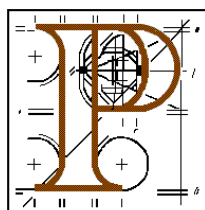


**An Bord Pleanála**



**Inspector's Report**

**Proposed Development:** Permission for the construction of a new pedestrian route between the existing the Mary Immaculate College Campus and Mount St. Vincent including alterations to the boundary of Scoil Mhathair De and Gerard House, hard and soft landscaping, new building entrance to Gerard house, public lighting and all associated site works (this site is in an Architectural Conservation Area (ACA1B)), all at O'Connell Avenue, Limerick.

**Planning Application**

Planning Authority:	Limerick City & County Council
Planning Authority Reg. Ref.:	15/658
Applicant:	Mary Immaculate College
Type of application:	Permission
Planning Authority Decision:	Grant permission

**Planning Appeal**

Appellants:	Mount Gerard Residents Association
Type of appeal:	Third Party against permission
Observers:	None

Date of Site Inspection: 10<sup>th</sup> March, 2016.

**Inspector:** **A. Considine**

## **1.0 THE SITE**

- 1.1 The site is located between O'Connell Avenue to the east and South Circular Road to the west, comprising the area around and to the west of Gerard House, and to the south west of Limerick City Centre. To the north of the site lies the entrance road into Mount Gerard Court, a small and well established residential estate. Across South Circular Road, and further to the west, lies the main Mary Immaculate College Campus. To the south of the subject site is Scoil Mhathair De and its associated grounds.
- 1.2 The surrounding area is generally a combination of both educational and residential. This area of the City is well serviced public transport facilities, including the Limerick Bikes scheme. The site has a stated area of 0.232ha as indicated in the submitted planning application form and details.

## **2.0 PROPOSED DEVELOPMENT**

- 2.1 The application to Limerick County Council was for the construction of a new pedestrian route between the existing the Mary Immaculate College Campus and Mount St. Vincent including alterations to the boundary of Scoil Mhathair De and Gerard House, hard and soft landscaping, new building entrance to Gerard house, public lighting and all associated site works (this site is in an Architectural Conservation Area (ACA1B)), all at O'Connell Avenue, Limerick.
- 2.2 In terms of the proposed development, the Bord will note that the works proposed will provide for the removal of existing walls and railings, and the erection of a new boundary fence between the site and Scoil Mhathair De. The works will result in the extending of the existing public open space at the entrance to Mount Gerard Court.

## **3.0 REPORTS ON PLANNING FILE**

- 3.1 There is 1 no third party objection noted on the planning file report from the Residents of Mount Gerard and the issues raised are summarised as follows:

- The Residents Association is seeking a minor amendment to the proposed development to address concerns of impact on residential amenity.
- The amendment sought relates to the retention of the existing boundary railings, walls and gate of Scoil Mhathair De and Gerard House so that the proposed footpath/cycleway link is physically separated from the entrance to Mount Gerard Court.
- It is submitted that the description of the proposed does not include the cycleway.
- A history of correspondence between the Residents Association and Mary Immaculate College is described.
- The submission presents a number of sections as follows:
  - Development Plan context
  - The proposed development
  - Residential amenity
  - Revised scheme & changing circumstances
  - The benefits of the status quo in respect of railings
- The submission concludes seeking that the development be granted subject to conditions requiring the retention of existing boundary railing, walls and gate and the omission of the landscaping plan and signage proposed for the entrance to Mount Gerard Court, ie. the part of the site which is outside the existing railings.

The submission includes details of the original sales brochure for Mount Gerard Court.

3.2 There are no external reports noted on the planning file.

3.3 There are 2 no. internal reports noted from other departments within Limerick County Council on file from the following:

Executive Archaeologist: No archaeological issues raised.

Conservation Office: Further information sought as the level of documentation submitted is considered insufficient for a development involving an ACA.

3.4 The initial Planning Report on file noted that there is an existing pedestrian crossing on the public road linking the main Mary Immaculate Campus and the proposed site. The report further notes

the location of the site within the ACA and the comments of the Conservation Officer. Further information is recommended with regard to 4 points relating to architectural conservation and issued on the 13<sup>th</sup> October, 2015.

