



An  
Bord  
Pleanála

## Inspector's Report ABP-300061-17

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| <b>Development</b>                  | Renovation, conversion and extension of adjacent 6-storey mill building to accommodate 20 no. hotel bedrooms, change of use of ground floor unit from retail use to café / bar use with new link to Savoy Hotel and various ancillary development works. |
| <b>Location</b>                     | Corner of Henry Street & Shannon St.<br>Limerick   |
| <b>Planning Authority</b>           | Limerick City and County Council   |
| <b>Planning Authority Reg. Ref.</b> | L.A. 17/760  |
| <b>Applicant(s)</b>                 | Kirkland Investments Ltd.  |
| <b>Type of Application</b>          | Permission   |
| <b>Planning Authority Decision</b>  | Grant  |
| <b>Type of Appeal</b>               | Third Party  |
| <b>Appellant(s)</b>                 | An Taisce, Cait Ni Cheallachain  |
| <b>Observer(s)</b>                  | Department of Culture, Heritage, and<br>Gaeltacht  |

**Date of Site Inspection**

24<sup>th</sup> January 2018

**Inspector**

Kenneth Moloney

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## **1.0 Site Location and Description**

- 1.1. The subject site is located at the corner of Henry Street and Shannon Street in Limerick City.
- 1.2. The existing building on the appeal site is a former corn store building which is currently occupied by ground floor commercial uses and upper floor residential uses.
- 1.3. There are two ground floor uses, i.e. a coffee shop and a tattoo shop and 8 no. apartments in the upper floors.
- 1.4. The height of the building slopes downwards from Henry Street towards O'Connell Street. The overall height of the building is 5 – 6 storeys.
- 1.5. The existing buildings along Shannon Street are primarily a mix of new buildings and some period buildings.
- 1.6. The existing building on the appeal site has its original walls and possibly original opes however the windows are modern.
- 1.7. The buildings on Henry Street are generally contemporary style buildings.
- 1.8. The Savoy Hotel is located to the immediate north of the appeal site and the hotel is separated from the appeal site by an access lane.
- 1.9. There is also an access lane situated to the immediate east of the appeal site and this lane provides a rear access to the Savoy Hotel.

## **2.0 Proposed Development**

- 2.1. In general terms the proposed development consists of commercial uses at first and second floor level and hotel bedrooms from second floor to eight floor.
- 2.2. The existing building is currently 6-storeys high and it is proposed that a contemporary extension will extend the existing building upwards to 9-storeys in height.
- 2.3. The proposal also includes a new link between the existing building, i.e. former corn store, and the adjoining hotel, i.e. the Savoy Hotel which is a 9-storey high building.
- 2.4. The proposed ground floor will comprise of two separate café / restaurants and café / bar is proposed over two-levels.

- 2.5. The proposed first floor provides predominately for a retail unit.
- 2.6. The remainder of the proposal provides for hotel bedrooms associated with the adjoining hotel.
- 2.7. The proposed development provides for a total of 35 no. bedrooms with 5 no. bedrooms situated on each floor.
- 2.8. In relation to specific details the proposal includes the following;
  - Removal of existing roof, floors and stair cores
  - Insertion of a new metal and glass vertical extension extending 4 floors to provide 20 no. bedrooms
  - Change of use of ground floor from retail to café / restaurant
  - New link to Savoy Hotel
  - Subdivision of café / restaurant at ground floor level. One café / restaurant is linked to hotel.
  - Change of use at first floor level from residential to retail.
  - Provision of hotel WC's at first floor level.
  - Change of use of second, third, fourth and fifth floors from residential to hotel use to provide 15 no. bedrooms.
  - Retention of existing stone walls with modifications to facades
  - New entrance to hotel onto Shannon Street

### 3.0 **Planning Authority Decision**

Limerick City and County Council decided to **grant** planning permission subject to 14 conditions. The conditions are generally standard for the nature of the development proposed.

#### 3.1. **Planning Authority Reports**

3.1.1. The main issues raised in the planner's report are as follows;

- Location of site within city centre zoning and commercial core of city

- Structure is not a protected structure but listed on the NIAH
- Floor area of building is 958 sq. m. over 6 floors
- Proposal will provide for 9 floors with additional floor areas of 994.3 sq. m.
- Contemporary modern extension on top of original mill building
- Existing Savoy Hotel is 9 floors and offers 94 bedrooms
- The proposed development will add a further 35 no. bedrooms to the hotel.
- Existing mill dates from approximately 1780 – 1800
- Conversion to residential and retail was completed in 1995
- Proposed redevelopment will be absorbed by Savoy Hotel
- New entrance onto Shannon Street
- New café / bar is proposed at the north western end of the mill building with frontage onto both Henry Street and Shannon Street.
- An additional café / bar is proposed onto Shannon Street
- Architectural heritage guidelines sets out guidance in relation to demolition of protected structures.
- Flood Risk Assessment submitted and concludes proposal is consistent with 'The Planning System and Flood Management Guidelines'.

