



An
Coimisiún
Pleanála

Inspector's Report PL-500247-LK-25

Development	Protected Structure no 3062. Conversion of warehouse to mixed use development and all associated site works.
Location	3-4 Robert Street, Prior's Land, Limerick
Planning Authority	Limerick City and County Council
Planning Authority Reg. Ref.	2560365
Applicant(s)	Devin LB Developments Ltd
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Gerard Madden
Observer(s)	None
Date of Site Inspection	31 st December 2025
Inspector	Clare Clancy

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1.0 Site Location and Description

- 1.1. The appeal site fronts onto Robert Street in Limerick city centre. It comprises of a six storey building that has a rear depth of approx. 24 m extending onto the car park at the rear of the site. The external façade of the building is finished in limestone masonry with stone and red brick arches above windows and doors.
- 1.2. It is bounded to the west by a yard with a bow lane entrance providing access to same off Robert Street. A restaurant and St Michael's Church adjoins the site to the west. There is a public car park to the east and to the rear of the site. The general area is characterised by a mix of commercial and retail uses and buildings of similar height. Limerick Milk Market is located to the approx. 73 m east of the site.

2.0 Proposed Development

- 2.1. Permission is sought to convert the existing six-bay six-storey stone corn warehouse structure which is a protected structure (No. 3062) into a mixed use building as follows:
 - 16 no. apartments comprising 14 no. one-bed and 2 no. two-bed apartments
 - Part commercial ground floor with shop at ground floor level
 - Re-roofing the structure providing for new floors, staircase and lift
 - New doors with Juliette balconies on the north and south elevations at each level
 - Repointing the external façade, new cill treatment to all windows
 - Upgrading insulation, new mechanical and electrical services and ancillary site works
 - Site Area – 0.030 ha
 - Gross floor space of existing building – 238.40 m²
 - Gross floor space of proposed works – 1,191.80 m²

The following documents were submitted in support of the application:

- Design Statement / Planning Report
- Architectural Heritage Impact Assessment Report (Cáit Ní Cheallacháin)

- Uisce Éireann Confirmation of Connection Feasibility

Proposed Development Summary			
Site Area	0.030 ha		
No. of Residential Units	16 units revised to 12 units		
Gross Floor Area Residential	Approx. 809 m ²		
Commercial Unit	59 m ²		
Residential Mix	Unit Type	No. of Units	Area
	1 bed	6	45.5 m ² - 51.4 m ²
	2 bed	2	84 m ²
	3 bed	4	91.5 m ² - 99.8 m ²
Private Amenity Space	None		
Communal Amenity Space	Internal courtyard 48.4 m ² at GF level		
Parking	No car parking proposed, 24 no. bike parking spaces and storage at GF level		
Waste Management	Communal bin storage at GF level		
Surface Water Drainage	Public sewer		
Water Supply	Connect to public mains		
Foul Drainage	Connect to public sewer		

2.2. Further Information (FI) was sought in relation to 4 issues. In summary the following information was sought:

- i. Revised drawings to distinguish between existing and proposed works, increase the number of 2 bed apartments, details regarding fire safety installation and serving, revised roof plans and elevations to distinguish between the roof over the main granary area and from kiln area, details of material finishes to the proposed balconies, and a method statement for the proposed conservation/ restoration works.
- ii. Revised drawings in relation to the size of the proposed apartments.
- iii. Confirmation that all works including down pipes and connections to existing public services are within the ownership of the applicant.
- iv. Provide a bat and swift survey.

An updated Design Statement/ Planning Report and a Method Statement for proposed works to the roof and pointing to the external building façade, accompanied the response.

2.3. The FI response received on 03rd October 2025 was deemed to be significant and revised public notices were submitted accordingly.

2.4. In summary, the response to the FI included the following:

- i. Revised drawings and details for material finishes and a method statement
- ii. 16 no. apartments reduced to 12 which all were deemed to meet or exceed the requirements of the Apartment Guidelines. 12 no. apartments proposed providing for:
 - 6 no. 1 bed units
 - 2 no. 2 bed units
 - 4 no. 3 bed units
 - Commercial retail unit at ground floor
 - Entrance courtyard, bin and bike storage at ground floor
- iii. Unable to confirm that all downpipes and connections to existing public water and wastewater services. Existing downpipes would be replaced.
- iv. Bat and Swift survey submitted which determined that no bat species were present in the building. Swift boxes proposed.

3.0 Planning Authority Decision

3.1. Decision

By Order dated 30th October 2025, Limerick City and County Council decided to grant permission for the proposed development subject to 13 no. conditions. These included for standard conditions related to the management of surface water disposal, construction hours of operation and the submission of a Construction Management and Delivery Plan (CMDP). A number of pre-development conditions were included related to the submission of a CMDP and a Site Specific Waste Management Plan. The following conditions are also of note:

- Condition 6 – Pre-development condition requiring revised details at ground floor for the provision of 22 bike parking spaces.
- Condition 8 – Pre-development condition requiring further details regarding swift bricks or swift nesting boxes.
- Condition 9 – The appointment of a qualified conservation architect to supervise works.
- Condition 10 – Pre-development condition requiring internal elevation drawings of the spine wall including photographs, a condition survey of existing timber trusses, material finishes related to the proposed balconies, and details on the reinstatement of previously removed features to restore the character of the structure.
- Condition 11 – Archaeology.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Two planning reports form the basis of the assessment and recommendation.

First Planning Report (12th June 2025)

- The proposed development complies with the zoning objective for the site which is 'City Centre'.
- Required the proposal to be altered from 16 no. apartments to provide for 4 no. 2-bed apartments in accordance with SPPR 1 and SPPR 2 of the Design Standards for New Apartments Guidelines for Planning Authorities (2023).
- Overall, the proposed apartment units broadly complied with the Guideline standards for apartment floor areas, dual aspect ratios, floor to ceiling heights, storage space including bin and bike storage.
- Car parking is not provided. The Limerick Development Plan allowed for a relaxation of car parking provision as the proposed development was a building refurbishment on a city centre site where public car parking and public transport were available. 24 no. bike parking spaces were proposed which complied with Table DM 9(a) of the development plan.

- Noted the concerns raised in a third party submission regarding overlooking and concluded that having regard to the nature of the proposed development which is a protected structure and where it was proposed to use existing window opes, allowance for some degree of overlooking can be made to facilitate urban regeneration and vitality. In relation to the matter of works taking place outside of the red line boundary, FI was sought to address same.
- Given the sites location within the zone of notification for a recorded monument LI005-017, conditions in relation to safeguarding potential archaeology would be included in the event of a grant.
- Noted the submission of the council's Conservation Officer regarding the buildings status as a protected structure regarding the provision of relatively small apartment rooms and required the number of 2-beds to be increased to comply with SPPR 1 and SPPR 2 of the Apartment Guidelines.

Second Planning Report (30th October 2025)

- The revised proposals reduced the number of apartments to 12 no. units and was considered to comply with SPPR 2, SPPR 3 and SPPR 4 of the Design Standards for Apartments Guidelines for Planning Authorities (2025).
- The revised proposals for material finishes and a method statement were acceptable. Required conditions to be included in regard to the project management of construction works by a conservation architect, and the submission of condition survey of the spine wall, timber and reinstatement of removed features.
- Confirmation regarding works within the red line boundary could not be ascertained. As it is proposed to replace existing down pipes with new ones, and given that there are existing connections to public services, Section 34(13) of the Planning and Development Act 2000 (as amended) is relevant in this case.
- The bat survey concluded that no bat roosts were recorded on site, swift boxes are proposed on the east and north elevations which was considered to be acceptable.

- It was concluded that EIA and Appropriate Assessment were not required. The proposed development was sub-threshold development.

Following the response to the FI request which was deemed to be acceptable, the PA granted permission subject to 13 no. conditions.