3.5 A response to the further information request was submitted seeking to address the issues raised. In terms of the proposed development, the submission advises that nothing of heritage or conservation significance needs to be removed in order to form or facilitate the new pedestrian route proposed. It is further submitted that once the garages have been removed, the restoration of the original appearance of the north elevations of the MIC Drama Building will be possible. The creation of a new landscaped public realm open space will help the forthcoming unification of the two sites by formally designating the commencement point of the new pedestrian link at the junction with the South Circular Road. The submission deals with each item of the further information request and concludes seeking that permission be granted for the proposed development.

3.6 Following receipt of the further information response, no further third party submissions were noted.

3.7 Following receipt of the further information response, no further external bodies submitted reports.

3.8 Following receipt of the further information response, there were was a further report from the Conservation Office advising that the level of information provided is now satisfactory. Conditions are recommended in any grant of planning permission.

3.9 The final Planning Report prepared following receipt of the response to the further information request presents a number of conditions to be attached to a grant of planning permission.

#### **4.0 DECISION OF THE PLANNING AUTHORITY**

The Planning Authority decided to grant planning permission for the proposed development subject to four conditions.

## 5.0 RELEVANT PLANNING HISTORY

The following is the relevant planning history associated with the subject site:

**01/770264:** Permission granted to Mary Immaculate College for the change of use of Gerard House from Nursing Home to Educational and Office use.

**06/770317:** Permission granted to the Congregation of Mercy Sisters for a proposed development within the grounds of the Convent of Mercy, Mount Saint Vincent, O'Connell Avenue, Limerick City on site of area 2625 sq.m bounded by O'Connell Avenue to the east and Scoil Carmel to the south, and accessed through the existing vehicular entrance off O'Connell Avenue. The development will include:

- the creation of 1 no. new pedestrian gate in stone wall to O'Connell Avenue;
- construction of a new 1 and 2 storey convent/ residential community building of gross floor area 1442 sq.m comprising 23 no. bedrooms and communal facilities and associated site works;
- associated site works
- 3 no. courtyard gardens;
- Reconfiguration and upgrading of car park space adjacent to existing convent building to include 7 no. car parking spaces;
- Construction of new boundary fence to Scoil Carmel

**14/782:** Planning permission granted to Mary Immaculate College for the change of use from Residential to Educational, internal alterations to layout of the existing buildings, replacement/upgrade of building services, construction of new underground boiler house and rainwater harvesting storage tanks, relocation of some site structures, demolition of existing garages to form link towards existing College Campus, alterations to existing car parking and provision of additional car parking, hard and soft landscaping, widening of site entrance onto O'Connell Avenue, erection of railings and gates and all associated site works. The proposed works are within the curtilage of Protected Structures RPS 373, RPS 374 and RPS 375 and in an Architectural Conservation Area (ACA1B).

The Board will note that this permission included a drawing showing the intended pedestrian route through the site which would utilise the

existing footpath to the south of the entrance road into Mount Gerard Court and using the existing pedestrian entrance gate to Gerard House.

## **6.0 POLICY CONTEXT**

### **6.1 Development Plan:**

6.1.1 The Limerick City Development Plan 2010 – 2016 is the statutory Development Plan for the city of Limerick. The subject site is located within the environs of Limerick City and is identified as falling within the South Circular road / Ballinacurra area of the City. The Plan notes that this area stretches from the Docklands to the city boundary and includes Wolfe Tone Street, Ballinacurra Gardens and Greenfields as well as the entire South Circular Road area. This area includes the two strategic arterial routes to the city centre namely the Dock Road and O'Connell Avenue. The area contains a high concentration of educational institutions that include Mary Immaculate College, Laurel Hill, St. Cements and Scoil Carmel secondary schools and a number of primary schools including the Model School and the Project school.

6.1.2 The following are relevant Key Objectives provided for in the Plan as it relates to developments within ACAs:

- To protect the existing architectural heritage of the area by creating architectural conservation areas.
- To provide adequate public transportation infrastructure (green routes) in the area through negotiation with the stakeholders of the area;
- To examine means of reducing traffic congestion at peak times through more sustainable and coordinated school mobility planning;
- To support the continuing development of Mary Immaculate College in a manner that does not adversely impact of the amenities of the area;

6.1.3 In addition, the subject site is located within an identified Architectural Conservation Area, ACA 1B South Circular Road & New Street. In this regard, the following policy objective is relevant:

Policy BHA.19 ACA 1B South Circular Road & New Street

It is the policy of Limerick City Council to protect and enhance the special heritage values, unique characteristics and distinctive features of ACA 1B (the South Circular Road and New Street) as shown on Map 5.1B of the Development Plan, from inappropriate development affecting the external materials and features defined in the 'Statement of Character' and 'Key Threats to Character'.

