



An  
Bord  
Pleanála

## Inspector's Report ABP-315634-23

<b>Development</b>	Refurbishment works to the two buildings at no's. 31 & 32 Cecil Street and all associated site works
<b>Location</b>	31 & 32 Cecil Street, (Protected Structure), Corner of Catherine Street, Limerick City Co. Limerick
<b>Planning Authority</b>	Limerick City and County Council
<b>Planning Authority Reg. Ref.</b>	22/1168
<b>Applicant(s)</b>	Ardrum Developments Ltd.
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	First Party - V - Conditions
<b>Appellant(s)</b>	Ardrum Developments Ltd.
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	8 <sup>th</sup> September 2023
<b>Inspector</b>	Ciara McGuinness

## **1.0 Site Location and Description**

- 1.1. The site at No.'s 31 and 32 Cecil Street is located in Limerick City Centre. The site has a stated area of 0.02 ha and comprises a corner terrace block at the corner of Catherine Street. Both buildings are three-storey over basement fronting onto Cecil Street, with No. 32 turning the corner and also having frontage onto Catherine Street. The buildings were built in c.1830 as a pair. The buildings are redbrick and set back from the footpath by railings and basement area.
- 1.2. No. 32 Cecil Street is listed on the Record of Protected Structures (RPS) in the Limerick Development Plan 2022-2028 (RPS ref. 4004). The subject site is located in the South City Centre and Newtown Perry Architectural Conservation Area.

## **2.0 Proposed Development**

- 2.1. The proposed development is for the restoration of the facades of No. 31 and No. 32 Cecil Street and the reversal of works previously carried out in the past. A non-original doorway and access steps are proposed to be removed and replaced with a timber sash window and reinstated railings at No. 31 Cecil Street. All existing windows of No. 31 and 32 Cecil Street and the corner elevation to Catherine Street, are proposed to be replaced with timber sash windows. The removal of all signage from the buildings' façade along Cecil Street and Catherine Street is also proposed. There is no change proposed to the existing office use within the building nor are any works proposed internally.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Limerick City and County Council decided to grant permission subject to 5 no. conditions. These were generally of a standard nature. However, Condition 3 and 4 relate to Architectural Heritage and are the subject of this appeal. The conditions are outlined below;

*Condition 3*

*Works involving historic fabric are to be undertaken in compliance with the Building Regulations taking full account of the exemptions allowed in relation to existing building stock or structures of architectural or historic interest, in accordance with best conservation practice and the Architectural Heritage Protection Guidelines and Advice Series Books issued by the Department of Culture, Heritage, and the Gaeltacht with site specific Methodologies and Specifications to be finalise and agreed prior to works commencing. Any repair works or upgrades necessary shall retain the maximum amount of surviving original/early historic fabric in situ. A Grade 2 accredited conservation architect, with a minimum of three years' experience since certification, shall supervise the works. The name of the appointed individual shall be submitted to the planning authority 1 month prior to the commencement of any development on site.*

*Reason – To protect the architectural heritage in the interests of the common good and the proper planning and sustainable development of the area.*

#### **Condition 4**

- (i) Prior to the commencement of any development on site, a time-tabled programme of conservation works (addressing issues in respect of permitted alterations and modifications) reconstruction works (items related to reinstating lost features, returning items to their original locations/positions) and restoration works (installation of appropriate replica fabric or traditional material to enhance character or removal of past insensitive works or accretions (to include Chimneys; Roofing Cover; Brickwork; Pointing; Renders; Rainwater goods; Windows and doors; Insulation works; Internal Joinery; Plasters; shall be agreed with the planning authority. All such works are to be undertaken in compliance with the Building Regulations allowances in relation to existing building stock or structures of architectural or historic interest and have full cognizance of the relevant Advice Series of Maintenance Guidance Booklets for Older Buildings published by the Department of Housing, Local Government and Heritage. Where applicable, sample panels of Brickwork and/or pointing*

*shall be prepared for assessment by the Council's Architectural Conservation Officer and agreement with the Planning Authority.*

- (ii) Following submissions of the above, a site meeting shall be held with the appointed accredited conservation architect, the appointed supervising engineer, and other relevant members of the design team and the applicants, with the Limerick City & County Council Architectural Conservation Officer to finalise the time-tabling and programming of interventions.*
- (iii) Further interventions may be necessary in order to meet compliance statutory or regulatory requirements, such as fire certifications, and so forth, shall be forwarded to the planning authority for assessment as to whether a further grant of planning permissions may be required.*
- (iv) Two weeks prior to works commencing, a detail drawing setting out the location of service meters and provision for all telecommunications facilities to be installed by statutory undertakers or their agents, to include design of any housing that may require construction, shall be prepared and submitted for the planning authority's written approval.*
- (v) Outline specifications, to include drawings, for the installation of services shall be prepared and submitted for the Planning Authority's written approval.*
- (vi) All constructed interventions to achieve the development description shall be wholly reversible with minimum damage to the historic fabric. To this end, two weeks prior to works commencing, full details of the connecting structures, at appropriate scales and, detailing measures to accommodate differential movement and so forth, shall be prepared and submitted for the planning authority's written approval.*
- (vii) The use of dry-lining is not permitted within the original foot print.*
- (viii) The alterations, upgrades, conservations, restoration, and reconstruction works are to be documented through the maintenance of a site diary and a programme of archival standard photography, Once the works are complete a report setting out the Schedule of Works, the methodologies*