3.1.2. Health Service Executive; - No objections subject to conditions.

3.1.3. Fire and Rescue Service; - Compliance with appropriate codes required.

3.1.4. Archaeologist; - No archaeology issues.

3.1.5. Conservation Officer; - Advises that S. 2 of the Planning and Development Act, 2000, should be considered. The existing building has one original feature, i.e. its walls. The construction process and the proposed materials will have to be managed carefully. Permission recommended subject to conditions.

3.1.6. There is a submission from Irish Water who have no objections to the proposed development.

### 3.2. **Third Party Observations**

There are two third party submissions and the issues raised have been noted and considered.

## 4.0 **Planning History**

- L.A. Ref. 09/59 – Permission **granted** for retention of coffee shop and elevational signage at ground floor retail at no. 2 Mill Building junction of Shannon Street and Henry Street.

## 5.0 **Policy Context**

### 5.1. **County Development Plan**

The operational Development Plan is the Limerick City Development Plan, 2014 – 2020.

The subject site is zoned 'City Centre Area' (ZO.1). The zoning objective states '*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*'. The subject site is also located within the City Centre Retail Area.

Chapter 10 sets out guidance in relation to Built Heritage

The following is notable;

- The subject site is not on the RPS.
- The subject site is located outside the Zone of Archaeological Potential
- The subject site is not located within a designated ACA.

Policy BHA.11 'Re-use & Refurbishment of Structures of Architectural Heritage merit and protected structures is relevant'.

Chapter 16 sets out Development Management Standards. The following are relevant considerations in this chapter; -

- Building Heights
- Flood Risk Analysis
- Hotel
- Conservation

The subject site is located within Flood Zone A.

## 6.0 National Guidelines

### Architectural Heritage Protection Guidelines, 2004

The Architectural Heritage Protection Guidelines for Planning Authorities, 2004, offers guidance to planning authorities on determining planning applications in relation to protected structures.

Chapter 2 of the Guidelines deals with Protected Structures. Chapter 6 deals with Development Control in relation to Protected Structures. This outlines the requirements in relation to the content of applications involving protected structures, notification of prescribed bodies (para 6.6), and the advisability of requiring applicants to submit, with their proposals, an architectural heritage impact assessment (para 6.4.15).

Advice is given on the framing of conditions, including recording where the dismantling of part of a protected structure is permitted. It is noted that the demolition



of a protected structure, or of elements which contribute to its special interest, may only be permitted in exceptional circumstances (Section 57(10)(b) of the 2000 Act).

The Guidelines provide advice in relation to the provision of extensions to protected structures (para 6.8.1 to 6.8.7). It is indicated that, if planning permission is to be granted for an extension, the new work should involve the smallest possible loss of historic fabric and ensure that important features are not obscured, damaged or destroyed.

In terms of the design of new extensions the Guidelines indicate:-

“The architectural style of additions does not necessarily need to imitate historical styles or replicate the detailing of the original building in order to be considered acceptable”.

The Guidelines note (para 6.8.13 – 16) that, where partial demolition of a protected structure is proposed:

“the onus should be on the applicant to make a case that the part – whether or not it is original to the structure – does not contribute to the special interest of the whole, or that the demolition is essential to the proposed development and will allow for the proper conservation of the whole structure.”

## 7.0 The Appeal

7.1. The following is a summary of an appeal submitted by **An Taisce**;

- The structure is listed on the NIAH and is of regional importance (details of NIAH description and appraisal are quoted).
- Subject site located in an area that was developed from mid 18<sup>th</sup> century.
- The historical development of the city is outlined in Section 10.1 of the Limerick City Development Plan, 2010 – 2016.

- The local area was historically developed with a mixture of warehouses and commercial buildings whilst maintaining the general building height.
- The 1995 conversion retained the original gables and pitched roof treatment. The building maintains its external character.
- Section 10.1 of the Limerick City Development Plan, 2010 – 2016, refers specially to the City’s legacy of warehouse and industrial buildings.
- It is considered that the proposed gutting and the scale of the new build intervention would (a) seriously diminish the integrity character and streetscape, (b) fail to address the regional architectural significance of the building, and (c) would represent an unjustified loss of character forming part of the industrial / archeological and social history of Limerick.
- The scale and design is inappropriate.
- It is contended that the proposed development has no regard to the architectural heritage guidelines for Planning Authority nor Section 16.9 of the Limerick City Development Plan.
- The proposal would seriously compromise the heritage value of the building.
- The proposal would set an undesirable precedent to the treatment of other historic structures in the city centre.
- It is contended that the removal of the residential units within the city is a regressive step for sustainable development.

