proposed development, following completion, shall be the responsibility of a legally constituted management company, which shall be established by the developer. A management scheme, providing adequate measures for the future maintenance of the development; including the external fabric of the buildings, internal common areas, open spaces, landscaping, parking areas, public lighting, waste storage facilities and sanitary services, shall be submitted to and agreed in writing with the planning authority, before any of the residential or commercial units are made available for occupation.

Reason: To provide for the future maintenance of this [private] development in the interest of residential amenity and orderly development.

13. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to

commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Limerick/Clare/Kerry Region.

Reason: In the interest of sustainable waste management

14. Site development and building works shall be carried only out between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 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.

15. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of social and affordable housing in accordance with the requirements of section 96 of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter (other than a matter to which section 97(7) applies) may be referred by the planning authority or any other prospective party to the agreement to the Board for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the

development plan of the area.

16. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion of the development

17. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission

18. The developer shall pay the sum of €4,000 (four thousand euro) (updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the

Central Statistics Office), to the planning authority as a special contribution under section 48 (2)(c) of the Planning and Development Act 2000, in respect of respect of the necessary alteration and re-validation of the metro area AUTC vehicle detection systems at Henry Street and Lower Cecil Street and Bishops Quay and configuration and modification of systems in station apparatus to enable construction and operation of the development. This contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate. The application of indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

Mary Crowley

Senior Planning Inspector

2nd May 2017