*employed, and a comprehensive photographic record is to be prepared and submitted to the planning authority within two months of the completion of works on the site.*

*Reason – To protect the architectural heritage in the interests of the common good and the proper planning and sustainable development of the area.*

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

#### **3.2.1. Planning Reports**

The Planner noted the development plan provisions, the description of the subject site from the National Inventory of Architectural Heritage records, and the internal reports received. It was considered that subject to compliance with conditions that the proposed development would be acceptable.

#### **3.2.2. Other Technical Reports**

Conservation Officer Report – No objections subject to conditions.

### **3.3. Prescribed Bodies**

None

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

None

## **4.0 Planning History**

P.A. Ref: 10/770002 – permission granted for the erection of 2 no. signs over the windows on Catherine Street and Cecil Street and 1 no. projecting sign at the corner of Catherine Street.

## **5.0 Policy Context**

### **5.1. Limerick Development Plan 2022-2028**

#### **Objective EH O50 Work to Protected Structure**

It is an objective of the Council to:

- a) Protect structures included on the RPS from any works that would negatively impact their special character and appearance.
- b) Ensure that any development proposals to Protected Structures, their curtilage and setting, shall have regard to the Architectural Heritage Protection Guidelines for Planning Authorities published by the Department of the Arts, Heritage and the Gaeltacht.
- c) Ensure that all works are carried out under the supervision of a qualified professional with specialised conservation expertise.
- d) Ensure that any development, modification, alteration, or extension affecting a Protected Structure and/or its setting, is sensitively sited and designed and is appropriate in terms of the proposed scale, mass, height, density, layout and materials.
- e) Ensure that the form and structural integrity of the Protected Structure is retained in any redevelopment and that the relationship between the Protected Structure and any complex of adjoining buildings, designed landscape features, or views and vistas from within the grounds of the structure are respected.
- f) Respect the special interest of the interior, including its plan form, hierarchy of spaces, architectural detail, fixtures and fittings and materials.
- g) Support the re-introduction of traditional features on protected structures where there is evidence that such features (e.g. window styles, finishes etc.) previously existed.
- h) Ensure that new and adapted uses are compatible with the character and special interest of the Protected Structure.
- i) Protect the curtilage of Protected Structures and to refuse planning permission for inappropriate development within the curtilage and attendant grounds, that would adversely impact on the special character of the Protected Structure.
- j) Protect and retain important elements of built heritage including historic gardens, stone walls, entrance gates and piers and any other associated curtilage features.
- k) Ensure historic landscapes and gardens associated with Protected Structures are protected from inappropriate development.

## **5.2. Compliance with Development Management Guidelines (2007)**

5.2.1. These Government Guidelines provide guidance on the requirements for planning conditions. In brief, it is advised that each condition should satisfy the following basic criteria:-

- necessary
- relevant to planning
- relevant to the development
- precise
- enforceable and
- reasonable.

## **5.3. OPR Practice Note (PN03) Planning Conditions (Oct 2022)**

This practice Note provides further guidance on the appropriateness of conditions with reference to the tests set out in the DM Guidance (2007).

## **5.4. Natural Heritage Designations**

Lower River Shannon SAC (Site Code: 002165) located c.300m to the northwest of the site.

## **6.0 The Appeal**

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

The appeal is against Conditions 3 and 4 of the Planning Authority's decision. The grounds of appeal are outlined below;

- The Planning Authority were not asked to consider any works other than the front facades. The conditions therefore should relate to the windows, door and signage only. The conditions are not relevant to the subject of the application.
- The applicant is experienced in the refurbishment of historical buildings. A Conservation Report and photos from a recent refurbishment in Dublin City is included with the submission.
- Upgrade to the interior of the building will form the next stage of the design process. Conditions 3 and 4 are premature in advance of this design stage.

- The level of engagement is considered excessive. The conditions allow the council impose requirements on the application during construction.
- Condition 4 appears to grant the Planning Authority the right to demand future remedial or restoration of any elements they decide upon, known or not yet known.
- As noted in the Architectural Heritage Impact Assessment submitted with the application, both buildings are already internally drylined.
- There are no historical cornicing or joinery anywhere in these buildings. The stairs together with the main structure of walls and floors are the only original feature remaining and these will be preserved. The applicant may replace or upgrade the drylining. Such proposals will require careful consideration of alternatives and design as part of a design stage that has not yet been undertaken.