7.2. The following is a summary of an appeal submitted by **Cait ni Cheallachain**;

- The subject building is a former corn store.
- It is submitted very few corn store or mill buildings survive in Limerick.
- Henry Street and the Quays were once lined with these buildings.
- It is submitted that it is not the first time that a significant building has been omitted from the Limerick City County Council RPS.
- Due to anomalies in the RPS the structures on the NIAH are considered ‘de-facto’ protected structures.

- The building was converted into apartments in 1999 under L.A. Ref. 99/211.
- The building is part of a setting of a conservation area (ACA 1A).
- The Architectural Heritage Guidelines, 2004, outline the conservation principles.

The following outlines a response to paragraphs within the Architectural Heritage Guidelines

- Para 7.21 – it is submitted that the proposed development will pose a serious challenge to the existing structure and may cause it to fail.
- Para 7.22 – the proposal is entirely unsympathetic to the corn store in terms of materials and strong vertical detailing. The proposal relates physically to the hotel but detracts from the corn store building.
- Para 7.3 – The building currently has a viable use.
- Para 7.4 – there is no detailed historical study of the existing building. It is considered that the analysis of the existing building is not objective.
- The significance of this corn store building is not fully analysed.
- It is evident from photographs in Appendix 1.03 that the corn store building in visual, historical or conservation terms is a significant structure. The corn store relates to other structures i.e. Roches Stores, mews building on Henry Street and terraces on O'Connell Street.
- Para – 7.5 – The Local Authority sought no independent conservation advice nor was the application sent to the Development Applications unit for comment.
- Para 7.6 – the proposed extension is unsympathetic in terms of scale, materials and structural design and the special interest would be damaged.
- The removal of the roof destroys the integrity of the structure.
- Para 7.6.2 – a similar corn store building at the corner of Cecil St. and Henry St. collapsed in November 2013.
- Para 7.7 – the proposed development constitutes unnecessary intervention.

- Para 7.7.2 – the protected structures takes precedence whereas in the current application the extension takes precedence.
- It is contented that the 1999 intervention retained the window openings, its height, form, and reinstated the roof, using slates and respecting original detailing. The proposal will destroy the integrity of the structure.
- Para 7.9 – the assumption is that the protected structure takes precedence over any additions. The proposed extension violates good conservation practice by destroying the special character of the building.
- Para 7.12 – it is unlikely that the building will survive the proposals.
- It is submitted that the building has a viable use and could continue with this use indefinitely.
- The Economic and Spatial Plan for Limerick sets out key objectives and this includes making the city a desirable place to live and protecting the historic character of the city.
- The proposed development is contrary to objective no. 4 by removing 8 no. apartments and objective no. 6 by failing to protect this building.

## 8.0 RESPONSES

### Firsty Party Response

The following is the summary of a response submitted by Town & Country Resources Ltd., Planning and Development Consultants on behalf of the applicant.

- The scale of the proposal relates to the need to support the existing hotel and the need to make the development financially viable.
- Appendix 1.1 includes a submission from the MD of the Savoy Hotel setting out the rational for the proposed development.
- The proposed development is consistent with Section 6 (objective 6.4) of Limerick 2030.

- The proposal is consistent with the following development plan objectives (a) Policy ACT.27 and Policy ACT.29, and also the policy objectives in relation to tourism development.
- The proposal will achieve an upgrade and an enhancement of an existing hotel in an area where there is significant and increasing tourist and visitor demand.
- The local authority's planners report supports the proposed development.
- The proposed development will not be visible from the ACA.
- The subject structure is not a protected structure.
- The proposed development is permitted within the pertaining zoning objective.

#### Response to appeal by An Taisce

- The submission includes images (Figure 1.1) illustrating other mill buildings on Henry Street which have been removed.
- It is submitted that the new modern buildings on Henry Street extend higher than established mill buildings along Henry Street. This is the new defined height for Henry Street.
- Image 1.2 of the submission illustrates the difference in height between historic and contemporary buildings.
- It is submitted that the contemporary buildings along Henry Street do not detract from historic buildings but add to the evolution of architecture along the street.
- The Board are requested to consider the submitted visual impact assessment in their decision.
- There are other precedents in the local area and these include 'Bishops Quay' redevelopment (image 1.5) granted permission under appeal ref. 247888 and the 'Hanging Gardens' redevelopment (image 1.4) granted permission under L.A. Ref. 16/8002. These redevelopments have altered the skyline, roofscape and views and prospects over the city.