3.2.2. Other Technical Reports

- Architectural Conservation

First Report (04th June 2025)

- Noted the minimal amount of surviving historic fabric, therefore the creation of new opes is minimal/avoided.
- Revised drawings necessary to clearly show existing, demolition and proposed works.
- Recommended revised proposals in regard to the proposed roof over former kiln area.
- Concerns raised regarding the architectural and spatial quality of the proposed internal spaces for apartments proposed due to the building status as a protected structure. The only remaining historic internal wall (the central spine wall) remaining not be a constraint to the provision of small rooms and apartments.
- Recommended details in relation to material finishes to proposed balconies, fire safety and services installations, and a method statement for the conservation and restoration of works to the internal and external fabric of the building.

Second Report (23rd October 2525)

- No objection raised to revised proposals and recommended the inclusion of conditions related to appointment of a conservation architect to oversee the project management of the development at construction stage, the submission of elevational drawings and photographs relating to the existing spine wall, a condition survey of existing timber trusses and joists/beams etc and material finishes.

- Roads Department – No objection raised subject to standard conditions related to roads, surface water management and construction management.
- Council Archaeologist – The site is located within the zone of notification for the Recorded Monument LI005-017 classified as the Historic Town of Limerick. No objection subject to condition.
- Fire & Emergency Services – No objection raised.
- Council Ecologist – No objection raised following the submission of the Bat and Swift Survey submitted in response to the FI request, subject to conditions.

3.3. Prescribed Bodies

- Uisce Éireann – No objection raised subject to standard connection agreements and conditions as per the ‘Pre-connection Enquiry’ Ref. CDS25000849 and connection Applications.
- Department of Housing, Local Government and Heritage
 - Notes the site’s location relative to the Lower River Shannon SAC (Site Code 002165) and recommends watercourse mitigation measures are undertaken to prevent runoff during construction works.
 - Bats and swifts may be present within the building and recommended that a bat and swift survey to be carried out in June/July. Notes that the building offers an excellent opportunity to facilitate swift nest sites given that nest sites could be lost due to renovation of old buildings such as the one on the application site.
 - Recommends that lighting on site for Bats should follow the guidance set out in Bat Conservation Ireland: Bats and Lighting, Guidance Notes for: Planners, engineers, architects and developers 2010.

3.4. Third Party Observations

One Third Party observation was received from Gerard Madden. The issues raised are similar to those raised in the grounds of appeal.

4.0 Planning History

Appeal Site

- ABP Ref. PL.30.10561, P.A. Ref. 97/261 – Change of use from storage building to restaurant and art gallery (July 1998).

Adjoining Site to West

- P.A. Ref. 07/770483 – Revisions to parent permission P.A. Ref. 07/265 granted, comprising front façade, new signage to shop front, canopy and footpath works (01st April 2008).

Adjoining Site to East and Rear

- P.A. Ref. 10/770178 – Retention permission granted for retaining wall (19th November 2010).

5.0 Policy Context

5.1. National Policy

- Project Ireland 2040 – National Planning Framework (revised April 2025) and National Development Plan 2021-2030

National Policy Objective 7

Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements and ensure compact and sequential patterns of growth.

National Policy Objective 8

Deliver at least half (50%) of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints and ensure compact and sequential patterns of growth.

National Policy Objective 20

In urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth.

National Policy Objective 45

Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration, increased building height and more compact forms of development.

- Climate Action Plan (CAP) 2025 / CAP 2024

Climate Action Plan 2025 builds upon last year's Plan by refining and updating the measures and actions required to deliver the carbon budgets and sectoral emissions ceilings and it should be read in conjunction with Climate Action Plan 2024.

5.2. Regional Policy

- Regional Spatial and Economic Strategy for the Southern Region.

5.3. Section 28 Ministerial Guidelines

- Planning Design Standards for Apartments, Guidelines for Planning Authorities (09th July 2025).
 - I note for the Commission that the Planning Design Standards for Apartments Guidelines for Planning Authorities, 2025 were issued on 08th July 2025, however these Guidelines only apply to any application for planning permission and to any subsequent appeal or direct application to An Coimisiún Pleanála submitted after the issuing of the Guidelines, i.e. from 09th July 2025¹.
 - The appeal in this case was received after 09th July 2025. The PA initially assessed the proposal in accordance with the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (July 2023). Following a request for further information, I note that the Planning Authority assessed the revised proposals in accordance with the Planning Design Standards for Apartments Guidelines for Planning Authorities 2025. Therefore, the appeal will be considered having regard to these Guideline standards.

¹ As per Department of Housing, Local Government and Heritage Circular Letter: NSP 04/2025

- Section 3.0: includes the achievement of apartment design standards with regard to the following:

SPPR 2 – minimum apartment floor areas (1-bed 45 m², 2-bed 63-73 m², 3-bed 76-90 m²).

SPPR 3 – (ii) for building refurbishment on sites of any size or urban infill schemes on sites of up to 0.25 ha, planning authorities may exercise further discretion to consider dual aspect unit provision at a level lower than the 25% minimum outlined above on a case-by-case basis, but subject to the achievement of overall high design quality in other aspects.

SPPR 4 – Ground level apartment floor to ceiling heights shall be a minimum of 2.7m. For building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, planning authorities may exercise discretion on a case-by-case basis, subject to overall design quality.

SPPR 5 – There shall be no requirement within statutory plans or within an individual scheme in respect of a minimum number of units per floor per core.

Internal Storage – Minimum requirement for storage areas are set out in Appendix 1. For building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, the storage requirement may be relaxed in part, on a case-by-case basis, subject to overall design quality.

Private Amenity Space – The minimum required areas for private amenity space are set out in Appendix 1. For building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25 ha, private amenity space requirements may be further relaxed, on a case-by-case basis, subject to overall design quality.

5.3.1. Sustainable Residential Development and Compact Settlement Guidelines (2024).

- Table 3.2 Area and Density Ranges Limerick, Galway and Waterford City and Suburbs
 - It is a policy and objective of these Guidelines that residential densities in the range 100 dph to 250 dph (net) shall generally be applied in the centres of Limerick, Galway and Waterford.

5.3.2. Architectural Conservation Guidelines for Planning Authorities (2011)

The guidelines provide guidance to planning authorities in assessing applications involving Protected Structures. The following is relevant:

Section 6.8 General Types of Development

➤ Section 6.8.1

Generally, attempts should not be made to disguise new additions or extensions and make them appear to belong to the historic fabric. 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. However, this should not be seen as a licence for unsympathetic or inappropriate work. Careful consideration of the palette of materials with which the works are to be executed can mediate between a modern design idiom and the historic fabric of the structure. Extensions should complement the original structure in terms of scale, materials and detailed design while reflecting the values of the present time.

5.4. **Limerick Development Plan 2022-2028 (as varied)**

The following policies and objectives are relevant:

➤ **Chapter 2: Core Strategy**

Policy CS P2 Compact Growth

It is a policy of the Council to support the compact growth of Limerick City Metropolitan Area, towns and villages by prioritising housing and employment development in locations within and contiguous to existing City and town footprints where it can be served by public transport and walking and cycling networks, to ensure that development proceeds sustainably and at an appropriate scale, density and sequence, in line with the Core Strategy Table 2.7.

➤ **Chapter 3: Spatial Strategy**

Policy CGR P1 Compact Growth and Revitalisation

It is a policy of the Council to achieve sustainable intensification and consolidation, in accordance with the Core Strategy, through an emphasis on revitalisation and the delivery of more compact and consolidated growth, integrating land use and transport, with the use of higher densities and mixed use developments at an

appropriate scale on brownfield, infill, backland, staten lands and underutilised sites within the existing built footprint of Limerick's City, Towns and Villages.

