



An  
Bord  
Pleanála

## Inspector's Report ABP-301154-18

### Development

The demolition of No. 40 and No. 41 O'Connell Street and construction of a new building consisting of a 7-storey block with 2-storey portico fronting O'Connell Street. Development will provide multi-media visitor experience, exhibition and education space for the "International Rugby Experience".

### Location

40, 41, 42 O'Connell Street/ 1 Cecil Street, Limerick.

### Planning Authority

Limerick City and County Council

### Planning Authority Reg. Ref.

17/1180.

### Applicant(s)

Rugby World Experience Ltd.

### Type of Application

Permission

### Planning Authority Decision

Grant.

### Type of Appeal

Third Party

### Appellant(s)

An Taisce

### Observer(s)

1. Brian Leonard
2. Dan Lawless

3. Enda Ahearne
4. Fionagh Ryan
5. Brian Harrington
6. Tiernan Properties Holdings
7. Patrick Chesser
8. Frank O'Mahony
9. Dr. James Ring, CEO Limerick Chamber
10. David Hickey
11. Limerick City Centre Business Forum
12. Philip Danaher
13. Limerick Tidy Towns
14. Dolmen Catering

**Date of Site Inspection**

14<sup>th</sup> June 2017

**Inspector**

Fiona Fair.

## 1.0 Site Location and Description

The appeal site (0.0581 ha) comprises three buildings, No. 40 and No. 41 O'Connell Street and No. 42 O'Connell Street / No. 1 Cecil Street, all located in the heart of Limerick City Centre, O'Connell Street being the main street of the City. The appeal site occupies a key profile site at the junction of Cecil Street and O'Connell Street. Henry Street which serves as a bus terminus for many Limerick city bus routes is situated within 500m of the site. Colbert Station, providing intercity rail and national and commuter bus services is located within a 10 minute walking distance of the site.

In the case of No. 42 O'Connell Street / No. 1 Cecil Street, the appeal site does not include the existing ground floor corner retail unit, or the basement to this unit, which is occupied by Fines Jewellers. The first, second and third floors at 42 O'Connell Street / No. 1 Cecil Street are amalgamated.

All floorspace within the subject appeal site is vacant for, it is contended, some 10 years and is falling into disrepair, which is a notable feature of much of the adjoining Georgian buildings. During my site visit I witnessed the dereliction and vacancy of buildings on Cecil Street.

None of the buildings, the subject of the appeal, are protected structures. The buildings are, however, listed as being of 'Regional' importance in the National Inventory of Architectural Heritage (NIAH). The buildings are situated within the boundaries of the South City and Newtown Pery Architectural Conservation Area (ACA).

The prominent contiguous land uses are city centre commercial, restaurant, retail, office and residential uses. The existing 4 storey terrace properties at No. 2 – No. 5 Cecil Street adjoin No. 1 Cecil Street and back onto the rear of no. 40 and no. 41 O'Connell Street and a rear yard. The northern side of the site is adjoined by No.'s

38 – 39 O’Connell Street which is a four storey commercial building occupying retail and restaurant uses at ground floor level and restaurant use at upper floors.

## 2.0 Proposed Development

2.1. The proposal comprises:

### Demolition of:

- 1st floor, 2nd floor and 3rd floor, only, at No. 42 O’Connell Street/1 Cecil Street;
- No. 1 Cecil Street (excluding basement area), and demolition of a shed at the rear of the site.

### Construction of:

- A new building consisting of a 7-storey block (32 m high) with 2-storey portico fronting O’Connell Street, and a part 2-storey/part 3-storey block to the rear with stair core extending 7-storeys all over single storey basement;
- A part 2-storey/part 3-storey block at the corner of O’Connell Street and Cecil Street comprising 2-storeys over the existing ground floor retail premises (Fines Jewellers), and 3-storeys fronting Cecil Street.
- The development will provide multi-media visitor experience, exhibition and education space for the ‘International Rugby Experience’;
  - Ancillary retail area (81sq.m)
  - Ancillary cafe (83 sq. m) at ground floor level.
  - Vehicular access for servicing purposes and staff pedestrian and cycle access via an existing vehicular entrance on the laneway to the rear of the site linking Cecil Street and Catherine Street.
  - The development will also include ancillary plant, storage areas, staff facilities; public lighting; building signage; diversion of underground services; and all related site development and excavation works above and below ground, all on a site of 0.0581ha approx.

- The development is situated within an Architectural Conservation Area.

The planning application was accompanied with the following reports of note:

- Architectural Design Statement
- A Planning Statement
- Photomontages
- Engineering Planning Report
- Sustainability Report / Energy Statement
- Workplace Travel Plan
- Architectural Heritage Impact Assessment
- Landscape and Visual Impact Assessment
- Sunlight and Daylight Impact Assessment
- Economic Impact Assessment
- Screening for Environmental Impact Assessment (EIA)
- Screening for Appropriate Assessment (AA)
- Archaeological Impact Assessment

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

Permission was Granted subject to 22 number conditions. Conditions of note include:

2. No development shall commence until the applicant has submitted for the written agreement of the planning authority:

- (a) Proposals for the protection, safe dismantling and reuse of original and early elements and features to be removed from the buildings to be demolished, which should be added to the conservation method statement, construction management plan and construction waste and demolition plan.