- In addition the 'Opera' development (L.A. Ref. 17/8008) will re-define the City height.
- Paragraphs 6.8.1 and 6.8.3 of the Architectural Guidelines would support the proposed development.
- The design extension will minimise the impact of architectural expression of the mill.
- It is contended that the contemporary vertical extension will in fact highlight the mill building as it is architecturally contrasting in both design and materials. There is a clear distinction between old and new.
- The submission includes images of a 3-D model of the proposal within its current context. The scale and the mass of the proposal are in keeping with the surrounding city environs.
- The proposal is a translucent element and the light source provides illumination to highlight the proposal.
- The mill building is currently dark and dull by night.
- It is submitted that the façade of the mill will be strengthened by the proposed retail, café bar, restaurant use at ground floor level and the illumination by night providing interest by day and night.
- Interventions to the mill building are kept to a minimum.
- The simple stone wall façade with regular pattern of punched opes will be retained.
- Original features such as steel parrass plates, limestone quoins, brick arches will be retained.
- It is intended to remove some of the fabric to existing windows to achieve larger windows for the functionality of the intended hotel.
- The removed fabric will be used to re-instate stone fabric on the ground floor where large opes were created for glazed shopfronts during the conversion in 1999/2000.

- It is submitted that the design of the extension is simple in form and materially contrasting with the mill.
- Glass and metal are proposed to create a roof-box addition.
- The southern façade will comprise a recessed glazed wall with vertical metal fins forming an outer envelope and a solar shading.
- The south façade of the extension will allow hotel patrons oblique views of the city through full height glazing. Privacy will be maintained with the extension appearing solid from oblique views on Shannon Street, O'Connell Street and Quay Street.
- The façade will be enlivened with increased window opening size.
- The design and materials have been significantly designed to define a clear distinction between old and new.
- The mill building is listed on the NIAH and as such the design approach seeks to retain the integrity of the mill whilst accommodating the expansion of the hotel.

#### Response to appeal by Cait ni Cheallachain

- The original gable walls will be retained as will the pitched profile of both gable ends.
- The design of the extension will minimise the impact on the mill.
- The introduction of a contemporary vertical extension will highlight the mill building and therefore will make a positive contribution to the street.
- The character of the building will be secured in the future.
- The proposal will provide a sustainable redevelopment solution.
- The structure is not listed on the RPS or within a conservation area and therefore the opportunity to regenerate should not be avoided.
- Detailed conservation rationale was outlined in the response to An Taisce.

- The mill is not a protected structure as such the decision by An Bord Pleanála (appeal ref. 244492) is relevant. This decision related to the ESB site on Fitzwilliam Street, Dublin 2. In this case one of the buildings to be demolished was not a protected structure and this was a material consideration in the Board's decision.
- Original features such as steel parrass plates, limestone quoins, brick arches will be retained.
- It is intended to remove some of the fabric to existing windows to achieve larger windows for the functionality of the intended hotel.
- Critical to the design success of the proposed development is that the mill building will be the dominant feature.
- The current residential use does not currently provide for sustainable living conditions as the units have low ceiling heights, poor storage, inadequate bedroom areas and no lift access. The bedroom ceilings are 2.15m high which is below current Building Regulations standards.
- The proposal will introduce long stay hotel accommodation which is currently unavailable in the city.
- There are no structural concerns in relation to the proposed development. This assertion is supported by a report prepared by Garlands Consulting Engineers (Appendix 1.2 of the response submission).
- The submission from Garland Consulting Engineers states that original rubble walls will be temporarily supported by steel frame and props designed to provide lateral stability to the original stone rubble walls. This temporary steel support will be in place before any demolition works commence to remove the existing steel structure installed in 1999.
- Any demolition work will be designed and detailed in conjunction with a specialist demolition contractor.
- The applicant is committed to fulfilling condition no. 5 of the local authority permission which will address structural and methodology issues.



- In terms of loss of residential units in the city the proposal represents removal of 8 residential units which offer poor residential amenity. The redevelopment on Bishop's Quay (appeal ref. 247888) will provide for 42 no. apartments there is therefore an overall increase in residential units.

### 8.1. Planning Authority Response

None

## 9.0 OBSERVATION

### Department of Culture, Heritage and Gaeltacht

- The existing mill has modest architectural heritage character as the building was altered in the late 1990's.
- The building was included on the NIAH and afforded regional rating. It is not a protected structure.
- An on-site meeting with the Local Authority and the project architect was held. The project architect was advised that the principle of the extension is acceptable provided the ratio balance of existing and the extension being of high architectural quality.
- The combination of weight, massing and height of the new element shall be critically assessed.
- The height of the adjacent Savoy Hotel shall not influence the case in architectural heritage terms, but should focus on whether the proposal achieves on adding a new element on the existing building in a balanced way.
- The precedents in the design statement are for extensions of less height than the existing buildings.
- The proposal has the potential to be overly dominant.
- The existing height will be doubled to 28.7m from 17.5m (the roof apex).
- It is considered that the proposal would represent a visual dominance that the cannot be absorbed by the mill without adversely affecting its character.

