



---

**Planning and Development Acts 2000 to 2016**

**Planning Authority: Limerick City and County Council**

**Planning Register Reference Number: 16/1**

**Appeal** by An Taisce – Limerick Association care of 1 Thomond Row, Farranshone, Limerick City against the decision made on the 12<sup>th</sup> day of December, 2016 by Limerick City and County Council to grant subject to conditions a permission to Limerick Institute of Technology care of Tom Phillips and Associates of 80 Harcourt Street, Dublin in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Demolition of 95 square metres of unoccupied floor space, entrance structures and canopies and change of use of unoccupied floor space (7,328 square metres) (in addition to part of the existing car park) from retail and related used to education and training use with related ancillary enterprise and innovation uses and ancillary café use (140 square metres). The development will also consist of the following: additional floor space at ground level (100 square metres) and at first floor level, within the existing building envelope (2,751 square metres) for education and training use with related ancillary enterprise and innovation uses; bike storage areas (58 square metres); storage area (44 square metres); elevational amendments, including new opes and signage; revised internal layouts; alterations to existing roof profile (without increasing the maximum height of the building); provision of roof plant; new service yard to the south; bus shelter; all hard and soft landscaping; revisions to existing car park; external lighting; boundary

treatments; changes to levels; and all associated development above and below ground. The gross floor space of the new educational facility (including ancillary café use and external storage areas) will be 10,281 square metres, all on a 3.15 hectares site comprising an un-occupied part of the Coonagh Cross Shopping Centre, Retail and Entertainment Park, and part of the associated car parking and access roads at Clondrinagh and Clonconane, Ennis Road, Limerick. For the avoidance of doubt, the site excludes the part of the shopping centred and car park occupied by Tesco. The proposed development was revised by further public notices received by the planning authority on the 8<sup>th</sup> day of September, 2016.

## **Decision**

**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

## **Matters Considered**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## Reasons and Considerations

Having regard to the nature of the proposed development, to the existing and permitted pattern of development on the site and to the General Mixed Use Zoning of the site, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area, would not adversely affect the character of the area, would be acceptable in terms of access, traffic safety and convenience and would not, therefore, be contrary to the proper planning and sustainable development of the area.

## Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted to the planning authority on the 29<sup>th</sup> day of August, 2016 and the 16<sup>th</sup> day of November, 2016, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The use of the development for higher education use and ancillary enterprise and innovation uses shall be restricted to the engineering faculty of Limerick Institute of Technology.

**Reason:** In the interest of clarity.

3. The external finishes of the proposed development shall be as indicated on the plans and drawings submitted at application stage.

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

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

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

5. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of the building.

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

6. 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 shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

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

7. (a) The construction of the development shall be managed in accordance with a Construction Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste.
- (b) Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 09.00 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.

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

8. The proposed development borders storage channels of The Coonagh Embankment Scheme, principally channels C7/5 and C2. A five-metre-wide strip shall be retained adjacent to these channels for ongoing access and maintenance. Where access is presently available to these channels from the developer's property, it shall remain accessible to mechanical plant and shall not be landscaped, paved or otherwise further developed in a manner that would prevent access.

**Reason:** In the interests of proper planning and public health and safety.

9. The following measures shall be implemented with regard to flood risk -
- (a) Implementation of the mitigation measures outlined in the 'Flood Risk Assessment Report' submitted with the application.
  - (b) Installation of removable water resistance flood barriers at the entrance doors and openings of the building.
  - (c) Installation of electric equipment above possible flood level of 5.5 metres OD.
  - (d) Provision of bunded area with a minimum top level of surrounding wall of 5.5 metres OD for storage of hazardous substances such as oils, fuels and chemicals.
  - (e) Provision of surface water and foul network against infiltration of flood water to prevent surcharge within the building.

**Reason:** In the interests of proper planning and public health and safety.

10. The developer shall prepare an Emergency Flood Response Plan to manage the risk to persons using the building, including clearly labelling excavation routes. This shall be maintained in perpetuity. The onus shall be on the management to make themselves aware of flood risk alert issues for the area from various sources.

**Reason:** In the interests of proper planning and public health and safety.

11. No advertisement or advertisement structure, other than those shown on the drawings submitted with the application, shall be erected or displayed on the building, or within the curtilage of the site, in such a manner as to be visible from outside the building, unless authorised by a further grant of planning permission.

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

12. The development shall comply with the requirements of the planning authority. Prior to commencement of development, details of the following shall be submitted to and agreed in writing with of the planning authority:

- (a) A minimum of two speed ramps shall be provided between the campus entrance and the junction with the Clondrinagh link road.
- (b) The proposed three metres wide high quality raised shared surface cycle and footpath shall extend to the Limerick Institute of Technology campus entrance. At the two locations where this surface intersects vehicular traffic, a raised table-top surface shall be provided for pedestrians.
- (c) Protective railings shall be provided at both sides of the Ferndale Road and at both sides of the crossing point at Ferndale Road.
- (d) Prior to the occupation of the building, a traffic signage management plan shall be submitted to and agreed in writing with the planning authority.

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

13. A private shuttle bus shall operate between Limerick Institute of Technology Moylish and Limerick Institute of Technology Coonagh at the expense of Limerick Institute of Technology until such time as suitable public transport provision is in place. When suitable public transport is in place, the developer shall obtain written agreement from the planning authority that sufficient public transport is available prior to the ceasing of the private shuttle bus.

**Reason:** In the interests of smarter travel objectives and sustainable traffic.

14. The smarter travel objectives set down in the Mobility Management Plan (MMP) submitted with the planning application shall be fully implemented.

- (a) Limerick Institute of Technology shall prioritise public transport services to Limerick Institute of Technology Coonagh.
- (b) A monitoring report shall be submitted to the planning authority on the first anniversary of the first occupation of the development. Further monitoring reports shall be completed and submitted to the planning authority on the third and fifth anniversaries of the first occupation of the Limerick Institute of Technology building.
- (c) The monitoring report shall assess the level of compliance with the Mobility Management Plan in terms of both measures and targets. This monitoring report shall include the following information:
  - (i) An assessment of performance against key targets and measures set out in the Workplace Travel Plan,
  - (ii) Information on travel mode share, and
  - (iii) Identifying modal splits by car, car-sharing, public transport, walking and cycling and to secure sustainable development patterns.