Objective CGR O3 Urban Lands and Compact Growth

It is an objective of the Council to:

a) Deliver 50% of new homes within the existing built-up footprint of Limerick City and Suburbs (in Limerick), Mungret and Annacotty and 30% of new homes within the existing built-up footprint of settlements, in a compact and sustainable manner in accordance with the Core and Housing Strategies of this Plan.

b) Encourage and facilitate sustainable revitalisation and intensification of brownfield, infill, underutilised and backland urban sites, subject to compliance with all quantitative and qualitative Development Management Standards set out under Chapter 11 of this Plan.

c) Continue to work proactively with key state agencies, such as the LDA to bring forward, brownfield urban underutilised state land, which can contribute to the delivery of compact growth within an urban context, subject to Development Management Standards set out under Chapter 11 of this Plan.

d) Encourage residential development in the City Centre zone by requiring at least 20% of new development to comprise residential use. Exceptions may be made on a case-by-case basis, where residential use is not deemed compatible with the primary use of the site e.g. museums/tourist attractions etc.

Objective CGR O4 Active Land Management

b) Support and facilitate the reuse and revitalisation of derelict, vacant and underutilised sites and disused buildings throughout Limerick for residential, economic, community and leisure purposes.

➤ **Chapter 4: Housing**

• Objective HO O2 Density of Residential Developments

It is an objective of the Council to:

a) Promote, where appropriate, increased residential density in the exercise of its development management function and in accordance with Table 2.6 Density Assumptions per Settlement Hierarchy in Chapter 2: Core Strategy and the

Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities and the accompanying Urban Design Manual, DEHLG, May 2009.

b) Encourage increased densities that contribute to the enhancement of a town or village by reinforcing street patterns or assisting in re development of backlands and centrally located brownfield sites.

- Objective HO O3 Protection of Existing Residential Amenity

It is an objective of the Council to ensure a balance between the protection of existing residential amenities, the established character of the area and the need to provide for sustainable new development.

- Objective HO O4 Re-use of Existing Buildings

It is an objective of the Council to encourage redevelopment and reuse, including energy retrofitting, of existing housing stock and conversion of other suitable buildings to sustainable housing accommodation.

- Objective HO O5 Apartments

It is an objective of the Council to encourage an increase in the scale and extent of apartment development, particularly in proximity to core urban centres and other factors including existing public transport nodes, or locations where high frequency public transport can be provided, close to locations of employment and a range of urban amenities including parks/ waterfronts, shopping and other services

➤ **Chapter 6: Environment, Heritage, Landscape and Green Infrastructure**

- Objective EH O36 Preservation of the Archaeological Heritage

- Objective EH O50 Work to Protected Structures

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.

➤ **Chapter 9: Climate Action, Flood Risk and Transition to Low Carbon Economy**

- Objective CAF O4 Climate Proofing

It is an objective of the Council to ensure climate proofing measures are incorporated into the design, planning, layout and orientation and construction of all developments, including the use of sustainable materials, selection of suitable locations and the use of renewable energy sources.

➤ Chapter 11: Development Management Standards

- Section 11.3.6 Private Open Space

In brownfield sites or infill sites, a minimum of 10% may be provided as public open space. Residential developments of 5 units or less may be exempt from the 15% open space provision on greenfield sites. The Council will determine on a case-by case basis where it is demonstrated that the function of the space is not viable.

- Section 11.4 Residential Development – Quality Standards

- Notes that the minimum standards set out in the development plan will be sought in relation to refurbishment schemes, however acknowledge that this may not always be possible particularly in relation to historic buildings, 'living over the shop' projects, tight urban infill developments and in the city under the Living City Initiative. In such cases, the standards may be relaxed subject to the provision of good quality accommodation and where the proposal secures the effective usage of underutilised accommodation.

- Section 11.4.1 Apartment Development

- To be read in conjunction with Section 11.8.4, DM Table 9a/9b for car parking standards and Section 11.3.6 Open Space Requirements.
- In general, the design and layout of apartments shall comply with the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines (2020) and any future updates/ amendments thereto. The following standards are also relevant:
 - Table DM 4 Minimum Overall Apartment Floor Areas
 - Section 11.4.1.2 Dual Aspect Design
 - Section 11.4.1.4 Internal Storage and External Storage
 - Section 11.4.2.2 Floor Areas
 - Section 11.4.2.3 Aspect and Natural Light
 - Section 11.8.3 Car and Bicycle Parking Standards

Table DM 9(a) Car and Bicycle Parking Standards Limerick City and Suburbs (in Limerick) Mungret and Annacotty:

Infill development and building refurbishment:- For building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha., car parking provision may be relaxed in part or whole, on a case-by-case basis, subject to overall design quality and location.

➤ Chapter 12: Land Use Zoning Strategy

- Land Use Zoning

Zoning – ‘City Centre’.

Objective: To protect, consolidate and facilitate the development of the City Centre commercial, retail, educational, leisure, residential, social and community uses and facilities.

Purpose: To consolidate Limerick City Centre through densification of appropriate commercial and residential developments ensuring a mix of commercial, recreational, civic, cultural, leisure, residential uses and urban streets, while delivering a high-quality urban environment which will enhance the quality of life of residents, visitors and workers alike. The zone will strengthen retail provision in accordance with the Retail Strategy for the Limerick Shannon Metropolitan Area and County Limerick, emphasise urban conservation, ensure priority for public transport, pedestrians and cyclists, while minimising the impact of private car-based traffic and enhancing the existing urban fabric.

5.5. National Inventory of Architectural Heritage (NIAH)

3-4 Robert Street, Limerick is recorded as a building of regional interest on the NIAH.

The following is noted:

- Date: 1780-1820
- Reg. No. 21513021.
- Rating: Regional
- Categorise of Special Interest: Architectural, Artistic.

- Its significance is described as *‘an imposing limestone warehouse, with its heavy massing and large scale, it maintains a link with the area's industrial past. Its continued use is important in a rapidly changing era’*.

5.6. Natural Heritage Designations

The nearest designated sites are as follows:

- SAC: 002165 - Lower River Shannon SAC – approx. 300 m to north.
- SPA: 004077 - River Shannon and River Fergus Estuaries SPA – approx. 760 m to the west.
- pNHA: 002048 - Fergus Estuary And Inner Shannon, North Shore – approx. 300 m to north.
- pNHA: 002001 - Knockalisheen Marsh – approx. 1.9 km to the north.

6.0 The Appeal

6.1. Grounds of Appeal

One Third Party appeal was received from Gerard Madden. The grounds of appeal may be summarised as follows:

Procedural Issues

- Incorrect procedures were followed in relation to the further information submitted by the applicant. A site notice was posted on the site on 06th October 2025 stating that there were 5 weeks for observations/objections. The site notice should have been a site notice of ‘further information/revised plans’ which gives a different time period for the submission of observations/objections.
- Limerick City and County Council issued notification of its decision to grant permission on 30th October 2025 while preparing a submission to the further information response. This was three weeks and three days after the incorrect site notice was posted, despite the notice stating a five week period was allowed for observations.

- This shows disregard and nullifies the grant of permission and disregard by the owner for the removal of the roof and floors of this preserved building leaving old stone walls built c.1800s with lime plaster exposed to the elements which has been damaged.
- Because of the procedural error with the site notice, third party rights were deprived of their right to submit observations and objections.

Landownership/ Right of Way

- The applicant has limited access to the building via the appellant's property which adjoins the appeal site to the west.
- In relation to the response to point 3 of the FI request, there is an agreement by the owners (no. 27/1988) of the South Circuit Borough of Limerick that shows the applicant has very limited access to the building through the third party appellant lands.
- The windows proposed to be reopened were closed by agreement before 1900. This side of the building is clearly shown attached to another building which was removed c.1985.
- There are no existing manhole or downpipes on the eastern side of the corn store warehouse that the applicant is claiming in point 3 of the further information response. There was no down-pipes for over 50 years since the third party appellant acquired the premises.
- The damage and repairs at the rear of the building suggests there never was down-pipes which would explain why repairs were done to the building to stop the building coming apart.