- The roofline along Shannon Street remains consistent with the building heights at the established new town level. Any permitted increased height would put pressure on the Shannon Street for future ad hoc height increases.
- It is submitted that a substantial reduction in height should be sought by the Board to prevent any looming effect of the new building on top of former mill.
- The omission of two floors is recommended and should be considered having regard to visual impact assessment and photomontages.
- The proposed external materials, including metal cladding and metal finned glazing, are not illustrated by product brochures which is a drawback in the overall consideration of the merits of the proposal.
- The proposed metal finish is selected as mid-grey. It is considered that the external materials would benefit from further considerations. The selected finish should clearly differentiate from the stonework and making the solid elements of the new extension lighter in appearance than they are illustrated.
- It is recommended that there is a visual demarcation between the existing wallplate level, which rises above the top floor windows and the commencement of the extension to overcome an abrupt change.
- It is recommended that a condition is added to any permission requiring the applicant to liaise with the planning authority on matters of final design such as reduced height, colour selection and finishing and facing products for extension.
- Any grant of permission should repeat the architectural conditions attached to the decision to grant permission and should add a condition to maintain and reuse the 19<sup>th</sup> century spiral staircase in the building.

## 10.0 Secondary Responses

The following is the summary of a second response submitted by **Cait ni Cheallachain**;

- It is submitted that NIAH is a de-facto RPS and the Local Authority has failed to place the subject building on the RPS.
- It is submitted that any positive impacts of the proposed development are diminished due to the loss of a viable living building of regional importance on the NIAH.
- It is submitted that the existing building is one of the last of its type in use and the proposed development would destroy its integrity.
- Photographs submitted illustrate that the existing building illuminates the night and the existing building is a viable use.
- It is submitted that images submitted by the applicant claiming to demonstrate good examples of older buildings and contemporary extensions are misleading. These images are not comparing like with like.
- It is accepted that standards have changed since the original building was upgraded. It is submitted that an external lift could be provided to meet modern standards.
- It is questioned how the applicants will comply with condition no. 5 should the historic building collapse during construction. The question is asked whether a new planning application would be required.
- The tenants of the existing 8 no. residential units will be without accommodation and the proposed development will add to the depletion of the housing stock at a time of housing shortage.
- It is submitted that the granting of permission for the proposed development will send out a signal that Georgian buildings outside the ACA which have not yet received protected structure status which they deserve can be treated with impunity.
- The mill building is not a derelict building but is alive and well.

The following is the summary of a response submitted by **An Taisce**;

- It is submitted that the historic character of the City is the main tourism asset of the city.
- Section 10.1 of the Limerick City Development Plan, 2010 – 2016, makes specific reference to mills and industrial heritage.
- The integration of tourism and heritage protection is therefore paramount.
- The mill building is of regional importance and is listed on the NIAH.
- The applicant is promoting the economic development of the city over other planning policies.
- The mill building is part of a planned layout of Newtown Pery and reflects the historic trading and port history of the city.
- The proposed development would significantly nullify and undermine its architectural character and integrity of the mill building, undermining was the achievements of the 1995 conversion.
- The applicant makes no reference to the key provisions of the City Development Plan or the national guidelines.
- The significance of the mill building in relation to the City's history and architectural heritage is not addressed.
- There was a loss of other grain buildings since 2000 and this is supported by photo 1.1 submitted by the architect. This reinforces the argument to retain the exterior of the building.
- The proposed development would emasculate the mill building.
- The argument of justifying the proposal on the basis of night time illumination is unfounded.
- The proposal does no address the volumetric proportion of the mill and the structural logic and integrity of its gables roof structure.

## 11.0 Assessment

I would consider that the main issues for consideration are as follows;

- Principle of Development
- Architectural Heritage
- Visual Impact Assessment
- Flood Risk
- Appropriate Assessment

### 11.1. Principle of Development

- 11.1.1. The existing use on the appeal site is retail at ground floor level and residential in the upper floors. The subject site is zoned 'City Centre Area' (ZO.1) or 'ABC City Centre' in accordance with the provisions of the Limerick City Development Plan, 2010 – 2016. The zoning objective states '*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*'.
- 11.1.2. Figure 15.1 'Land-use Zoning Matrix' of the City Development Plan outlines that a hotel use as proposed is a permitted in principle land-use within this zone. The Savoy Hotel is the neighbouring building located to the immediate north of the appeal site and the proposed development involves a link between the existing building on the appeal site and the adjacent hotel. As such the proposal would represent an extension to an existing use, albeit on a neighbouring site.
- 11.1.3. There is a concern as outlined by a third party appellant that the proposed development would reduce the number of residential units in the city centre and this would have adverse implications for the city as a living city.