- (b) Sufficient detail in the conservation method statement to clarify the safeguarding of existing basements adjoining the site including of coal cellars and surviving hatch covers, and on the intended means of affixing the new building and weathering it to No. 2 Cecil Street
  - (c) Amended visualisations to show the actual glazing arrangement along the Cecil Street second floor façade nearer than the viewpoint of V5 and to accurately illustrate this glazing in the O'Connell Street views.
  - (d) Illustrated options for the roof crown or termination showing the idea as it progressed through development with emphasis on the views from further south along O'Connell Street and Catherine Street
  - (e) An axonometric (or several) of the top floor of the tower and its roof to convey its three-dimensional appearance.
3. Product samples of brick-faced cladding and fins and selected wholly transparent (non – tinted) glass to be agreed with the p.a.
  4. Signage to be agreed with the p.a.
  5. Revised plans to be submitted which comply with the requirements of the Fire Officer. The works to be confined to the proposed building footprint.
  6. The applicant shall comply with the terms of the Section 47 agreement dated 14<sup>th</sup> December 2017 submitted with the planning application whereby the applicant on behalf of itself, its successors undertake to operate the development as a voluntary organisation and in compliance with Article 157 of the Planning and Development Regulations 2001 (as amended) save and except for the granting of a separate planning permission.
  7. Hours of operation during construction phase.
  8. Requirement for a mobility management plan and workplace travel plan.
  9. Requirement for a waste management plan.
  10. Construction management and delivery plan.
  11. In relation for footpaths and roads.

12. In the event that the existing wall mountable light on the existing front elevation at O'Connell Street, is obstructed during construction works alternative arrangements shall be made for the written agreement of the p.a.

18. Noise nuisance.

19. A noise impact assessment shall be undertaken on ventilation and extraction apparatus to determine their aural impact on the occupants of surrounding buildings.

20. Relates to bin storage

21. No display of goods or materials or advertising boards shall take place on the public footpath or roadway.

22. Requires the provision of one standard sized refuse bin to be located outside of the entrance to the premises.

### 3.2. **Planning Authority Reports**

#### **Planning Reports**

**The Planners Report** recommends a grant of planning permission. The development is considered a positive redevelopment of the site and the planning authority is satisfied that the development will enhance the city streetscape, will aid in the economic growth of the city centre and provide a unique attraction and experience within the city centre and accordingly the development is in accordance with the proper planning and development of the site.

#### **Other Technical Reports:**

##### **Internal:**

**County Archaeologist:** No Objection

**Conservation Officer:** Expresses general welcome for the proposal. However, Further information recommended. The issues raised are dealt with by way of condition no. 2 of the draft grant of planning permission issued by the planning authority, see above for detail.

**Environment:** Further Information requested with respect waste management.

**Roads Department:** No objection subject to condition.

**Fire Department:** Report sets out that the design as shown is not satisfactory should an application for a fire safety certificate be made without significant changes to bring the design into agreement with accepted codes.

**External:**

**HSE:** No Objection subject to condition.

**Irish Water (IW):** Class 1 observations - no objection

**An Taisce:** Welcomes the proposal to erect and develop the International Rugby Experience in Limerick City. Expresses concerns regarding ownership, height of elevations and elevational treatments proposed. It concludes that 'this is a trusty project, well deserving of support from citizens and public officials alike. However, if it proceeds in the proposed form it will render long term damage to a distinctive and essential element of the city's built heritage. The opportunity should be taken to enhance and protect that heritage, a goal enunciated by successive generations of the city's professional advisors and public representatives.'

### 3.3. **Prescribed Bodies**

**Department of Culture, Heritage and the Gaeltacht:** Further information recommended. The issues raised are similar to those raised by the Councils Conservation Officer and dealt with by way of condition no. 2 of the draft grant of planning permission issued by the planning authority, see above for detail.

**NOTE:** An Bord Pleanála Referred the file to The Heritage Council, Fáilte Ireland and An Chomhárle Ealaion, no response was forthcoming within the prescribed timeframe.

### 3.4. **Third Party Observations**

An objection was submitted by Fines Jewellers Ltd. Located at 42 O'Connell Street. Concerns raised with respect to impact upon their premises and business.



## 4.0 Planning History

- 4.1. **Reg. Ref 07770062** Permission granted at No. 40 O'Connell Street for the installation of a new ATM and ancillary site works to the front façade of First Active.
- 4.2. **Pre-Planning.** The planning authority report notes that a number of pre-planning meetings were held with regards to the current development. Issues discussed included design, scale, mass and finishes, materials, need to engage with all stakeholders, advised to discuss with department, sun light and day light analysis, massing study, AA screening, EIA screening, rear access, service access, fire safety.

## 5.0 Policy Context

### **The Architectural Protection Heritage Guidelines for Local Authorities, Oct 2011**

#### Demolition

Section 6.8.11 The Act provides that permission may only be granted for the demolition of a protected structure or proposed protected structure in exceptional circumstances.<sup>25</sup> Where a proposal is made to demolish such a structure, it requires the strongest justification before it can be granted permission and will require input from an architect or engineer with specialist knowledge so that all options, other than demolition, receive serious consideration.

Section 6.8.12 It may happen that the special interests of a protected structure have been damaged or eroded to an extent that demolition is permissible. In such cases, in order to avoid setting a precedent of permitting the demolition of a protected structure, it would be preferable to first remove it from the RPS. Any such cases should be carefully considered, as deliberate erosion of character or endangerment may be more appropriately tackled by enforcement action rather than permitting demolition.

## **Development Plan**

The relevant statutory Development Plan is the Limerick City Development Plan 2010 – 2016. The appeal site is located on lands zoned Objective Z0.1(A) City Centre Retail Area (CCRA). The purpose of this zoning is ‘To provide for the protection, upgrading and expansion of the higher order retailing, in particular comparison retailing, and a range of other supporting uses in the City Centre retail area.’

The Development Plan sets out that Zoning Z01(A) is a primarily retailing zone, and whilst retailing is prioritised, ‘other uses such as residential, hotel, office and cultural and leisure facilities etc. which complement the retail function of the CCRA and promote vibrancy in the city centre are also permitted, subject to the policies to promote city centre retailing.’

By reference to the land use zoning matrix, ‘cultural use’, ‘education use’, ‘restaurant / café’ and ‘shop-local’ are listed as either ‘permitted in principle’ or ‘open for consideration’ on lands subject to the Z01(A) zoning objective.