6.1.4 The site has the zoning Objective ZO.2 (B) Educational, Cultural & Community where it is the stated objective 'to facilitate the provision of educational, cultural and community facilities to support local communities.'

## **7.0 GROUNDS OF APPEAL**

7.1 This is a third party appeal against the decision of Limerick City & County Council to grant planning permission for the proposed development. The appeal submits that there is no objection in principle to the making of a pedestrian and cycleway link. The grounds of appeal are summarised as follows:

- The objection primarily relates to the proposed demolition and removal of boundary walls and railings which currently separate Mt. Gerard Court from the college.
- The demolition of the railings has no bearing on the proposed path and cycleway.
- Procedural issues:
  - Limerick City & County Council has not assessed the submission made by the Mount Gerard Residents Association. Both planning reports state that 'no objections received during the statutory timeframe'.
  - The development is not adequately described in the public notices. The development is described as 'a new pedestrian access route'. There is no reference to the cycleway and no reference to the significant public space which is proposed. The development is much more than a connection between two parts of the MIC campus.
  - There is inadequate description and assessment of the footpath and cycleway. There are over 3000 students and approximately 300 staff in MIC. The proposed link will become the main access to the campus for walkers and cyclists and is therefore a significant development proposal.

The application is devoid of specific details about the operation and management of the link.

- Design & Operational Grounds:
  - The development would have a significant adverse impact on the residential amenity of Mt. Gerard Court as a result of the assimilation of its entrance into a new open public area, traversed by the proposed footpath/cycleway.
  - There has been no consultation or agreement between MIC and the residents with regard to the proposed changes to the entrance to their estate.
  - The area has a semi-public character and while the estate has been taken in charge, the residents make an annual contribution to the areas maintenance and upkeep.
  - The wall and railing comprise a zoning boundary in the City Development Plan with the area to the north zoned residential and the south zoned educational, cultural and community.
  - Had the PA indicated that the area at the entrance to the residential estate was to be assimilated into the college, it should have signalled that by revising the zoning plan.
  - There is no management plan for the new public space provided and most of the space would not be in the ownership of the college.
  - Concerns raised regarding the potential for antisocial behaviour within the space
- The proposed development has two components, a pedestrian / cycleway link and a campus public space incorporating the entrance to Mt. Gerard Court.
- It is requested that permission be granted for the pedestrian / cycleway link and refuse permission for the demolition of the existing boundary walls and railings in order to protect the established residential amenity of Mt. Gerard Court.

## **8.0 RESPONSES**

### **8.1 Planning Authority:**

The Planning Authority has responded to this appeal advising no further comments.

### **8.2 First Party Response to Third Party Appeal:**

The applicant, through their agent, has responded to the third party appeal. The submission presents an outline and context of the



proposed development, and advises that the proposed development is to enhance the permeability and overall accessibility of the nationally important third level institute. It is further submitted that the development will greatly improve the public realm through the removal of barriers/walls and the provision of high quality hard landscaping, and is in line with national policy to increase cycling and walking as a means of travel as set out in Smarter Travel – A Sustainable Transport Future – A New Transport Policy for Ireland 2009-2020, DTTS 2009. It is further submitted that the pedestrian route as proposed consists of utilising an undeveloped land ‘corridor’ through the Mount St. Vincent’s site and the Scoil Mhathair De primary school. The response to the appeal is summarised as follows:

- Procedural Issues:
  - It is considered that the issue raised is a matter for the Planning Authority.
  - It is considered that the PA gave due consideration to all relevant planning considerations, including residential amenity.
  
- Description of Development:
  - The description of the development provides sufficient details so as to inform in accordance with the legislation.
  - Many pedestrian routes are shared with other ancillary road users including cyclists, persons with buggy/pram, wheelchair users, persons walking dogs, joggers etc.
  - The application drawings, which formed part of the planning pack referred to the shared areas and the appellants had sight of same.
  - Should the Board require further public notices, the applicant is happy to facilitate same.
  