6.2. Applicant Response

A response from the applicant to the grounds of the appeal was received which can be summarised as follows:

- The grounds of appeal are inconsistent. They argue for invalidating the permission on a technicality that would effectively retain the structure but simultaneously raise concerns about its historic fabric while opposing building

elements (roof and downpipes) required to protect the building from water ingress.

- The applicant purchased the building in 2024 and removed all floors and the remaining roof for safety reasons due to prolonged exposure to the elements after the previous owners failed to re-roof following storm damage.
- It is unclear where the lime plaster exposed to weather damages is located as referred to by the appellant.
- In regard to 'Agreement No. 27/1988' referred, this relates to court proceedings taken by the then owner against the landowner of lands bounding the appeal site to the east, and specifically in relation to a Right of Way (RoW) on the eastern side of the building due to it being blocked. There is an extant court ruling in relation to the RoW affirming the RoW being enjoyed by previous owner. Efforts to locate the ruling have been unsuccessful. The lands adjoining the site to the east and rear are identified as a 'car park' on landdirect.ie and are unregistered. The applicant has to continually ask the third party appellant for permission to access his own building. Sight of 'Agreement No. 27/1988' for the information of An Coimisiún Pleanála is imperative for the applicant, otherwise it remains an assertion by the appellant.
- Blocked windows – There is no dispute to the fact that the windows were closed c.1900s. The adjoining building was removed in 1985 and opened up the possibility of the windows and doors being restored, as there has been no adjoining building for 40 years. To reconstruct another building abutting the existing building would require planning permission.
- Manholes & downpipes – There was no reference to existing manholes in the application, however there are existing downpipes on the eastern and northern side of the building (photo 1). There was other downpipes which are no longer in place. Previously, downpipes would have discharged water onto the ground unlike today where the runoff is directed and discharged to the existing surface water system on Robert Street. The applicant would provide gully traps on the eastern side of the building to take water underground to Robert Street, under the existing RoW. Given that the land is not in the ownership of 3-4 Robert

Steet, LCCC included condition 2 which requires all surface water run-off from the development to be disposed of appropriately.

- Photos appended show that downpipes existing previously.

6.3. **Planning Authority Response**

None.

6.4. **Observations**

None.

7.0 **Further Information**

7.1.1. The grounds of appeal raised that incorrect procedures were followed by Limerick City and County Council with regard to the further information (FI) response submitted by the applicant to the PA. The FI response was deemed by the planning authority to contain additional significant data, however the public notices did not reference it as 'significant further Information/revised plans'. It was also highlighted by the appellant that the incorrect timeframe was stated on the notices, i.e. 5 weeks for the making of submissions / observations, which resulted in the appellant failing to make their submission within the period of 2 weeks (Article 35(1)(a)(v) of the Planning and Development Regulations 2001, as amended).

7.1.2. In light of these circumstances, I note for the Commission that a request pursuant to Section 132 under the Planning and Development Act 2000, was issued. This is set out further below.

7.2. **Section 132 Notice**

7.2.1. Following consideration of submissions on file, the Commission requested FI pursuant to Section 132 of the Planning and Development Act 2000 regarding the following matter:

The Commission is of the opinion that the public notice does not comply with the statutory requirements. You are hereby required, under section 142(4) of the Planning and Development Act, 2000, (as amended), to publish (in a newspaper which has

been approved in accordance with the Planning and Development Regulations 2001 to 2018) a revised notice in the form set out in the attached document headed "newspaper notice".

In addition to the newspaper notice, the Commission requires the erection of a site notice. The site notice should be in the form set out in the attached document headed "site notice". The site notice should be inscribed or printed in indelible ink on a white background, affixed on rigid, durable material and secured against damage from bad weather and other causes, and should be securely erected or fixed in a conspicuous position on or near the main entrance to the land or structure concerned from a public road, or where there is more than one entrance from the public roads, on or near all such entrances, or on any other part of the land or structure adjoining a public road, so as to be easily visible and legible by persons using the public road, and shall not be obscured or concealed at any time. The site notice should state when it was erected. The site notice should be renewed or replaced if it is removed or becomes defaced or illegible within the period of 4 weeks during which it is open to observers to make submissions to the Commission. The site notice should be erected on the day of the publication of the newspaper notice.

7.2.2. The Section 132 notice issued to the applicant on 06th March 2025 and a copy was also issued to Limerick City and County Council, and to Gerard Madden on 06th March 2025.

7.2.3. The subject development was readvertised on 14th March 2026 and a copy of the notices were received by the Commission on 16th March 2026. The last date for receipt of submissions/ responses was 10th April 2026.

7.2.4. A response to the revised public notices was received from Gerard Madden on 30th March 2026. It was not considered necessary to circulate the response received under Section 131 of the Planning and Development Act 2000, as amended. A summary of the submission received is set out in the below section.

7.3. Additional Response(s) to the Section 132 Notice

7.3.1. The response to the Section 132 Notice received from Gerard Madden is summarised as follows:

Encroachment of Third Party Lands

- The boundary of the existing building backs onto the car park. The protrusion of the proposed upper floor Juliet balconies extended past the back (north facing elevation) encroaches/ overhangs onto the adjoining third party lands.
- The proposed re-pointing of external walls would require agreement as it directly affects the boundary structure. No agreements are sought or are in place.
- The existing stone walls were not designed to support greater live loads associated with apartment use. The structural condition of the building has deteriorated significantly over time and due to storm damage 2014 resulting in exposure of lime mortar for prolonged periods. The internal floors were removed. There are three anchor/ pattress plates at the sides to keep walls from coming apart which appear to be a repair to be building when the walls at the back started to split in two. The northern façade shows evidence of repair works carried out over 60 years ago (photo provided of north façade).
- Retention permission for the replacement of the historic original timber floors with new floors should apply as their replacement without appropriate permission is procedurally incorrect.

Overlooking

- In regard to re-opening of windows block for over 100 years, historically adjoining structures prevented overlooking from the opes. There are no established rights permitting windows at ground or first floor level overlooking third party property. The boundary at these levels is defined by a solid wall, any development on the third party side does not confer rights to reopen windows.

Landownership & Right of Way

- There is no precedence for downpipes or any public road rights as claimed by applicant.
- The plans and drawings show downpipes, gullies, ground drainage infrastructure extending into third party property without consent. No evidence is provided to support additional drainage arrangements as proposed.
- The 'public road' was a side yard associated with 6 Robert Street and there was a right of possession (circuit court agreement 1989 copy appended to

submission) between previous owner and the third party Gerard Madden. This demonstrates that the applicant has limited access to their property through adjoining third party premises.

- Regarding the applicant's reference to writing to "IM Properties seeking consent implies we accept that they are the owners", this is the first dispute raised. The applicant has previously engage on multiple occasions regarding the car park and the building which clearly indicates recognition of ownership. Any issues regarding ownership should have been resolved before making the application.

8.0 **Assessment**

Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of Development
- Density
- Design/ Layout
- Adjoining Residential Amenities
- Encroachment on Third Party Lands
- Other Matters

8.1. **Principle of Development**

- 8.1.1. The proposed development entails the conversion of the existing structure on the site which is a Protected Structure to accommodate 16 no. apartments, revised to 12 on foot of a response to a request for FI.
- 8.1.2. The appeal site is zoned 'City Centre' whereby the objective is to protect, consolidate and facilitate the development of the city centre commercial, retail, educational, leisure, residential, social and community uses and facilities. Proposals for residential development is acceptable in principle in relation to this zoning objective. The

development plan policy further promotes the principle of compact growth and objectives CGR O3 and CGR O4(b) encourages the redevelopment of underutilised or vacant sites within the city. The conversion and refurbishment of this vacant building is also consistent with Objective HO O4 of the development plan. I therefore consider that the redevelopment of this brownfield underutilised city centre site is consistent with the zoning objective for the site as well as the aforementioned objectives, and is therefore acceptable in principle, subject to all other planning policy and objectives being met.