The following sections of the Limerick City Development Plan 2010 – 2016 are of relevance, excerpts attached as appendix to this report:

**Chapter 3** – Economic Development Strategy - Consideration of the proposal in the context of ‘Limerick 2030 An Economic and Spatial Plan for Limerick’.

**Chapter 9** – The Arts, Culture, Creativity and Tourism

**Chapter 10** - Built Heritage and Archaeology

Part IV Architectural Conservation Areas (ACAs)

ACA 1A South City Centre & Newtown Pery (Map 8A)

**Chapter 13** - City Centre

**Chapter 15** – Land Use Zoning Objectives

**Chapter 16** – Development Management - Building Heights

**Policy BHA.18** ACA 1A South City Centre & Newtown Pery

‘It is the policy of Limerick City Council to protect and enhance the special heritage values, unique characteristics and distinctive features of ACA 1A (South City Centre, Newtown Pery & People’s Park) as shown on Map 5.1A of the Development Plan,

from inappropriate development affecting the external materials and features defined in the 'Statement of Character' and 'Key Threats to Character'.

**Policy BHA.11** 'Re-Use and Refurbishment of Structures of Architectural Heritage and Merit and Protected Structures'.

'It is the policy of Limerick City Council to positively encourage and facilitate the careful refurbishment of the Structures of Architectural Heritage merit and Protected Structures for sustainable and economically viable uses'.

### 5.1. **Natural Heritage Designations**

The site is not within a Natura 2000 site. The following Natura 2000 sites are within 15 Km of the proposed development:

- Lower River Shannon SAC (site code 002165) 215 m distant
- River Shannon and River Fergus Estuaries SPA (site code 004077) 380m distant
- Glenomra Woods SAC (site code 0001013) 11.25 Km distant
- Terry Hill SAC (site code 000439) 14.25 km distant

## 6.0 **The Appeal**

### 6.1. **Grounds of Appeal**

The third-party appeal, by An Taisce, is summarised as follows:

- In general, An Taisce welcomes the proposal by Rugby World Experience Limited to erect and develop an International Rugby Experience in Limerick.
- Appeal acknowledges that a project of this scale has the potential to enhance both the quality of life of Limerick's citizens and the experience and pleasure of visitors.
- Cognisance is had that location of the project in the city centre is desirable in principle.

- An Taisce believes that this project, unlike many other recent major projects, has the potential to contribute significantly to the development of a sustainable countrywide transport network.
- Acknowledges that the project would attract tourists and have a positive economic spin-off for businesses within the city.
- The planning authority did not take sufficient account of its obligations to protect the built heritage of ACA 1A, not least its obligations under current statutory provisions for the protection of such Areas and in particular, the advice of the Department of Culture, Heritage and the Gaeltacht. These obligations are not discretionary but obligatory. Flouting them is unlawful and would render any permission susceptible to legal action.
- The buildings and streets within ACA 1A, the 'core heart' of Limerick's Georgian heritage, combine to form an architectural heritage of great urbanity and considerable beauty.
- Not every building in an ACA will be a building of national or even regional significance but taken as a whole, the buildings in the ACA should combine, as is the case here, as an ensemble to form its essential character.
- The buildings and streets in question are integral to and constitute the essential elements of ACA 1A as set out in the city's Development Plan.
- The pattern and unique essence of Georgian Limerick is undermined by the proposal.
- The quality of the proposed design is not in question but rather its insertion into ACA 1A at the expense of several of the Areas constituent components.
- The scheme breaches the ACA as regards demolition, as regards height and as regards impact on the unique pattern of Georgian Limerick.
- It could constitute a determining negative precedent.
- Risks undermining the principle of 'exceptional circumstances'
- The public use of the scheme is over emphasised and there is no guarantee the scheme would remain not-for-profit or even as a museum.

- There are many examples of museums falling out of such use e.g. the ‘Ceol’ Museum in Dublin’s Smithfield and of public facilities becoming commercial e.g. Pálás cinema in Galway and the Light House Cinema.
- The original concept was, on the face of it, deserving of support. Proposal was to retain and enhance the existing structures on site.
- Proposal to for all but complete demolition of four Georgian buildings forming a key component in the ACA.
- Conservation areas are identified and adopted by public representatives after a great deal of consultation and the scrutiny of the best available advice from planning and conservation officers.
- ACA’s form an essential element of the planning framework.
- The project as developed by its architect, has much to commend it, not least the scale of its ambition and the boldness of its design.
- On the basis of design alone, it could enhance one of the many other neighbourhoods in the city – incl. much of the central business district outside of the ACA designation.
- In its present form the proposal is inappropriate.
- The proposal might well result in a ‘cathedral of rugby’ in ‘the city of spires’ but its location at a critical and vulnerable point in ACA A1 would undermine the Limerick City Development Plan and intensify the pressure for further inappropriate interventions.

## 6.2. Applicant Response

The response is summarised as follows:

- As an architectural practice, Niall McLaughlin Architects, are acutely aware of the sensitivities of working in the context of conservation areas and have a good track record of delivering high quality buildings in historic locations.
- The buildings on site proposed to be demolished have Georgian remnants, but their interiors are gutted and totally altered, their window openings moved about and changed and their facades irreversibly rendered.

- This is not high quality protected stock.
- The few valuable pattern book fragments from the rear walls are being kept and reused.
- The buildings are not in the full flow of intact O'Connell St, but at the commercial end, across the road from the bulky new AIB Building and just over from the 8 storey George Hotel.
- The building will be an expression of local, regional and national passion.
- Un-sure why height is considered un-Georgian. Many examples of Georgian public edifices soared unapologetically above the parapet datum of surrounding houses.
- There is a distinction between tall residential or commercial and tall civic buildings.
- The highest point of the proposed tower is 32 m above the entrance forecourt on O'Connell Street and 31 m above access from Cecil Street, it is a 7 storey tower, each floor is accessible to the public and contributes to the visitor experience.
- The building is not dissimilar to St Michaels Church in Pery Square.
- Consider the building medium scaled, particularly in the context of the more recent office and hotel buildings in the city's dockland and riverside – the 17 storey 53m tall Clarion hotel; the 15 storey 58.5m Riverpoint office block; the approved Bishop's Quay office tower is almost 60 m tall
- Request that the Board refer to the suite of technical reports and assessments submitted in support of the application. (listed in section 2.0 of this report)
- Response sets out Project overview
- The International Rugby Experience is a new tourism project in Limerick city centre.
- The proposed development represents an opportunity to reverse on-going vacancy and decline at a key city centre location.