- 11.1.4. The existing building has historic character as the building dates from the period 1780 – 1800 and the building would reflect the historic evolution of the city. This building is also listed on the NIAH and therefore would have some recognised architectural heritage value. I would consider that any proposed modification or alteration to the existing building on the appeal site would have to retain the architectural integrity and the historical significance of the structure.
- 11.1.5. Overall I would consider that the loss of 8 no. apartments is not significant and that the proposed hotel use or hotel extension is a permitted use in accordance with the zoning objective pertaining to the appeal site and therefore I would conclude that the principle of the proposed development is acceptable.

## 11.2. **Architectural Heritage**

- 11.2.1. The existing building on the appeal site is a 5 – 6 storey former corn store and is a pre-1900 building and therefore would have some historical significance and potentially some architectural heritage. The relevant question for the Board, in my opinion, to consider is whether the proposed development, which involves a vertical extension of an existing building, would compromise the historical significance or the integrity of the architectural heritage of this pre-1900 building. This question is essentially the crux of the issue.
- 11.2.2. In examining this question I will firstly consider conservation policy for the building on the appeal site. In accordance with Map 7A of the Limerick City Development Plan, 2010 – 2016, the subject building is not listed on the RPS. I would also note that in accordance with the relevant provisions of the City Development Plan that the appeal site is not located within a Zone of Archaeological Potential nor is the subject site located within the designated Architectural Conservation Area for Limerick City. The building on the appeal site is listed on the NIAH (reg. reference 21512001) as a building of regional importance. The NIAH description of the building refers to the building as store / warehouse that would have architectural, historical and social

special interest. The NIAH record further describes the building as dating from 1790 and that the conversion to ground floor retail and apartments on the upper floors was completed in 1995. Finally the NIAH reference appraises the building and its contribution to Limerick City. It is stated that the building has '*a significant presence on the streetscape of both Henry Street and Shannon Street*' and further outlines that the '*former corn building is an important example of the wealth of eighteenth and nineteenth century industrial buildings in Limerick City. It is located adjacent to the estuary, and most likely functioned as a store for goods entering or existing the city*'.

11.2.3. A relevant policy objective in the Limerick City Development Plan, 2010 – 2016, is Policy BHA.11 'Re-use & Refurbishment of Structures of Architectural Heritage merit & Protected Structures'. This policy states that '*it is the policy objective of Limerick City Council to positively encourage and facilitate the careful refurbishment of the Structures of Architectural Heritage merit and Protected Structures for sustainable development and economically viable uses*'. The City Development Plan further states that in instances where it is proposed to undertake works to structures listed on the NIAH that the Planning Authority will have regard to the DEHLG Architectural Heritage Protection – Guidelines for Planning Authorities, 2004.

11.2.4. I would note from a visual observation of the subject building and the correspondance on the file that the walls of the former corn building is the only external feature that remains in-situ. I did note from my site inspection that the window opes were original however the windows are not original and there are no original doors in-situ. The roof on the building is not original and was most likely constructed in 1995. I also noted that the current roof has velux roof windows. I also noted from my site inspection that the gutters and downpipes were not original features and that internally the building has been remodelled to accommodate the current use. Therefore interally the building would have no historical significance or architectural heritage merit apart from an original spiral staircase referred to below. I noted from my site inspection that the original steel pattress plates the façade have

been retained. These steel pattress plates were made redundant in 1995 with the construction of new floors.

- 11.2.5. I have examined the planning history on the appeal site and in particular L.A. Ref. 99/211. This application related to the conversion and restoration of the existing mill building into 8 apartments and 2 retail units. The survey drawings that accompanied this planning application indicate that the first – fifth floors had very similar floor plans and were generally void with the exception of a spiral stairs which was located in the south-east corner of the building and serves the first to the fifth floor.
- 11.2.6. The Architectural Heritage Guidelines, 2004, advocate a number of conservation principles and this includes 'Promoting Minimum Intervention' which is set out in paragraph 7.7 of the Guidelines. Paragraph 7.7 recommends that any works to historic buildings are kept low key.
- 11.2.7. The Local Authority Conservation Officer's report, dated 2<sup>nd</sup> October 2017, outlines that very little fabric of the original building remains with the exception of the walls. The report notes that the proposal is radical however also considers that there is no reason not to consider extending upwards. The Conservation Officer recommends a grant of permission.
- 11.2.8. The submission from the Department of Culture, Heritage and Gaeltacht outlines some concerns with the proposed development. The Department considers that there is an established height along Shannon Street which remains more or less at the established new town level. The submission concludes that the Shannon Street elevation results in a visual dominance that cannot be absorbed by the mill without adversely affecting the character of the building. The Department recommends that a substantial reduction in height should be sought by the Board to counterbalance the looming effect of the new extension on top of the former mill building. The Department recommends a condition reducing the height by two floors.



11.2.9. The Local Authority Planner's Report concludes that the development is considered a positive redevelopment and the Planning Authority is satisfied that the works will not detract from the character of the original mill building but reflects the further evolution of the site.