- Insufficient detail provided:
  - It is submitted that sufficient information has been provided.
  - Issues of management of the space is a matter for compliance with the PA and will not materially alter the nature of the proposed development.
  
- Residential Amenity:
  - The development will not negatively impact on the residential amenity of Mt. Gerard Court.
  - The proposal improves accessibility and connectivity and does not intensify the use of the entrances to the established institutions.

- The development will direct pedestrians and cyclists further away from the residential area.
  - The public open space referred to is not private as asserted by the appellant and the estate has been taken in charge by the Council who maintain the area.
  - The development will improve the open space provision for the area and is in line with best practice in accordance with the Urban Design Manual – A Best Practice Guidelines, DoEHLG, 2009.
  - The College held meeting since 2014 with the residents since 2014 regarding the previous planning application, but the issue of the removal of the railings remained unresolved.
- Alleged deficiencies in future management of space:
- The management of the space can be addressed by condition and agreement with the PA. The College already operate an extensive programme of maintenance works throughout the campus and has an excellent track record.
  - It is unlikely that the space will become subject to anti-social behaviour as the space is open, visible from the public road and will benefit from natural surveillance.

It is submitted that the development will have a significant beneficial impact on the college and represents a positive intervention in the areas open space layout and designs.

A number of enclosures are included with the response document including details of correspondence between the applicant and the residents of Mt. Gerard Court.

## **9.0 OBSERVERS:**

There are no observers noted in relation to this appeal.

## **10.0 ASSESSMENT**

Having undertaken a site visit and having regard to the relevant policies pertaining to the subject site, the nature of existing uses on and in the vicinity of the site, the nature and scale of the proposed development and the nature of existing and permitted development in the immediate vicinity of the site, I consider that the main issues pertaining to the proposed development, considering the proposal *de novo* can be assessed under the following headings:

1. General Compliance with the Limerick City Development Plan
2. Planning History
3. Residential amenity issues
4. Other Issues
5. Appropriate Assessment

### **10.1 General Compliance with the Limerick City Development Plan:**

10.1.1 The subject site is located within the established development boundaries of Limerick City and is zoned Objective ZO.2(B) Educational, Cultural & Community where it is the stated objective 'to facilitate the provision of educational, cultural and community facilities to support local communities.' To the north of the subject site, the Plan zones the area residential, which includes the residential estate of Mount Gerard Court, and it is the objective of the Plan to protect residential amenity. In addition, the Board will note that the subject site is located within a designated Architectural Conservation Area and is directly associated with the wider Mary Immaculate College Campus, including the Mount St. Vincent site which has permission for redevelopment associated with the College, which includes a number of protected structures.

10.1.2 The subject site is located within an identified Architectural Conservation Area within Limerick City, ACA 1B South Circular Road & New Street. In this regard, the Plan provides a number of Key Objectives in terms of developments within ACAs:

- To protect the existing architectural heritage of the area by creating architectural conservation areas.
- To provide adequate public transportation infrastructure (green routes) in the area through negotiation with the stakeholders of the area;
- To examine means of reducing traffic congestion at peak times through more sustainable and coordinated school mobility planning;

- To support the continuing development of Mary Immaculate College in a manner that does not adversely impact of the amenities of the area;

10.1.3 In addition, it is the stated policy objective, Policy BHA.19 ACA 1B South Circular Road & New Street, which states as follows:

It is the policy of Limerick City Council to protect and enhance the special heritage values, unique characteristics and distinctive features of ACA 1B (the South Circular Road and New Street) as shown on Map 5.1B of the Development Plan, from inappropriate development affecting the external materials and features defined in the 'Statement of Character' and 'Key Threats to Character'.

10.1.4 The proposed development seeks provide a new pedestrian link route between Mary Immaculate College Campus and Mount St. Vincent. The development involves the demolition of three garages located between Gerard House and the Drama building in order to provide access between the two sites. Planning permission has been granted for the demolition of the garages under PA ref 14/782. The development will provide for a shared pedestrian and cycle path which will run generally in an east west direction and with the removal of the garage buildings, will provide access between O'Connell Avenue and Mary Immaculate College on South Circular Road. The path is to be finished using cobble lock paving to match the existing paving in Mary Immaculate College Campus.