- The appeal site has a key location, important frontage onto O'Connell Street, which is the primary retail and commercial street of the city and frontage onto Cecil St which is a secondary commercial street.
- The buildings forming the subject site have not been used in 10 years.
- The development will deliver a building of architectural merit and distinction that will stand as a civic building in the city centre and a notable feature of the city centre streetscape.
- An international competition was held to secure the highest standard of architecture possible for the development.
- Demolition of the existing buildings is provided for in certain circumstances by policies and objectives set out in the Limerick City Development Plan.
- The project delivers on numerous of the strategies and objectives set out in 'Limerick 2030: An Economic and Spatial Plan for Limerick, 2014 (Limerick 2030)
- The project will inject a new use to the Georgian Quarter of Limerick City Centre, it will enliven the streetscape at a key corner junction
- It will act as a catalyst for tourism growth in the city centre.
- Limited loss of built fabric of architectural merit that is involved and the significant opportunity that the project offers with a new civic development in a building of high architectural value.
- The development can become a catalyst for further positive economic, social and cultural activity and thus become an important contributor to the regeneration strategy for Limerick city centre.
- An Taisce states that the proposal entails the demolition of 4 buildings, this is incorrect, application relates to 3 buildings only.
- None of the buildings on the site are protected structures
- The buildings are listed as being of 'Regional' importance in the NIAH
- The buildings are situated within but at the boundary of the South City and Newtown Pery Architectural Conservation Area (ACA)

- The location is not a critical and vulnerable point in the ACA
- The addition of the tower element is an important statement. It will be a beacon and prominent feature on the skyline.
- The development will enhance rather than detract from the architectural quality of the city centre.
- The top floor of the building within the tower, which is a single room, is dedicated entirely to exhibition, experience and events space which will be used to host public events. There is a service floor located directly below the top floor providing support for events.
- The building is a civic building unique in its purpose and design and the concern of An Taisce on the matter of precedent is without foundation and an erroneous assumption regarding the nature and extend of the proposed development.
- The planning application is accompanied with a section 47 agreement.
- The proposed development accords with statutory provisions and ministerial guidelines. There is statutory provision for change within an ACA set out within the Planning Act, in the Limerick City Development plan and in the Ministerial Guidelines.
- The Ministerial Guidelines acknowledges that there are circumstances where demolition is acceptable.
- The development objective contained in chapter 16 of the Limerick City Development Plan, which provides for the demolition of buildings of historic significance where it is deemed that the proposed development ‘is in the best interest of the economic sustainability of the city centre’ is of direct relevance to the proposed development.
- The tower is purposely set back from the street line. This creates a public forecourt as a gathering and visitor arrival space. The two storey portico proposed is the most appropriate in terms of its proportional relationship with the rest of the development.



- Two additional visualisations of the proposal are enclosed with the response; one from the junction of Cecil Street and O'Connell Street and one showing the proposed façade and fenestration in relation to the existing terrace adjoining, and No. 2 Cecil Street, in particular.
- The proposal respects the pattern of historical openings on Cecil street.
- The height of the tower was reduced from 36 m to 32 m during the pre-planning consultation process.
- The shoulder of the tower is level with the AIB Bank parapet height
- The tower is set back from the street line and this reduces its visual impact up and down O'Connell street.
- No difficulty with the requirements of Condition No. 2 (d) and 2 (e) of the draft notification of decision to grant. The requirements will be adhered to and similar worded conditions are welcomed from An Bord Pleanála.
- There is widespread support for the project.

**Response Accompanied with:**

- Existing Building Survey Drawings
- Basement Vaults Structural Conservation Report
- Draft Salvage Plan (Description of buildings, protection, dismantling, demolitions and shipping out, storage, Inventory, Photographic record)
- Architectural Input to Planning Appeal Response (incl additional photomontages)

**6.3. Planning Authority Response**

No response received

**6.4. Observations**

14 Number observations were submitted, by the following Observers: 1. Brian Leonard, 2. Dan Lawless, 3. Enda Ahearne, 4. Fionagh Ryan, 5. Brian Harrington, 6. Tiernan Properties Holdings, 7. Patrick Chesser, 8. Frank O'Mahony, 9. Dr. James

Ring, CEO Limerick Chamber, 10. David Hickey, 11. Limerick City Centre Business Forum, 12. Philip Danaher, 13. Limerick Tidy Towns, 14. Dolmen Catering. The observations are collectively summarised as follows:

- All advocate unequivocal support for the project.
- Limerick city has received this gift at a time when its needs transformational change.
- Insufficient attractions in Limerick to attract tourists and make the city a better place to live, work and visit.
- The project would significantly boost tourism in the City.
- Reuse and rejuvenation of a derelict area of the city.
- Proposal is in line with Limerick 2030 programme of infrastructural development has potential to reverse decline.
- Unique, visionary and exciting opportunity for the Region.
- Iconic Landmark Project - Creation of a distinctive, transformational city centre public realm space.
- Be recognised as a safe, world class facility, will be a destination in its own right.
- Project has wide ranging support. J.P McManus has pledged €10 million in support of the project.
- Significant direct and indirect job creation, knock effect upon restaurants, hotels and pubs, its central location is ideal.
- Project will enhance the renewal of Georgian Limerick and breathe new life into the wider area. Georgian Limerick has been on a downward trend for a long time with some buildings falling into disrepair.
- Proposed building has significant architectural merit. To succeed the project needs to be ambitious.
- The design makes a bold architectural statement appropriate to its purpose as a major public and civic addition to the city centre. It will enhance the architecture of the city and the Georgian quarter.