11.2.10. Having regard to the above considerations I would acknowledge that the former corn store has no statutory protection within the provisions of the Planning and Development Act, 2000 (as amended). However the former corn store is recorded on the National Inventory of Architectural Heritage (NIAH) and the building is listed as having regional importance. I would also acknowledge that the former corn store dates from 1780 – 1800 and in terms of urban landscape would provide an historic link to the City's past. In considering the architectural heritage of this historic building I would accept that all that remains of the original building are the four external walls. However the walls, comprising of stone limestone material and are grey in colour, given their height make a strong architectural statement.

11.2.11. In considering the merits of the proposed development I would also note the difference between Henry Street and O'Connell Street in Limerick City in terms of building form and character. Both streets run parallel to one another within Limerick City and are a short distance apart. O'Connell Street largely retains its Georgian character and is of greater conservation value than Henry Street. Henry Street has many contemporary buildings and a limited number of historic buildings. The general building height on Henry Street is higher than the established 3 – 4 storey height on O'Connell St. However there are two historic buildings on Henry Street both visible from the appeal site and these include the Red Church (Presbyterian Church) which dates from 1899 – 1901 and is an early English Gothic Revival Style. The Red Church is located south of the appeal site on Henry Street. The second building of historical value is the Franciscan Church on Henry Street which is located north of the appeal site. Both structures are listed on the RPS and apart from these two buildings Henry Street mainly consists of modern buildings.

11.2.12. A key conservation principle in accordance with the Architectural Heritage Guidelines, 2004, is keeping a building in use. This conservation principle is based on maintaining a use with least disruption to the character of an historic building however a degree of compromise will be required to adapt the building for a modern use and in this regard it is important that the special interest of a structure is not unnecessarily affected. The applicant argues that the design of the extension will minimise the impact on the existing building and the introduction of a contemporary vertical extension will highlight the mill building and as such will make a positive contribution to the street.

11.2.13. I would be concerned with the extent of the extension proposed and as such the overall scale of the proposed development relative to the existing building on the site and the potential for this proposed extension to dilute the historical significance of this former 18<sup>th</sup> century corn store. The apex height of the existing elevation facing onto Henry Street is approximately 17.5m above ground level. The overall proposed height as it faces onto Henry Street is approximately 28.5m above ground level. This is a significant increase in height. The apex height of the existing building as it faces east onto the adjacent laneway is approximately 14.6 metres and the proposed height is 28m which amounts to an almost doubling of height of the existing building.

11.2.14. The existing floor area of the former corn store building is 958 sq. m. whereas the proposed extension would amount to 994 sq. m. I would conclude that based on height and floor area the proposed extension would be excessive. Furthermore the vertical emphasis of the proposed extension would in my view detract from the scale of the existing building and its historical importance and to an extent the architectural value of the 18<sup>th</sup> century building would be lost. I would acknowledge that the Architectural Heritage Guidelines, 2004, recommend adaptability of historic buildings for modern uses however in my opinion, based on height and scale, the proposed extension would unnecessarily affect the special interest of this historic building. I would therefore concur with the submission from the Department of Culture, Heritage and Gaeltacht and recommend to the Board, should they favour granting permission that two floors of the proposed extension shall be omitted, in the interest of

protecting architectural heritage and historical significance of this former 18<sup>th</sup> century corn store building.

### 11.3. **Visual Impact Assessment**

11.3.1. I have reviewed the submitted Visual Impact Assessment which outlines views of the existing and proposed development from 7 no. viewpoints within the City Centre. In general I would consider that the Visual Impact Assessment demonstrates that the proposed development will not have a significant visual impact however I would be concerned with two of the views proposed.

11.3.2. These two views are within close proximity to the appeal site and they include View no. 1 and View no. 2. View no. 1 is taken from the corner of Henry Street and Shannon Street and in my opinion this view indicates the scale of the proposed extension which in my view overpowers the existing building. The scale of the proposed extension is also evident from View no. 2, i.e. the view from the corner of O'Connell Street and Shannon Street. I would consider that this would have a detrimental impact on the established view from O'Connell Street towards the appeal site.

11.3.3. Therefore I would recommend to the Board as outlined in paragraph 11.2.14 above, should they favour granting permission, that two floors are omitted from the proposed extension in the interest of visual amenities.

### 11.4. **Flood Risk**

11.4.1. In accordance with the provisions of the City Development Plan the appeal site is located in an area designated 'Flood Zone A'. Although I would acknowledge that the proposed development is an extension to an existing use it would amount to an intensification of the established use.