10.1.5 In addition, the proposal provides for alterations to boundaries including the erection of a new boundary to the south of the proposed shared path creating a new boundary between the path and the primary school, Scoil Mhathair De. This boundary will comprise a new 2.2m high fence with a double gate to facilitate cars getting into the grounds of the primary school. To the north of the fence, along the path, it is intended to plant laurel hedging and trees. The existing boundary to the north of the subject site comprises a dwarf wall with railings and separates the site from the entrance to the adjacent residential estate, Mt. Gerard Court. A similar, but smaller wall and railing boundary, is provided around Gerard House which is also proposed to be removed as part of the proposed development. The removal of the wall and railings, it is advised, will provide for an enlarged public open space area, to the benefit of residents as well as

the students of Mary I. There are five existing tree stumps located within the site which are to be removed to extend the open space area.

10.1.6 The boundary fronting onto South Circular Road is also to be removed. The existing wall and railings, together with the existing pedestrian gate, will be removed and the path will join up onto the existing pedestrian crossing on South Circular Road, which in turn, is located immediately adjacent to the pedestrian access into the Mary I campus. There is an existing roadside railing located on the road side of the footpath in this location and it would appear that this is to remain in place. The applicant submits that the elements of the proposed development to be removed have no architectural merit

10.1.7 In terms of compliance with the requirements of the City Development Plan, I am satisfied that in principle, the proposed development can be considered acceptable. I have considered the issues which have the potential to affect the Architectural Conservation Area but I would concur with the Conservation Officer and the applicant that the elements to be removed, will not affect the character of the area, and in conjunction with the planning permission already permitted for the wider site including Mount St. Vincent, to the detriment of the ACA. Issues of residential amenity will be discussed further below.

## **10.2. Planning History:**

10.2.1 The Board will note that planning permission has been granted to Mary Immaculate College, under planning reference 14/782, for the change of use from Residential to Educational, internal alterations to layout of the existing buildings, replacement/upgrade of building services, construction of new underground boiler house and rainwater harvesting storage tanks, relocation of some site structures, demolition of existing garages to form link towards existing College Campus, alterations to existing car parking and provision of additional car parking, hard and soft landscaping, widening of site entrance onto O'Connell Avenue, erection of railings and gates and all associated site works. The proposed works are within the curtilage of Protected Structures RPS 373, RPS 374 and RPS 375 and in an Architectural Conservation Area (ACA1B).

10.2.2 The Board will note that this permission included the demolition of the three garage buildings which will effectively provide the pedestrian / cycle access between the two sites. In addition that proposal provided a drawing showing the intended pedestrian route through the site which would utilise the existing footpath to the south of the entrance road into Mount Gerard Court and using the existing pedestrian entrance gate to Gerard House. In effect, pedestrians would in this instance, be directed towards the entrance road to the residential estate and be brought circuitously to the pedestrian crossing on South Circular Road. The appellants suggest that 'the permitted proposal sought the creation of a pedestrian / cycle way between the existing college campus and the proposed Mount Campus via Mount Gerard Court cul-de-sac.' Given the layout of Mt. Gerard Court, I do not consider that this description is accurate.

10.2.3 At this point, I would note that the principle of the proposed development is not being appealed, rather, the appellants are seeking that permission for the pedestrian access be granted but that the existing boundary fence between the site and the open space at the entrance to Mt. Gerard Court be retained. As indicated above, the reference to the use of the cul-de-sac road is somewhat extreme. The layout of the estate provides that the 9 houses which make up Mt. Gerard Court, are set back off the South Circular Road and are accessed over the subject access road. However, this road also provides vehicular access to Gerard House and Scoil Mhathair De. In addition, there is a vehicular access off this road to the Mount Saint Vincent Site through to O'Connell Avenue, before arriving to the actual houses within the small estate. In addition, there are 10 public parking spaces which are subject to charges located in this area adjacent to the public open space. I would consider the area to be in general public use.