- This civic building has been designed by an architect with a deep understanding of Georgian architecture.
- The proposed height of the building at 7 floors is directly opposite the 7 floors 1960s AIB building. The bank sits beside the 12 floor George Hotel from the same period.
- Approximate to the appeal site on Cecil Street there are 6 derelict / vacant properties which have remained vacant for several years.
- No. 5 Cecil St had a dangerous building notice served on it recently.
- There is a lack of footfall in the city centre due to out of centre trading and this is having a negative impact in terms of vacant building / dereliction.
- Currently the retail offer in the city centre is not enough to attract sufficient footfall to sustain business.
- The project is vital to halt inexorable decline of Limerick city centre. Its importance cannot be under estimated.

#### 6.5. Further Responses

A response was received from An Taisce, to the first party response, it is summarised as follows: In the interests of avoiding repetition I do not intend to repeat points already raised in the third-party appeal.

- The buildings are an integral part of ACA 1A
- To suggest that the buildings are not within the full flow of intact O'Connell Street is incorrect and misleading
- The Guidelines should be respected and enforced equitably, without fear or favour.
- It is accepted that the buildings have been altered, in the course, of the past 200 years. Even if a building was 'gutted', as is not the case here, it can be refurbished, reconfigured and brought to an effective new use.
- Object to the demolition of three building and the greater part of a fourth.

- Past mistakes and neglect can be rectified and while An Taisce has not set out to argue for complete restoration or reinstatement, it believes that key elements of the streetscape particularly of massing and rooflines of and replacement or renovated building should be reinforced and not diminished and the existing pattern of fenestration should be retained.
- The city has many idle sites which could better accommodate this project.
- The building proposed as a replacement on the site would constitute an inappropriate intervention in that specific context.
- Ownership of the project, as currently constituted, is privately owned and will remain so at the sole discretion of the owner. It is misleading for the developer to continue to describe the project as a public project or even suggest that it will soon become the property of a trust or association constituted solely for the public good when there is no apparent guarantee that that will be the case.
- The applicant fails to make clear the necessary distinction between buildings that under specific conditions are open and accessible to the public and those which are in public, democratically accountable ownership.

## 7.0 **Assessment**

I consider the key issues in determining this appeal are as follows:

- **Principle of the Proposal within The Architectural Conservation Area (ACA) and compliance with Policy**
  - **Statutory Provisions**
  - **Precedent**

- **Visual Impact & Design**
- **Appropriate Assessment**

### **7.1. Principle of the Proposal within The ACA and Compliance with Policy**

A detailed description of the proposed development is set out in section 2.0 of this report above. In this proposal, Rugby World Experience Limited, are applying to Limerick City and County Council for planning permission for development comprising demolition of No. 40 and 41 O'Connell Street; demolition of 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> floors at No. 42 O'Connell Street / 1 Cecil Street; demolition of No. 1 Cecil Street (excluding basement area) and demolition of a shed at the rear of site. Construction of a new building, comprising a 7 storey block (32 m high) with two storey Portico fronting O'Connell Street and a part 2 storey 3 storey to the rear, all over single storey basement; a part 2 storey / part 3 storey block at the corner of O'Connell Street / Cecil Street comprising two storey over the existing ground floor retail (Fines Jewellers) and 3 storeys fronting Cecil Street.

It is submitted that the international Rugby Experience is a new tourism project in Limerick City Centre which will comprise a world class multi-media visitor experience designed to encourage people to visit the city for social, sporting, cultural and educational purposes, and which will celebrate the sport of rugby which is uniquely associated with Limerick, on a global basis.

Rugby World Experience Limited is a registered company and the company is a 'voluntary organisation'. It is submitted that the development is designed and intended to be used for the purposes outlined in s.157 (1) of the Planning and Development Regulations, 2001 and that the development will not be used mainly for profit or gain of the Company. A section 47 agreement, dated December 2017 accompanies the application, whereby the applicant undertakes to operate the development as a voluntary organisation and in compliance with Article 157 of the Planning and Development Regulations, 2001 (as amended). Condition no. 6 of the draft grant of planning permission requires the applicant to comply with the Section 47 agreement, save and except for the granting of a separate planning permission.

The subject site is designated under Zoning Objective Z0.1(A) – ‘City Centre Retail Area’ (CCRA). The purpose of this zoning is ‘To provide for the protection, upgrading and expansion of the higher order retailing, in particular, comparison retailing, and a range of other supporting uses in the City Centre retail area.’

By reference to the land use zoning matrix, ‘cultural use’, ‘education use’, ‘restaurant / café’ and ‘shop-local’ are listed as either ‘permitted in principle’ or ‘open for consideration’ on lands subject to the Z01(A) zoning objective. The proposed development is therefore considered compatible with the land use zoning objective for the City Centre Retail Area.

While none of the buildings on the site are on the Record of Protected Structures in the current Limerick City Development Plan 2010 – 2016, and none of the buildings comprise proposed Protected Structures. Each of the buildings are listed as being of ‘Regional’ Importance in the National Inventory of Architectural Heritage (NIAH). Also by reference to Map 8A of the Limerick City Development Plan, the site is situated within the boundaries of the South City and Newtown Pery Architectural Conservation Area (ACA) – ACA 1A. Regard is had to policy BHA.17 ‘Development in ACA’s’ and the ‘Statement of Character and Identification of Key Threats’ for ACA 1A set out in the Limerick City Development Plan 2010 – 2016, excerpt attached as appendix to this report.