- 11.4.2. The submitted report entitled 'Flood Risk Assessment' submitted with the planning application outlines that the subject site is at risk of flooding from fluvial flooding and coastal / tidal flooding having regard to the location of the site to the River Shannon.
- 11.4.3. The Planning System and Flood Risk Management, Guidelines for Planning Authorities, 2009, sets out guidelines for assessing flood risk for development proposals. These guidelines advocate a precautionary approach, and recommend that the appropriate land uses be assigned to distinct areas of differing flood risk.
- 11.4.4. The ministerial guidelines advocate a sequential approach which attempts to guide development away from areas at risk of flooding. The guidelines identify 3 zones of flooding;
- Zone A – High Probability of Flooding
  - Zone B – Moderate Probability of Flooding
  - Zone C – Low Probability of Flooding
- 11.4.5. I would note that in accordance with Table 3.1 of the Guidelines that the proposed development would be a 'less vulnerable development' and given that it is generally located on the locality in a Flood Zone A then a justification test would be required.
- 11.4.6. I would consider that Section 5.2 of the of the submitted Flood Risk Assessment adequately demonstrates that the proposed development will not result in a flood risk elsewhere and that the mitigation measures are adequate to address any concerns in relation to a potential flood risk on the subject site.
- 11.4.7. I would acknowledge that the proposed development would fulfil the development management justification test of the Ministerial Guidelines – 'The Planning System and Flood Risk Management', 2009, and therefore I would be satisfied that any concerns in relation to risk have been adequately addressed.

11.5. **Appropriate Assessment**

- 11.5.1. I would note that the appeal site is located approximately 115m to the north east of the Lower River Shannon SAC and 340m to the north east of the River Shannon and River Fergus Estuaries SPA.
- 11.5.2. The River Shannon, given that it is a large body of water, would have a high capacity to assimilate any potential run-off from the proposed development should there be any run-off associated with the construction or operation stage of the proposed development. Also given the city centre location of the appeal site there is a high degree of human activity and the proposed development, either during construction or operation stage, would not, in my view, give rise to any additional impacts over and above existing impacts that is likely to have an adverse impact on the River Shannon and River Fergus Estuaries SPA.
- 11.5.3. I have reviewed the submitted 'Screening for Appropriate Assessment Report' and its conclusions. Having regard to the nature and scale of the development proposed and to the nature of the receiving environment, namely an inner city and fully serviced location, no appropriate assessment issues arise.

## **12.0 Recommendation**

- 12.1. I have read the submissions on the file, visited the site, had due regard to the Limerick City Development Plan, 2010 – 2016, and all other matters arising. I recommend that planning permission be granted for the reasons set out below.

## **13.0 Reasons and Considerations**

Having regard to the zoning objective for the subject site contained in the Limerick City Development Plan, 2010 – 2016, 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 amenities of the area or of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to 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. The proposed development shall be modified as follows:

(a) The sixth and seventh floor shall be omitted from the proposed development. Revised drawings showing compliance with the above requirement shall be submitted to the planning authority for written agreement prior to the commencement of development.

**Reason:** In the interest of protecting architectural heritage and historic significance of the former corn store building and in the interest of visual amenities.

3. (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 existing structure shall be carried out in accordance with best conservation practice as detailed the Architectural Heritage Protection Guidelines for Planning

Authorities issued by the Department of Environment, Heritage and Local Government in 2004. The repair works shall retain the maximum amount of surviving historic fabric in situ, including structural elements, 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.

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

4. An architectural impact statement and conservation plan for the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The development shall be carried out in accordance with this plan, and the relevant works shall be restricted to conservation, consolidation and presentation works.

**Reason:** To ensure that these elements of the historic structure are maintained and protected from unnecessary damage or loss of fabric.

5. Details of all external signage, including shopfront design, and finishes shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

**Reason:** In the interest of protecting the amenities of the Architectural Conservation Area.

6. All external lighting and externally visible advertising signs, symbols and nameplates shall be submitted for the written agreement to the planning authority prior to the commencement of development.

**Reason:** In the interest of visual amenities.

7. 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.

8. Prior to the commencement of development the developer shall submit a full and detailed construction management plan which shall include a construction programme for the works, hours of operation, a traffic management plan, noise and dust mitigation measures(including details of truck wheel wash at the site entrances) and details of construction lighting. A Construction Manager shall be appointed to liaise directly with the council. Details to be agreed in writing with the Planning Authority.

**Reason:** In the interest proper planning and sustainable development of the area.

9. That all necessary measures be taken by the contractor to prevent spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.

**Reason:** To protect the amenities of the area.

10. Prior to the commencement of development the developer shall submit, and obtain written agreement of the planning authority to, a plan containing details of the management of waste (and, in particular, recyclable materials) within



the development including the provision of facilities for the separation and the collection of the waste and, in particular, recyclable materials, and for the ongoing operation of these facilities.

**Reason:** To provide for appropriate management of waste and in particular, recyclable materials, in the interest of protecting the environment.

11. 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. The contribution shall be paid prior to the 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 the Board to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000 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.

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Kenneth Moloney  
Planning Inspector  
12<sup>th</sup> March 2018