8.2. Density

- 8.2.1. The policy approach for the density range in Limerick city in the Sustainable and Compact Settlement Guidelines for Planning Authorities is that residential densities in the range of 100 dph to 250 dph (net) shall apply. Table 2.6 of the development plan applies a minimum net density of 100+ dwelling units per hectare at appropriate locations in the city centre and objective HO O2 (Density of Residential Development) of the development seeks to achieve this.
- 8.2.2. The size of the subject site at 0.030 ha would yield a net density of approx. 400 dph. Notwithstanding, the Guidelines provide scope to apply a relaxation to density ranges which are set out in Section 3.3.6. In this regard, Section 3.3.6 (c) of the Guidelines allows for an exception in the case of small infill sites that are not of sufficient scale to define their own character and density, and the need to respond to the scale and form of surrounding development. It is my opinion that the appeal site would fit this criteria given that it will deliver brownfield/ infill site development which will assist in revitalising the city centre given the current lack of residential in the city centre. While the density proposed would be higher, I consider it acceptable on the basis that the site is in a highly accessible central location within walking distances of services, employment and transport, and because the proposed scheme seeks to deliver a relatively high quality standard of apartment units. Furthermore, the proposed development will enable the positive adaptation and reuse of a vacant derelict building in the city centre which is of significant heritage values (NIAH building of interest) which in my view amounts to significant planning gain for this area, and which the Architectural Heritage Planning Guidelines also support. It also aligns with national policy which promotes compact urban growth and regeneration of such sites.

8.3. Design/ Layout

Internal Unit Standards

- 8.3.1. The concerns of the appellant relate to the imposition that the proposed balcony units will have on their property, particularly to the north, the reopening of windows that have been blocked up for over 100 years, and the load impact that the proposed apartments would have on the existing structure that was not designed to support such development. The PA had concerns regarding the number of units being proposed and the quantum of one bed apartments. Following a response to an FI request, the revised proposals reduced the overall number from 16 units to 12 units, with the apartment mix revised also.
- 8.3.2. I have reviewed the details submitted to the FI response having regard to Section 11.4 and Section 11.4.1 of the development management standards and having regard to the Planning Design Standards for Apartments Guidelines for Planning Authorities 2025 (Apartment Guidelines), and I am satisfied that the internal layout of each unit proposed is broadly in accordance with the minimum standards in Table DM 4, and that each unit is of dual aspect design which further enhances amenity.
- 8.3.3. While I note that there is a minor shortfall in achieving the minimum width standards for bedrooms in apartments 4 and 5 and a minor shortfall in achieving the minimum width standards for the living room area in apartment 12, I note Section 11.4.2 of the development plan which requires the minimum size of habitable rooms to conform with national guidelines/ standards in place at the date of application for planning permission. In this regard, the Apartment Guidelines allow for up to 5% variation in widths in all apartment types, subject to overall compliance with required minimum apartment floor areas.
- 8.3.4. I further note that there are also minor shortfalls in achieving storage standards for all units except units 4 and 5, in accordance with Section 11.4.1.4 of the development plan. The Apartment Guidelines advise that storage requirements may be relaxed in part, on a case-by-case basis, subject to overall design quality. I acknowledge that the building constraints has attributed to these shortfalls, however I note that the applicant has sought to address this by providing additional designated storage space 'off site' adjacent to the lifts on all floors which I consider to be appropriate. I am therefore satisfied that overall, proposed apartment units achieve minimum gross floor areas as

set out in Table DM4 of the development plan and broadly comply with Section 11.4.1.4 which relates to Internal Storage and External Storage standards. I further note that the PA were satisfied that all apartments met with the requirements of the Guidelines in terms of SPPR's 2, 3, 4 and 5.

Private Open Space

- 8.3.5. The proposed units have not been allocated private open space. The PA accepted this for the initial proposal on the basis of a relaxation provided for in the Sustainable Urban Housing Design Standards for New Apartments (2023), where proposals comprised of building refurbishment schemes, and in this case its city centre location and access to public amenities. I note that the Apartment Guidelines 2025 were in place at the time of the PA's decision and allow scope for a relaxation of the standards where proposals for apartment schemes comprise of the refurbishment of a building on sites of any size or urban infill schemes on sites of up to 0.25 ha, on a case-by-case basis, subject to overall design quality. I would accept the non-provision of private open space in this case on the basis of the sites central location where there are public amenities available locally. Also, because of the existing buildings heritage value which is a constraint in terms of design, I would considerate it appropriate to minimise interventions to the protected structure. Furthermore the planning gain in bringing the protected structure back into use is also noted.

Car Parking/ Bicycle Parking

- 8.3.6. No car parking is proposed. The development plan standards for car parking are contained in Table DM9(a) which provides the maximum car parking standards for apartment units based on gross floor area. The car parking standards also allows for a relaxation in part or whole on sites related to infill development and building refurbishments. I note that the 2025 Apartment Guidelines place emphasis on modal shift, reduced car parking and the provision of cycle storage. In particular it promotes reducing car parking for apartment developments in cities and in towns whereby the policy is to minimise, substantially reduce or wholly eliminate at locations served by good access to urban services and to public transport.
- 8.3.7. Given the site area of 0.030 ha and its city centre location where the site is highly accessible with the availability and easy access to public transportation, I consider that

the omission of car parking in this case appropriate. I note that the PA was satisfied in also that car parking provision was not a requirement having regard to Table DM9(a).

- 8.3.8. The 2025 Apartment Guidelines requires the provision of bicycle parking and storage with a general minimum standard of 1 no. cycle storage space per bedroom applied in accordance with national guidelines (SPPR 4 Cycle Parking and Storage Sustainable and Compact Settlement Guidelines for Planning Authorities 2024). Table DM9(a) of the development plan requires 1 no. space per 1-2 bed apt. unit and 2 no. spaces for a 2 bed apt. and 1 no. visitor/short term space per 2 units.
- 8.3.9. In terms of bike parking provision, 18 no. hanging racks are indicated within the internal courtyard at ground level on the revised site layout plan. I note that the initial site layout plan had proposed a total of 24 no hanging racks. Based on Table DM9(a) of the development plan, there is a requirement to provide 22 no. bike park spaces (inclusive of visitor space provision). Having regard to the revised site layout plan there is a shortfall of 4 no. spaces. I note that condition 6 was included as a pre-development condition to address the shortfall. Having regard to the requirements of the development plan, I consider that subject to a condition similar to condition 6 that this shortfall can adequately be addressed, and I recommend the inclusion of the condition should the Commission decide to grant permission.

8.4. Adjoining Residential Amenities

- 8.4.1. The appellant has raised that the proposed development will give rise to overlooking of their property due to window opes that have been blocked up for a substantial period of time being reopened. Historically, a building attached to the side of the subject site, which has since been removed prevented overlooking. It is further stated that there are no established rights permitting windows at ground or first floor level overlooking third party property and that any development on the third party side does not confer rights to reopen windows.
- 8.4.2. Pursuant to site inspection, I noted that there are a number of opes on the northern elevation at ground floor, first floor and on the third floor that are blocked up. At second floor and fourth floor levels, there are open window opes in situ. On the eastern elevation, I noted that all of the window opes were open with the exception of 1 or 2 blocked up. The adjoining land use is a car park which both elevations face onto.