10.2.4 I suggest that it is fair to say that the current proposal is different from the original and permitted proposal in relation to pedestrian and cycle permeability through the Mary I campus. I do accept that the concerns of the residents extend to the removal of the boundary wall and railing between the two sites. These issues will be discussed further below in terms of potential impacts on residential amenity. Overall I consider that the proposed development is supported by the Smarter Travel principles and will, if permitted, promote a safe walking and cycling route as alternatives to cars in the interest of sustainable transportation in the area.

### **10.3 Residential amenity issues**

10.3.1 There is no objection in principle to the making of a pedestrian and cycleway link from the third party appellants. The primary concerns raised to the proposed demolition and removal of boundary walls and railings which currently separate Mt. Gerard Court from the college. It is further submitted by the third party that the demolition of the railings has no bearing on the proposed path and cycleway. The appellant also raises a number of procedural issues which are addressed below.

10.3.2 It is submitted that if the intention of the Planning Authority was to incorporate the open space area into the college, then the Development Plan should have been amended. The subject site is currently zoned educational, cultural and community, while to the north of the site, and to the north of the wall and railing to be removed, is zoned residential. The wall and railing currently comprise the zoning boundary in the City Development Plan as described. I would not consider that the proposed development conflicts with the zoning objective for either the residential zoning or the educational, cultural and community zoning. The open space as it exists is in public ownership – the appellant has advised that the estate has been taken in charge – and the proposal seeks to extend this public open space by removing the wall and railing. I would not necessarily accept that the proposed development is seeking to ‘assimilate the entrance of Mt. Gerard Court estate into the proposed open space’ as submitted by the appellants. Clearly the proposed development is seeking to locate the proposed footpath/cycleway at a distance from the vehicular entrance to the estate with an enlarged public open space area provided.

10.3.3 While I have no objection in principle to the enlarging of the public open space area as proposed, I am concerned that the wall and railing form a boundary between two different sites in different ownership. As such it is effectively a party wall. It is noted that the area is likely in the ownership of the Local Authority, who have granted planning permission for the removal of the wall and railings, but no letter of consent has been submitted advising no objections to the making of the planning application. That said, I refer the Board to Section 34(13) of the Planning & Development Act, 2000 as amended which provides that a person shall not be entitled solely by reason of a permission under this section to carry out any development.

10.3.4 Overall, I am satisfied that the proposed development will not have a significant or negative impact on the existing residential amenity of the area and if permitted, will provide for an improved public realm for both residents and the general public. While I acknowledge the concerns raised in relation to the potential for anti-social behaviour, I am satisfied that there is no evidence to suggest that this would be encouraged or facilitated by the proposed development. I agree that a management plan for the public open space should be in place and that this could reasonably be dealt with by way of condition. I also consider that a period of ten years should be considered for such a management plan by the applicant.

#### **10.4 Other issues:**

10.4.1 The third party raised a number of procedural issues relating to the proposed development which I considered reasonable to address here. It is initially submitted that Limerick City & County Council did not assess the submission made by the Mount Gerard Residents Association and that both planning reports state that 'no objections received during the statutory timeframe'. I accept that this appears to be the case. The proposed development is now to be assessed by the Board and all issues raised by third parties and all other parties to the appeal have been considered in this report and assessment.

10.4.2 Further to the above, the appellant considers that the development is not adequately described in the public notices. The development is described as 'a new pedestrian access route'. There is no reference to the cycleway and/or the significant public space which is proposed. The appellants consider that the development is much more than a connection between two parts of the MIC campus. I have considered this matter very carefully. I accept that in light of the planning permission granted under planning reference 14/782, there is potential for increased levels of pedestrians / cyclists using the proposed link. However, having undertaken a site visit, it is clear that a pedestrian access to the subject site already exists, as evidenced in the existing path, approximately 3.5m, on the site together with the gate which is located onto South Circular Road. In addition, I have referred to a vehicular access which existing off the Mount Gerard Court access road which potentially provides access from O'Connell Avenue to South Circular Road. I am satisfied that the current situation accommodates cyclists and that the proposed development will continue to facilitate all users and improve accessibility and permeability for pedestrians and cyclists.