## **6.2. Appeal Response**

None

## **6.3. Observations**

None

## **7.0 Assessment**

7.1. The first party appeal is against Condition 3 and Condition 4 only. Having regard to the nature of the development proposed and the conditions the subject of this appeal, I consider that a determination by the Board of the application as if it had been made to it in the first instance is not warranted and I recommend that the Board should use its discretionary powers under Section 139 of the Planning and Development Act 2000 (as amended) and restrict its consideration to the terms of Condition 3 and 4.

## **7.2. Condition 3**

The appellant contends that the condition is beyond the remit of the application. The application relates to the replacement of windows and the removal of a non-original door and signage only. I note that an Architectural Heritage Impact Assessment



prepared by Cathal Crimmins Architects was submitted with the application. Limited commentary on the proposed development or the submitted Impact Assessment is provided within the Planner's Report or the Conservation Officer's Report. A methodology with specifications for the proposed repairs/restoration is included in the Heritage Impact Assessment. The assessment notes that the works are for the reversal of unsuitable works carried out in the past. I consider the submitted Impact Assessment to be thorough. The assessment itself notes that any proposed works to the protected structure will be supervised by a Grade 1 Conservation Architect and will be in accordance with good conservation practice and in accordance with the provisions of the Architectural Heritage Protection Guidelines for Planning Authorities. Likewise, Objective EH O50 of the Development Plan outlined above in Section 5.0, seeks to ensure that all works to protected structures are carried out under the supervision of a qualified professional with specialised conservation expertise. I am satisfied that the appointment of a conservation architect to oversee the project is not unreasonable and would protect the architectural heritage of the protected structure. Likewise, I consider that the agreement of materials with the Planning Authority to be reasonable. Responsibility for complying with the requirements of the Building Regulations lies with the owner/developer of the building or works, and with any builder or designer engaged by owner/developer and I do not consider it necessary to include the requirements of other codes within a planning condition. In this regard, I consider that Condition 3 should be amended.

### **7.3. Condition 4**

The appropriate use of conditions is comprehensively addressed in the Government's Development Management Guidelines (2007) and OPR Practice Note PN03 on Planning Conditions (2022), as summarised in section 5.3 above. They provide guidance for planning authorities on the drafting and imposition of conditions and, in particular, require a condition to be necessary; relevant to planning; relevant to the development to be permitted; enforceable; precise and reasonable. Noting the content of the condition, I consider that the condition is not bespoke to the proposed development. The proposed development relates to the changes to non-original elements to the front façade, specifically in relation to windows, doors and signage only. I agree with the applicant, that the condition is wider than that of the works proposed in the application. I consider that Condition 4 in this instance does not

serve any purpose in relation to the development/works proposed and is therefore unnecessary and irrelevant. I also agree that the level of consultation is excessive given the proposed works are minor and relate to the replacement and removal of non-original features. The applicant notes that proposals to the interior of the building will be subject to a subsequent design phase. Where the limitations of exempted development cannot be met, a planning application would be required for such works. Having regard to the above, I consider that Condition 4 should be removed.

#### **7.4. Appropriate Assessment**

The site of the proposed development is located within the city centre area of Limerick City, separated from Lower River Shannon SAC (Site Code: 002165) by extensive buildings, infrastructure, and other developments. Having regard to the nature, scale, and location of the proposed development, the serviced nature of the development, the nature of the receiving environment, and the separation distance to the nearest European sites, it is concluded that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

### **8.0 Recommendation**

8.1. Having regard to the nature of the conditions the subject of the appeal, I am satisfied that the determination by the Board of the relevant application as if it has been made to it in the first instance would not be warranted. Accordingly, I consider that it would be appropriate to use the provisions of Section 139 of the 2000 Act, as amended.

8.2. I recommend that Condition 3 be AMENDED as follows;

Prior to commencement of development, the developer shall provide for the following:-

- (a) The appointment of a conservation expert, who shall manage, monitor and implement works on the site and ensure adequate protection of the historic fabric during those works.
- (b) A schedule of all materials to be used in the external treatment of the development to include windows and railings shall be submitted to and

agreed in writing with, the planning authority prior to commencement of development.

All works shall be carried out in accordance with best conservation practice as detailed in the application and the “Architectural Heritage Protection Guidelines for Planning Authorities” (Department of Arts, Heritage and the Gaeltacht, 2011).

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

8.3. I recommend that Condition 4 be REMOVED.

## 9.0 Reasons and Considerations

Having regard to the scale and nature of the proposed development, it is considered that the amendment of Condition 3 and the removal of Condition 4, would ensure an appropriate standard of refurbishment works for this protected structure and would therefore be in accordance with the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Ciara McGuinness  
Planning Inspector

24<sup>th</sup> October 2023