8.4.3. I acknowledge the concerns raised by the appellant and that it is plausible to consider that the adjoining lands currently in use as a public car park, could potentially be redeveloped in the future. However, I note the provisions of Objective HO O3 (Protection of Existing Residential Amenity) which seeks to ensure a balance between the protection of existing residential amenities, the established character of the area and the need to provide for sustainable new development, and to Objective (HO O4 Re-use of Existing Buildings) which encourages the sustainable reuse of existing buildings and in particular, I would note in this case a historic building. I therefore consider that as the proposed development faces onto a non-sensitive use i.e. a public car park, it does not attract impacts on existing residential amenities such as overlooking or impinges on privacy. Therefore it is my view that no issue arises with regard to the reopening of the existing window opes, and I consider the proposal to be acceptable.

8.5. Encroachment on Third Party Lands

8.5.1. The pertinent issue raised in the grounds of appeal is the matter of access by the applicant onto their lands which adjoins the property to the east, to carry out construction works. It is further raised that the proposed balconies will protrude beyond the building line and will overhang their property, and that drainage pipes and connections to existing public water and wastewater infrastructure located on Robert Street will be via their adjoining third party lands.

8.5.2. Following a response to a FI request to address the matters raised, I note that the existing down pipes are to be refitted to their original positions on the building to discharge onto ground which I noted was historically how surface water from the roof was managed. I note that the downpipes are being 'restored as found' as the building is a protected structure. No additional pipes are proposed. On the northern elevation, I note that a hopper and downpipe previously took water from the roof and discharged on the roof up until 1986. This will be replaced and will discharge onto the ground also. The appellant noted that historically the building had a single downpipe with a hopper and no gully at ground level. The applicant was unable to confirm that all works including the downpipes and connections to existing public services was within their control.

- 8.5.3. The foul sewer and storm water drainage drawing (DWG No. 010) submitted with the application shows a 'Private Storm Drain' to connect with the public sewer on Robert Street. This is outside the red line boundary of the application. The appellant contends that the storm drainage system does not exist and that this is being proposed without consent on their lands.
- 8.5.4. Based on the responses by both parties, this seems to be how surface water was addressed historically in relation to the existing building. It would appear to me that there is no existing storm drainage network running along the boundaries of the building to manage surface water runoff. I note that the PA accepted the proposals on the basis of replacement of existing infrastructure utilities, and did not raise any specific concerns in regard to surface water management. A standard condition was included in the grant to address surface water management.
- 8.5.5. Having regard to the foregoing, it is my view that it is standard best practice and proper planning that surface water arising from roof tops and hard surface area is appropriately managed by a surface water drainage system, and I consider the proposals provided by the appellant to be appropriate and acceptable given the site context. Therefore, should the Commission be minded to grant permission, I recommend that condition 2 of the PA's decision is included to address same.
- 8.5.6. The matter of external access to the site on lands that are outside the control of the applicant is raised by both parties in the context of an existing historical Right of Way (RoW) to the east of the subject building. It is indicated that historically the lands immediately bounding the appeal site to the east of the building was a road access to the rear of the site. Both parties have referred to a legal agreement in regard to the matter, and a copy of a circuit court order (no. 27/1988) of the South Circuit Borough (no map included) was provided by the appellant. This indicates that the subject building has the benefit of a RoW and sets out an agreement between the appellant and a previous owner of the building allowing for a RoW between no. 4 and no. 5 Robert Street during business hours Monday to Saturday, and that the RoW to be left open and unencumbered for the stated times.
- 8.5.7. Works will be required to put in place a surface water drainage system below ground to connect with the public storm sewer on Robert Street. If the lands to which the proposed works will be carried out to are outside of the control of the application, then

the appropriate consent from adjoining landowner(s) would be required. It also follows that consent would be required to implement a grant of permission to carry out the proposed development overall. The Development Management Guidelines for Planning Authorities (June 2007) outlines that Section 34(13) of the Planning and Development Act, as amended provides that if the applicant lacks title or owner's consent to do works permitted by a planning permission, the permission does not give rise to an entitlement to carry out the development. I note that the applicant has submitted sufficient documentation to demonstrate that they are the owner of the appeal site only. Therefore in relation to Rights of Way and legal ownership of the site access, this is a civil matter to be resolved between the relevant parties, and are not a matter for the Commission to determine, however the Commission can grant planning permission pursuant to Section 34(13) of the Act, as amended. I further note that the PA accepted the response of the applicant to the FI request and was satisfied that Section 34(13) of the Planning and Development Act 2000, as amended was relevant. In the event that the Commission decide to grant permission for the proposed development, they may consider it appropriate to attach a note to the Commission Order advising the parties in relation to the statutory provision of Section 34(13) of the Planning and Development Act 2000 (as amended)), which clarifies that a person '*shall not be entitled solely be reason of permission under this section to carry out the development*'.

- 8.5.8. In regard to the encroachment by proposed balconies, the applicant advised that detailed drawings were premature and would be prepared at design stage, and confirmed that no encroachment would occur onto the adjoining property. I consider that a condition can be included to address overhanging/ oversailing of adjoining third party lands and recommend that the Commission includes this condition in the event of a grant. I also note for the Commission that there are no balconies proposed on the eastern elevation, which faces the appellant's property to the east.

8.6. Other Matters

Procedural Matters

- 8.6.1. I note the issues raised by the appellant regarding the requirements of the PA requesting the application to submit revised public notices in relation to significant

further information submitted. I am satisfied that the revised public notices under the Section 132 notice request (Section 7.0 above) have addressed all of the concerns raised by the appellant.

Structural Integrity of the Existing Building

- 8.6.2. I note the matters raised by the appellant in the response to the Section 132 Notice regarding the structural integrity of the existing building.
- 8.6.3. Structural stability and construction methods are not governed by planning legislation. This is addressed by the Building Regulations. Any issues related to structural integrity or indeed fire safety and compliance with same are governed under separate legislative codes to planning legislation. Therefore these matters are not within the remit of the Commission to consider.
- 8.6.4. While the works relate to a protected structure, I acknowledge that the proposed development seeks to sympathetically restore the remaining original building fabric for which details have been provided for in a Method Statement for various elements of the building's restoration, and an Architectural Heritage Impact Assessment appraisal submitted with the application details which I note the PA and the Conservation Officer raised no objection to. The proposed development therefore represents a positive intervention to the sustainable reuse of the existing building without adversely affecting its overall character.

Commercial/ Retail Use

- 8.6.5. Although no specific condition was included by the PA in its decision regarding the use of the proposed commercial/ retail element at ground floor level, I consider it appropriate to clarify the type/ nature of intended use of the unit, hours of operation, and any proposed signage, as none are indicated on the plan or drawings or application form. Therefore, I recommend the include of this condition, in the event of a grant. Commercial waste can be addressed separately by another condition relating to the overall management of the building.

Planning Conditions as per the PA's Grant

- 8.6.6. Should the Commission be minded to grant permission, there are a number of specific conditions that I recommend are included as follows:

- Condition 8 – This is a pre-development condition requiring the submission of further details for the provision of housing for swifts. Having regard to the submission of the Department of Housing, Local Government and Heritage in regard to same, I consider it appropriate to include this condition.
- Condition 9 – This condition relates to the monitoring of the works by an architect with conservation expertise. I consider that a similar condition is required due to the heritage status of the existing building and recommend the inclusion of a similar condition to protect the architectural heritage of the building.
- Condition 10 – This is a pre-development condition and relates specifically to the internal elevation drawings of the spine walls including photographic record to identify the original wall fabric. The condition also requires the submission of a survey of existing timber roof trusses and other elements, details of proposed balconies and previously removed features. This condition was recommended to be included by the council's Conservation Architect. I consider it necessary to include this condition.
- Condition 11 – This condition relates to archaeology. Given the site's location within the zone of notification for the Recorded Monument LI005-017 and the council Archaeologist recommendation to include this condition, I consider that this condition is appropriate.