10.4.3 The appellant further considers that there is an inadequate description and assessment of the footpath and cycleway on the basis that there are over 3000 students and approximately 300 staff in MIC. Concern is raised that the proposed link will become the main access to the campus for walkers and cyclists and is therefore a significant development proposal. I would not necessarily concur. Planning permission exists for the development of the Mount St Vincent site and the subject proposal will provide improved and appropriate connectivity between the two campus sites which will promote walking and cycling between the sites. Technically, there already exists a connection between the two sites, albeit directly over the access road to Mt. Gerard Close, to the north of Gerard House. The subject proposal clearly provides for a connection which will have no impact on the existing residential amenities of Mount Gerard Court. I am satisfied that the description of the development is adequate in terms of the requirements of the Planning & Development Regulations, 2001 as amended.

10.4.4 The Board will note that the appellants have voiced concerns that the applicants did not consult with the residents in relation to the proposed path. In response, the applicants have submitted details of correspondence between the parties. I also note that there is no legal requirement for the applicants to consult with third parties.

10.4.5 The appellant raised concerns in relation to the proposal to erect new signage 'John Henry Newman Campus' within the open space area. It is submitted that the proposed sign shall be located to the north west of the subject proposed site, and not within the existing open space area. Details of the sign have not been provided as part of this proposed development, although they have been submitted as part of the previous permission associated with the overall development of Mary I. The Board may be minded to include a condition requiring that final details of the sign, including its location, be agreed with the Planning Authority prior to erection.

#### **10.6 Appropriate Assessment:**

Having regard to the minor nature and scale of the proposed development and the nature of the receiving environment, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect

individually or in combination with other plans or projects on a European site.

## **11.0 CONCLUSION & RECOMMENDATION:**

### **11.1 Conclusion:**

Having regard to the location of the subject site within the City of Limerick, the planning history and the context of the proposed pedestrian walk way and cycle path in terms of main Mary Immaculate College and the Mount St. Vincent Campus, the specific zoning objective relating to the site and the existing uses in the vicinity of the site, I consider that the principle of the proposed development at this location is acceptable.

In terms of the issues raised by third parties, I am satisfied that the development, if permitted as proposed, will have no significant or negative impact on the existing residential amenities of Mount Gerard Court, will contribute to an improved public realm for the benefit of the wider area and is acceptable in terms of the proper planning and sustainable development of the area.

### **11.2 Recommendation:**

It is recommended that permission be **GRANTED** for the proposed development, subject to the following conditions:

## **REASONS & CONSIDERATIONS**

Having regard to the provisions of the current Limerick City Development Plan, 2010-2016, the location of the subject site within the City of Limerick, the planning history and the context of the proposed site in terms of main Mary Immaculate College on South Circular Road and the Mount St. Vincent Campus, accessed off O'Connell Avenue, the pattern of existing and permitted development in the vicinity together with the information submitted as part of the planning application and in the appeal and the specific zoning objective relating to the site, the Board considers that the proposed development at this location is acceptable.

In terms of the issues raised by third parties, the Board is satisfied that the development, if permitted as proposed, would not injure the existing residential amenities of properties in the vicinity of the site, including Mount Gerard Court, will contribute to an improved public realm for the benefit of the wider area and is acceptable in terms of the proper planning and sustainable development of the area, subject to compliance with the following stated conditions

## **SECOND SCHEDULE**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 21<sup>st</sup> day of August, 2015 and the further plans and particulars submitted on the 10<sup>th</sup> day of December 2015, 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. A schedule of landscape maintenance shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This schedule shall cover a period of at least ten years, and shall include details of the arrangements for its implementation.

**Reason:** To provide for the satisfactory future maintenance of this development in the interest of visual amenity

3. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details

of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

**Reason:** In the interest of sustainable waste management.

4. Prior to commencement of development, the developer shall advise the Planning Authority regarding the appointment of a conservation expert, who shall manage, monitor and implement works on the site and ensure adequate protection of the historic fabric during those works.

All repair/restoration works shall be carried out in accordance with best conservation practice as detailed in the application and the “Architectural Heritage Protection Guidelines for Planning Authorities” (Department of Arts, Heritage and the Gaeltacht, 2011). The repair/restoration works shall retain the maximum amount possible of surviving historic fabric in-situ including structural elements, plasterwork and joinery and shall be designed to cause minimum interference to the building structure and/or fabric.

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

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**A. Considine**  
**Planning Inspector,**  
4<sup>th</sup> May 2016