Limerick City and County Council granted a draft notification of planning permission for the development subject to 22 number conditions. The Planners Report concluded that: ‘The development is considered a positive redevelopment of the site and the planning authority is satisfied that the development will enhance the city streetscape, will aid in the economic growth of the city centre and provide a unique attraction and experience within the city centre and accordingly the development is in accordance with the proper planning and development of the site’.

In general, the third-party appellant, An Taisce welcomes the proposal by Rugby World Experience Limited to erect and develop an International Rugby Experience in Limerick. The appeal acknowledges that a project of this scale has the potential to

enhance both the quality of life of Limericks citizens and the experience and pleasure of visitors. However, it is contended that the buildings and streets in question are integral to and constitute the essential elements of ACA 1A, as set out in the city's Development Plan. That the pattern and unique essence of Georgian Limerick would be undermined should planning permission be granted for the proposal at this location. While the quality of the proposed design is not in question its insertion into ACA 1A at the expense of several of the areas constituent components is. An Taisce is of the view that the building proposed as a replacement on the site would constitute an inappropriate intervention in that specific context.

The role of the ACA is important and it is acknowledged that not all buildings are of architectural importance or significance. The Newtown Pery Area was laid out as a grid back in the late 18<sup>th</sup> Century. It is submitted that, as it did not include for public buildings, there have been amendments to that grid in the 19<sup>th</sup> and early 20<sup>th</sup> Century as a boom in church building followed Catholic Emancipation and the disestablishment of the Church of Ireland. Notwithstanding the insertion of other buildings as the Newtown Pery suburb developed, the grid and uniformity gives it its unique character. However, I am of the opinion that there is scope for some change and alteration to the area without causing untold damage to the character of the area.

The first party argue that the proposed development is unique in that it is proposing to replace the existing buildings with a building that will enhance the ACA, and the city centre in general. That some amount of change is necessary, otherwise the city will die.

Cognisance is had that the Limerick City Development Plan provides for demolition in an ACA. The Plan states:

'The reuse of existing buildings is preferable to replacement. Applications for demolition of buildings or parts of buildings that contribute to the character of an ACA will only be granted in exceptional circumstances. The onus will be upon the applicant to justify the demolition of the building. The Council will always start from the premise that the structure should be retained. Where buildings are considered to have a negative impact on the character of an ACA, demolition of existing and

replacement with buildings of more appropriate design may be desirable. The replacement buildings should always respect their setting. Where in exceptional circumstances a structure or a part of a structure which is considered to contribute to the special character, is to be demolished, it should first be recorded prior to demolition, and where appropriate, should be monitored during demolition’.

Regard is also had to Policy BHA.24 – ‘Demolition in Architectural Conservation Areas (ACAs)’ Specifically, it is stated: ‘It is the policy of Limerick City Council that the demolition of structures and parts of structures will in principle only be permitted in an Architectural Conservation Area where the structure, or parts of a structure, are considered not to contribute to the special or distinctive character, or where the replacement structure would significantly enhance the special character more than the retention of the original structure. Any structure or a part of a structure permitted to be demolished shall first be recorded prior to demolition, and shall be monitored during demolition’.

It is clear that the subject buildings and other adjoining Georgian buildings within the ACA have suffered from decades of neglect. There has been little investment in the historic building stock of the city. The interiors of the subject buildings are radically altered and the external walls of the buildings have been rebuilt in concrete / block work, the fenestration has changed, their window openings moved about, the shopfronts have been altered and the two storey rear extension to No.’s 40 and 41 has further eroded the character. While it is acknowledged that a process of renewal, repair and conservation could be undertaken, regard is had to scale and requirements of the project itself, the city centre location of the project and the assertion that this is the only available site for this project. Regard is also had to the discussions between the planning authority and the applicant with regard to design, scale, mass and finishes, materials and engagement with stakeholders. In this context the Board is requested to afford particular attention to the Architectural Design statement, the Planning Statement, the Architectural Heritage Impact



Assessment, the Economic Impact assessment and the Landscape and Visual Impact Assessment lodged with the planning application.

It is notable that the Conservation officer expresses general welcome for the proposed development and that the further information requested is similar to that requested in the report from the Department of Culture, Heritage and the Gaeltacht. The notification of decision to grant permission deals with issues raised, by way of compliance prior to commencement of development, as per condition no. 2 (a) and 2 (b) of the draft grant of planning permission. No development shall commence until the applicant has submitted for the written agreement of the planning authority; proposals for the protection, safe dismantling and reuse of original and early elements and features to be removed from the buildings to be demolished, which should be added to the conservation method statement, construction management plan and construction waste and demolition plan and sufficient detail in the conservation method statement to clarify the safeguarding of existing basements adjoining the site including of coal cellars and surviving hatch covers, and on the intended means of affixing the new building and weathering it to No. 2 Cecil Street

I consider that this is appropriate and that the matters raised can be effectively dealt with by way of condition. I recommend should the Board agree that permission should be forthcoming that Condition 2(a) and 2(b) be included in any decision to grant planning permission.

Taking all of the foregoing into account I agree that the project presents an important opportunity to reverse on-going vacancy and decline at a key city centre location. The project can deliver on numerous of the strategies and objectives set out in 'Limerick 2030: An Economic and Spatial Plan for Limerick, 2014 ('Limerick 2030')'. Many of the Limerick 2030 strategies are directed towards creating a vibrant and more animated city centre by setting out the strategy basis for development of a

border mix of economic, education, tourism and cultural uses, all with the core objective of increasing footfall and economic activity in the city centre.

On balance I agree that the proposed development can be justified, within the ACA, in terms of 'exceptional circumstances' and 'is in the best interest of the economic sustainability of the city centre'. In particular, given the opportunity that the project offers, with a world class, state of the art visitors centre, focusing on the story of rugby in a building of high architectural value. The project will inject a new use to the Georgian Quarter of Limerick City Centre; it will enliven the streetscape at the key corner junction of O'Connell Street and Cecil Street; and it will act as a catalyst for tourism growth in the city centre.