Section 48 Development Contribution

- 8.6.7. I note for the Commission that no development contribution is required to be included as a condition (in the event of a grant), in regard to the proposed development pursuant to Section 7.0 of the 'Limerick City and County Council Development Contribution Scheme 2025-2023 Section 48 Planning and Development Act 2000 (as amended) September 2025'. In this regard, it is stated that development contributions in relation to works to and change of use of a protected structure for residential or commercial purposes, is exempt from the requirement to payment of the contribution.

9.0 EIA Screening

The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 appended to this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

10.0 AA Screening

Screening the need for Appropriate Assessment: Screening Determination (Stage 1, Article 6(3) of Habitats Directive)

I have considered case PL-500247-LK-25 in light of the requirements S177U of the Planning and Development Act 2000 as amended.

The appeal site is located in an urban area in Limerick city centre. It comprises of a vacant derelict building. The proposed development entails the conversion of the existing building from warehouse storage to residential use (12 apartments) and commercial/ retail at ground floor level.

The closest European site relative to the appeal site are the following:

- SAC: 002165 - Lower River Shannon SAC which lies approx. 300 m to north and SPA: 004077
- River Shannon and River Fergus Estuaries SPA which lies approx. 760 m to the west.

The planning authority considered that there was no real likelihood of significant effects on the environment arising from the proposed development.

A submission was received from the Department of Housing and Local Government noting that bats and swifts may be present within the building and recommending a survey is carried out.

A Bat/ Bird Survey was carried out by Gerard Tobin Ecological Consultant on 21st and 22nd July 2025. Other than feral pigeons and sea gulls, the survey did not record bats or swifts using the site foraging or roosting.

This notes that bats and swifts may be present within the building and recommends that a bat and swift survey are carried out in June/July. Notes that the building offers an excellent opportunity to facilitate swift nest sites given that nest sites could be lost due to renovation of old buildings such as the one on the application site.

Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site. The reason for this conclusion is as follows:

- The nature, scale and location of the development,
- The absence of any hydrological connection to any European site,
- To the location of the project and separation distance to any European Sites,
- To the conclusion of the PA,

I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

11.0 WFD Screening

11.1.1. An assessment of the proposed development has been undertaken in accordance with Article 4 of the EU Water Framework Directive (2000/60/EC), as transposed by the European Communities (Water Policy) Regulations 2003, as amended, and with regard to the Eastern/South Eastern River Basin Management Plan 2022–2027. The receiving water environment has been identified and assessed, see Table 1 attached.

11.1.2. Having regard to the nature, scale, and location of the proposed development, it is concluded that the proposed development will not:

- Result in deterioration of the ecological, chemical, or quantitative status of any relevant surface water or groundwater body;
- Increase pollutant loading or alter the hydrological regime of any receiving watercourse;
- Prevent or impede achievement of environmental objectives under the applicable River Basin Management Plan.

11.1.3. Any residual risks are capable of being addressed through the implementation of a Construction Environmental Management Plan (CEMP).

The proposed development is considered to be in compliance with the requirements of Article 4 of the Water Framework Directive.

12.0 Recommendation

12.1. Having regard to the foregoing, I recommend that permission is granted for the proposed development subject to the reasons, considerations and conditions set out below.

13.0 Reasons and Considerations

Having regard to the provisions of the Limerick Development Plan 2022-2028 (as varied), the zoning objective for the site, the site's location in Limerick City Centre and to the nature, scale and design of the proposed development, it is considered, that subject to compliance with the conditions set out below, the proposed development would result in the sustainable, reuse of a vacant derelict building in the city core, would not adversely affect the character of the existing protected structure, would enhance the visual amenities of the area, is of an appropriate density to the site context, would not adversely impact the adjoining road network or cause traffic congestion in the area, and would not unduly impact on any nearby residential amenities. The proposed development would, therefore be, consistent with objectives of the development plan including Objective CGR O3 (Urban Lands and Compact Growth), Objective CGR O4 (b) (Active Land Management), Objective HO O4 (Re-use

of Existing Buildings) and Objective EH O50 (Work to Protected Structures). The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

14.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 25th day of April 2025, as amended by the further plans and particulars submitted on 03rd day of October 2025 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>22 no. safe and secure bicycle parking spaces shall be provided within the site. Provision should be made for a mix of bicycle types including cargo bicycles and individual lockers. Details of the layout of these spaces shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.</p>
3.	<p>(a) The construction of the Surface Water System shall be in line with Limerick City and County Council’s Surface Water/SuDs Specification (2022).</p> <p>(b) The developers Consulting Engineers shall submit certification for the Surface Water System that it has been constructed as designed upon completion of any phase of the development and there shall be no</p>

	<p>occupation until this is received and agreed in writing with the Planning Authority.</p> <p>(c) All surface water run-off from the development shall be disposed of appropriately. No such surface water shall be allowed discharge onto adjoining properties or onto the public road.</p> <p>(d) All surface water run-off from the public road which flows into the site shall continue to be accommodated within the site unless alternative arrangements acceptable to Limerick City & County Council are carried out. Full details of any such alternative arrangements shall be submitted to the Planning Authority and agreed prior to commencement of development.</p> <p>Reason: In the interest of public health and to prevent flooding in the interest of traffic safety and amenity.</p>
4.	<p>Prior to the commencement of development, the developer shall submit, for the written agreement of the planning authority, the following details:</p> <ul style="list-style-type: none"> • Internal elevation drawings of the spine wall, to be accompanied by photographic records. These elevations shall identify the original wall fabric and later interventions to the wall and shall indicate the extent of conservation/repair and/or reconstruction works proposed to this wall. • A condition survey of the existing timber roof trusses and internal beams/joists etc. • Detail drawings of the proposed Juliette balconies (to include material palette and colour finish) and how they will be fixed to the existing structure. • Details for the reinstatement of previously removed features or components • (including timber beams and trusses) to restore the character of the structure.

	<p>Reason: In the interest of the protection of architectural heritage (in accordance with the provisions of the Architectural Heritage Protection Guidelines for Planning Authorities).</p>
5.	<p>Prior to occupation of the retail unit, the developer shall submit details of the use of the 'retail' unit i.e. type and nature of retail use, hours of operation, any signage details, number of staff, to be agreed in writing with the planning authority.</p> <p>Reason: In the interest of orderly development, the visual amenities of the protected structure and proper planning and sustainable development.</p>
6.	<p>The developer shall provide swift nest boxes. Details in regard to the locations and design shall be submitted to the planning authority for written agreement, prior to commencement of development.</p> <p>The use of bird deterrent devices shall not be deployed on the roof of the building at any time.</p> <p>Any lighting placed on the roof shall be sensor controlled. If lighting is proposed, then details shall be agreed with the Planning Authority in writing prior to the commencement of development.</p> <p>Reason: In the interest of nature conservation.</p>
7.	<p>Prior to the commencement of development on the Protected Structure samples of materials and/ or workmanship shall be submitted for the written agreement of the planning authority, and all works shall be carried out in accordance with this written agreement. In the event of agreement not being reached between the developer and the planning authority, the matter may be referred to An Coimisiún Pleanála for determination, and all works shall be carried out in accordance with any determination made resulting from such referral.</p> <p>Reason: In the interest of the protection of architectural heritage in accordance with the provisions of the Architectural Heritage Protection Guidelines for Planning Authorities.</p>

8.	<p>Prior to the commencement of development on the Protected Structure the applicant/developer shall submit for the written agreement of the planning authority confirmation that:</p> <p>(a) the development will be monitored by a suitably qualified architect with conservation expertise and accreditation and</p> <p>(b) competent site supervision, project management and crafts personnel will be engaged, suitably qualified and experienced in conservation works.</p> <p>(c) the works shall be recorded as they proceed, and an illustrated report on the completed works shall be submitted by the developer for the written agreement of the planning authority, following the completion of the works. This shall include survey drawings, a before/during/after photographic record, and a written history of the building and the works that have been carried out.</p> <p>Reason: In the interest of the protection of architectural heritage in accordance with the provisions of the Architectural Heritage Protection Guidelines for Planning Authorities.</p>
9.	<p>If, during the course of site works any archaeological material is discovered, the City/County Archaeologist/Planning Authority shall be notified immediately. (The applicant/developer is further advised that in this event that under the National Monuments Act, the National Monuments Service, Dept. of Housing, Heritage and Local Government and the National Museum of Ireland require notification.)</p> <p>Reason: In the interest of preserving or preserving by record archaeological material likely to be damaged or destroyed in the course of development.</p>
10.	<p>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</p>

	<p>practice for the development, including:</p> <ul style="list-style-type: none"> (a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse; (b) Location of areas for construction site offices and staff facilities; (c) Details of site security fencing and hoardings; (d) Details of on-site car parking facilities for site workers during the course of construction; (e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site; (f) Measures to obviate queuing of construction traffic on the adjoining road network; (g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network; (h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works; (i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels; (j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater; (k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil; (l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains. (m) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be available for inspection by the planning authority; <p>Reason: In the interest of amenities, public health and safety and environmental protection</p>
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11.	<p>Site development and building works shall be carried out only between the hours of 07:00 to 19:00 Mondays to Friday inclusive, between 08:00 to 14:00 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the amenities of property in the vicinity.</p>
12.	<p>The proposed development shall not overhang any adjoining third party properties.</p> <p>Reason: To safeguard residential amenity and in the interest of orderly development.</p>
13.	<p>Proposals for an apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).</p> <p>Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.</p>
14.	<p>Prior to the commencement of development the developer shall enter into a Connection Agreement (s) with Uisce Éireann to provide for a service connection(s) to the public water supply and/or wastewater collection network.</p> <p>Reason: In the interest of public health and to ensure adequate water/wastewater facilities.</p>

15.	<p>A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities for each apartment unit shall be submitted to, and agreed in writing with, the planning authority, prior to commencement of development. Thereafter, the agreed waste facilities shall be maintained and waste shall be managed in accordance with the agreed plan.</p> <p>Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.</p>
16.	<p>All service cables associated with the proposed development such as electrical, telecommunications and communal television, shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.</p> <p>Reason: In the interests of visual and residential amenity.</p>
17.	<p>The management and maintenance of the proposed development, following completion, shall be the responsibility of a legally constituted management company, which shall be established by the developer. A management scheme, providing adequate measures for the future maintenance of the development; including the external fabric of the buildings, internal common areas (residential and commercial), open spaces, roads, paths, public lighting, waste storage facilities and sanitary services, shall be submitted to and agreed in writing with the planning authority, before any of the residential or commercial units are made available for occupation.</p> <p>Reason: To provide for the future maintenance of this private development in the interest of residential amenity and orderly development.</p>
18.	<p>No signage, advertisement or advertisement structure (including that which is exempted development under the Planning and Development Regulations, 2001 (as amended)), shall be erected or displayed on the</p>

	<p>buildings or within the curtilage of the site unless authorised by a further grant of planning permission.</p> <p>Reason: In the interest of visual amenity and to protect the character of this protected structure.</p>
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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.

Clare Clancy

26th May 2026

Appendix 1 – Form 1 - EIA Pre-Screening

Case Reference	PL-500247-LK-25
Proposed Development Summary	To convert the existing six-bay six-storey stone corn warehouse structure which is a protected structure (No. 3062) into a mixed use building (12 apartments, commercial/retail at ground floor)
Development Address	3-4 Robert Street, Prior's Land, Limerick
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2,	

<p>Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994.</p> <p>No Screening required.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p>EIA is Mandatory. No Screening Required</p>	
<p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p>Preliminary examination required. (Form 2)</p> <p>OR</p> <p>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p>	<p>Class 10(b) of Part 2,</p> <p>(i) Construction of more than 500 dwelling units.</p> <p>(iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.</p>

<p>4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</p>	
<p>Yes <input type="checkbox"/></p>	
<p>No <input checked="" type="checkbox"/></p>	

Inspector: _____ Date: _____

Appendix 2 – Form 2 - EIA Preliminary Examination

Case Reference	PL-500247-LK-25
Proposed Development Summary	To convert the existing six-bay six-storey stone corn warehouse structure which is a protected structure (No. 3062) into a mixed use building (12 apartments, commercial/retail at ground floor)
Development Address	3-4 Robert Street, Prior's Land, Limerick
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	Development comprises the conversion of an existing vacant derelict store building to residential use providing for 12 no. apartments and commercial/retail at ground floor level. The stated area of the site is 0.030 ha. The site is connected to adjoining public water and wastewater infrastructure services. The size of the development would not be described as exceptional in the context of the existing environment. The proposal will not provide significant waste, emissions or pollutants. No demolition works required or the use of substantial natural resources, or give rise to significant risk of pollution or nuisance. The development by virtue of its type does not pose a risk of major accident and/or disaster or is vulnerable to climate change.
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	The appeal site is located in an urban area in Limerick city centre. Adjoining land uses include residential, commercial, retail. The existing building is vacant. There are no nearby water courses. There are no significant environmental sensitivities in the vicinity. No bats or bat roosts present on site (survey carried out). The site is not designated as Natural Heritage area (NHA) or Proposed Natural Heritage Area (pNHA). It is not designated as a European site and does not adjoin a designated site. Potential impacts on European sites is addressed under the Appropriate Assessment Screening.

	<p>The building is a protected structure. It is not located within a designated Architectural Conservation Area. It is located within a zone of notification for the Recorded Monument LI005-017.</p> <p>It is not considered that any significant cumulative environmental impacts will result when considered in accumulation with existing developments.</p> <p>There are no identified risks of accidents or disasters, nor is there an obvious risk to human health that result from the proposed development.</p> <p>The proposed development will not give rise to the production of significant waste, emissions or pollutants.</p>
<p>Types and characteristics of potential impacts</p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>Alteration works would be required to the protected structure. The impact of the works would be mitigated through adherence to a Conservation Method Statement. During construction phase, noise, dust and vibration emissions are likely. However any impacts would be local and temporary in nature, and the implementation of standard construction practice measures would satisfactorily mitigate potential impacts.</p> <p>Impacts on the adjoining public road would be mitigated by adherence to a Construction Management Plan. No significant impacts on the surrounding road network are considered likely at operational stage.</p> <p>Having regard to the nature and scale of the proposed development on a brownfield site in an urban area and low impact characteristics of the proposed development, its location which is at a remove from sensitive habitats/features likely limited magnitude and spatial extent of effects and absence of in combination effects there is no potential for significant effects on the environment.</p>
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.

<p>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</p>	
<p>There is a real likelihood of significant effects on the environment.</p>	

Inspector: _____ **Date:** _____

DP/ADP: _____ **Date:** _____

(only where Schedule 7A information or EIAR required)

Appendix 3 – WFD Stage 1 Screening

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Comisiún Pleanála ref. no.	PL-500247-LK-25	Townland, address	3-4 Robert Street, Prior's Land, Limerick
Description of project		To convert the existing six-bay six-storey stone corn warehouse structure which is a protected structure (No. 3062) into a mixed use building (12 apartments, commercial/retail at ground floor)	
Brief site description, relevant to WFD Screening,		The site is a brownfield site on urban lands in Limerick city centre. The nearest waterbody is the Shannon River.	
Proposed surface water details		Proposed to connect with existing public storm sewer	
Proposed water supply source & available capacity		Proposed connection to public water mains without infrastructure upgrade	

Proposed wastewater treatment system & available capacity, other issues	Proposed connection to public water mains without infrastructure upgrade
Others?	Not applicable