The issue of negative precedent has been raised by the third party. I tend to agree with the first party, however, the building will provide a non-commercial tourism development and is unique in its purpose and design. I highlight again the Section 47 Agreement required by way of condition between the planning authority and the applicant, confirming that the applicant, its successors and assigns, undertake to operate the development as a voluntary organisation.

## **7.2. Visual Impact & Design**

It is submitted that the proposed development is proposing to replace the existing buildings with a building that will enhance the ACA and the city centre in general. The first party submit that the building will be of the highest architectural merit, designed by an architectural practice of international renown. The entire building and not just the front façade will enhance the character of the area. The attention to detail and innovative approach to materials is evident in the design of the building. I highlight for the attention of the Board Condition no. 2(c), 2(d) and 2(e) of the notification of decision to grant planning permission, which requires that prior to commencement of any development written agreement be sought for; amended visualisations to show the actual glazing arrangement along the Cecil Street second

floor façade nearer than the viewpoint of V5 and to accurately illustrate this glazing in the O'Connell Street views. Illustrated options for the roof crown or termination showing the idea as it progressed through development with emphasis on the views from further south along O'Connell Street and Catherine Street and an axonometric (or several) of the top floor of the tower and its roof to convey its three-dimensional appearance. Condition 6 of the draft notification of decision to grant planning permission requires that product samples of brick-faced cladding and fins and selected wholly transparent (non – tinted) glass to be agreed with the planning authority. The Board is referred to drawing 1617-PL-220 and drawing 1617-PL-230 as lodged with the planning application which show the proposed Cecil Street elevation in detail. I note also for the attention of the Board the 'Architectural Input to Planning Appeal Response', April 2018, which details 'analysis of the vertical rhythm of 'historical openings' to Cecil Street elevations and how the 'proposed treatment' of the IRE Cecil Street elevation has been informed by the existing patterns of historical openings.' And also, 'new visualisation showing the proposed development viewed from the corner of Lower Cecil Street and O'Connell Street'.

The proposed elevation to Cecil Street acknowledges the scale and context of the streetscape with its design. The parapet line is maintained and the use of brick, with a vertical emphasis, is complementary while retaining a contemporary language and aesthetic. I agree the proposed building successfully deals with the corner site by addressing both elevations and by maintaining the parapet line as it turns the corner. Furthermore, the treatment of the rear of the building, including the brick finish to the rear elevation and stair tower, the brick mono-pitch gable reflecting the mono-pitch gables of the returns of No.s 2-5 Cecil Street cumulatively will enhance the rear lane and aspect of the building when viewed from Cecil street and will have a positive visual impact.

It is submitted that the high tower element is an important architectural statement. It will be a beacon and a prominent feature on the skyline. The architect for the proposal states: 'I don't think it is wrong to put a tall building onto this site if it has a

truly public and popular purpose. It is an expression of local, regional and national passion; the game of rugby...’, ‘...the Georgians were very happy to make taller buildings when the need arose’. I note the point made on several occasions by the first party that there is a distinction between tall residential or commercial buildings and tall civic buildings in this context. If a public building is tall with a public room at the top, it can interrupt the skyline. The applicant confirms that the proposed development is a non-commercial tourism development first and foremost. Should any future circumstance to arise that would entail a change to commercial use, this would be subject to the planning process for change of use.

The highest point of the proposed tower is 32 m above the entrance forecourt on O’Connell Street and 31 m above access from Cecil Street. The shoulder of the tower is level with the AIB Bank parapet height opposite. It is a seven storey tower, each floor is accessible to the public and contributes to the visitor’s experience. The tower and the lantern element of the proposed development creates a significant new presence in the street with clear landmark qualities in evidence. The tower is set back from the general building line which reduces its prominence on the street and its form and scale echo that of the church bell tower in the foreground.

The applicant has confirmed that they have no difficulty with the requirements of Condition 2 (d) and Condition 2 (e) of the notification and would be satisfied to adhere to same, should An Bord Pleanala decide to grant planning permission. Certainly, the insertion of a contemporary tall building onto this site will significantly alter the character of the streetscape and character of the area generally. I note that all of the observations submitted are unequivocally in favour of and support the project and consider that the form and height of the building is appropriate for this type of civic / cultural building. I agree that good buildings have the power to excite, inspire and motivate. I am of the opinion that the proposed building would be a state-of-the-art iconic building. It is a well-researched, well-conceived design and it will be aesthetically pleasing in its context. It is not afraid to declare its difference. The

Landscape and Visual Impact Assessment submitted with the planning application concludes that the impact of the proposal on the city landscape and the landscape character of this part of the city is assessed as significant and positive. I agree that the design of the building in this context is well considered. That it will energise and excite. It will provide significant positive effects in the context of the Limerick City Centre regeneration programme.

### 7.3. **Appropriate Assessment**

A screening for AA report prepared by Minogue and Associates Consultants was submitted with the planning application. The report concludes that the proposed development is not likely to have any impact on Natura 2000 sites. It is concluded that there will be no potential for significant effects on European sites and the requirement to undertake a Stage 2 AA of the project can be screened out.

The following Natura 2000 sites are within 15 Km of the proposed development.

- Lower River Shannon SAC (site code 002165) 215 m distant
- River Shannon and River Fergus Estuaries SPA (site code 004077) 380m distant
- Glenomra Woods SAC (site code 0001013) 11.25 Km distant
- Terry Hill SAC (site code 000439) 14.25 km distant

Having regard to the nature and scale of the proposed development, to the infrastructure in place, nature of the receiving environment, city centre, and proximity to the nearest European site, 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.

## 8.0 Recommendation

I recommend that planning permission should be Granted subject to the following conditions.

## 9.0 REASONS AND CONSIDERATIONS

Having regard to the land use zoning of the site, its location and established pattern of development in the general area, it is considered that, subject to compliance with the conditions set out below, the proposed development, which is considered a unique iconic positive redevelopment of a city centre site, would not be injurious to the ACA or the visual amenity of the area, and would not, therefore, be contrary to 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, except as may otherwise be required in order to comply with the following conditions. Where such conditions require points of detail 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. Prior to the commencement of development, details of the following shall be submitted to, and agreed in writing with, the planning authority.

(A) Proposals for the protection, safe dismantling and reuse of original and early elements and features to be removed from the buildings to be demolished, which

should be added to the conservation method statement, construction management plan and construction waste and demolition plan.

- (B) Sufficient detail in the conservation method statement to clarify the safeguarding of existing basements adjoining the site including of coal cellars and surviving hatch covers, and on the intended means of affixing the new building and weathering it to No. 2 Cecil Street
- (C) Amended visualisations to show the actual glazing arrangement along the Cecil Street second floor façade nearer than the viewpoint of V5 and to accurately illustrate this glazing in the O'Connell Street views.
- (D) Illustrated options for the roof crown or termination showing the idea as it progressed through development with emphasis on the views from further south along O'Connell Street and Catherine Street
- (E) An axonometric (or several) of the top floor of the tower and its roof to convey its three-dimensional appearance.

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

3. Prior to the commencement of development, details of the following shall be submitted to, and agreed in writing with, the planning authority.

- (ii) Product samples of brick-faced cladding and fins and selected wholly transparent (non – tinted) glass
- (iii) All signage and lighting for the proposed building.
- (iii) In the event that the existing wall mountable light on the existing front elevation at O'Connell Street, is obstructed during construction works alternative arrangements shall be made for the written agreement of the planning authority.
- (iv) Precise details of the proposed opening hours.

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

4. Prior to the commencement of development, details of the following shall be submitted to, and agreed in writing with, the planning authority.

(1) Revised plans which comply with the requirements of the Fire Officer. The works to be confined to the proposed building footprint.

**Reason:** In the interest of clarity and orderly development.

5. The applicant shall comply with the terms of the Section 47 agreement dated 14<sup>th</sup> December 2017 submitted with the planning application, whereby the applicant on behalf of itself, its successors undertake to operate the development as a voluntary organisation and in compliance with Article 157 of the Planning and Development Regulations 2001 (as amended) save and except for the granting of a separate planning permission.

**Reason:** In the interest of clarity and orderly development.

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

**Reason:** To ensure adequate servicing of the development and to prevent pollution.

7. Site development and building works shall be carried out only between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 16.00 on Saturdays and not at all on Sundays, Bank or 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.



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

**Reason:** In the interests of public safety and residential amenity.

9. Prior to the opening of the development, a Mobility Management Strategy shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and car pooling by staff employed in the development and to reduce and regulate the extent of staff parking. Details to be agreed with the planning authority shall include the provision of centralised facilities within the development for shower and changing facilities associated with the policies set out in the strategy.

**Reason:** In the interest of public safety and orderly development.

10. In relation to footpaths and roads, the developer shall comply with the following:

- (i) The laneway L10347 at the rear of the development off Cecil Street shall be reinstated in full, from F1-0 out to the junction of Cecil Street and the double yellow line road markings on both sides of the laneway along with road markings at the junction shall be reinstated.
- (ii) The footpaths shall be reinstated for the full width and length over which the sewers are laid on both Cecil Street and O'Connell Street.
- (iii) Any tactile paving interfered with shall be reinstated.

**Reason:** In the interest of encouraging the use of sustainable modes of transport.

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

**Reason:** In the interest of orderly development.

12. (a) Amplified music or other specific entertainment noise emissions from the premises shall not exceed the background noise level by more than 3 dB(A) during the period 0800 to 2200 hours and by more than 1 dB(A) at any other time, when measured at any external position adjoining an occupied dwelling in the vicinity. The background noise level shall be taken as L90 and the specific noise shall be measured at LAeq,T.

(b) The octave band centre frequencies of noise emissions at 63 Hz and at 125 Hz shall be subject to the same locational and decibel exceedence criteria in relation to background noise levels as set out in (a) above. The background noise levels shall be measured at LAeqT.

(c) The background noise levels shall be measured in the absence of the specific noise, on days and at times when the specific noise source would normally be operating; either

- (i) during a temporary shutdown of the specific noise source, or
- (ii) during a period immediately before or after the specific noise source operates.

(d) When measuring the specific noise, the time (T) shall be any five minute period during which the sound emission from the premises is at its maximum level.

(e) Any measuring instrument shall be precision grade.

Detailed plans and particulars indicating sound-proofing or other measures to ensure compliance with this condition shall be submitted to, and agreed in writing with, the planning authority prior to use of the premises. An acoustical analysis shall be included with this submission to the planning authority.

**Reason:** In order to protect the amenities of residential property in the vicinity having particular regard to the nuisance potential of low frequency sound emissions during night-time hours.

13. Prior to the commencement of development, a noise impact assessment shall be undertaken on ventilation and extraction apparatuses to determine their aural impact on the occupants of surrounding residential property, it shall be submitted to, and agreed in writing with, the planning authority.

**Reason:** In order to protect the amenities of residential property in the vicinity.

14. Litter in the vicinity of the premises shall be controlled in accordance with a scheme of litter control which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the provision of litter bins and refuse storage facilities.

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

15. No goods, materials or advertising boards shall be placed on the public footpath or roadway.

**Reason:** In the interest of visual amenity and to prevent obstruction of pedestrians or vehicles.

16. All service cables associated with the proposed development (such as electrical and telecommunications) shall be located underground. All existing over ground cables shall be relocated underground as part of the site development works.

**Reason:** In the interest of visual and residential amenity.

17. All waste from the facility shall be securely stored on site prior to collection by an authorised specialist waste management operator and shall not be stored on the public road.

**Reason:** In the interest of public health.

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Fiona Fair  
Planning Inspector  
22.08.2018