



An
Bord
Pleanála

Inspector's Report ABP-303792-19

Development	Change of use from office to educational facility and all ancillary site works at first floor.
Location	Riverpoint, The Bishop's Quay, Limerick.
Planning Authority	Limerick City Council
Planning Authority Reg. Ref.	18/1045
Applicant(s)	Andrew Sweeney
Type of Application	Permission
Planning Authority Decision	Grant, subject to 2 conditions
Type of Appeal	Third Party -v- Decision
Appellant(s)	Riverpoint Dental Clinic
Observer(s)	None
Date of Site Inspection	2 nd May 2019
Inspector	Hugh D. Morrison

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1.0 Site Location and Description

- 1.1. The site comprises part of the first floor of Riverpoint, a multi-storey mixed-use complex of buildings in Limerick City Centre. This complex is sited in the eastern corner of the junction formed by Lower Mallow Street/Condell Road Bridge and Dock Road/Mount Kennett/The Bishop's Quay. It thus lies in a position adjacent to the south eastern quayside of the River Shannon and in the south western portion of the city centre, wherein shops, eateries, offices, hotels, institutional uses, and apartments predominate.
- 1.2. The site itself extends over an area of 327m of floorspace. The first floor circulation space that serves the site is shared with the appellant, i.e. Riverpoint Specialist Dental Clinic.

2.0 Proposed Development

- 2.1. The proposal would entail a change of use of the site from offices to an educational facility, which would be used by the applicant's Rightword Language Institute. This Institute teaches English. Nine staff are employed and overseas students in the 24 – 36 age group would attend, 25-week courses between the hours of 09.00 and 12.30 on weekdays.
- 2.2. The change of use would be facilitated by a refit to the existing offices, which would result in 8 classrooms, a reception area, a study area/breakout, a director's office, a teacher's room, a kitchenette, and toilets.

3.0 Planning Authority Decision

3.1. Decision

Following receipt of further information, planning permission granted, subject to 2 conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Further information was requested with respect to the following:

- Identity of tenant, number and profile of the students, opening hours, and maximum capacity of the school, and
- Issues raised by the third party.

3.2.2. Other Technical Reports

- Fire & Rescue Service: No objection, standard advice conveyed.

4.0 Planning History

P03/134: Parent permission for the overall mixed-use development comprising 3 blocks of 8 – 15 storeys, including 150 apartments (15,276 sqm), offices (2519 sqm), 4 shops (412 sqm), restaurant (250 sqm), creche (221 sqm), and gym (135 sqm). This permission was subsequently amended under permitted applications **P04/206** and **P05/416**.

5.0 Policy and Context

5.1. Development Plan

Under the Limerick City Development Plan 2010 – 2016, which remains the operative plan for the City, the site is shown as lying within the City Centre Area (CCA) and more specifically the City Centre Commercial Area (CCCA). The zoning objective for the former is “To support the retention and expansion of a wide range of commercial, cultural, leisure and residential uses in the City Centre as defined in the 2030 Economic and Spatial Plan”, and the zoning objective for the latter is “To support the retention and expansion of a wide range of commercial, cultural, leisure and residential uses in the commercial core area, (apart from comparison retail uses).”

5.2. Natural Heritage Designations

- Lower River Shannon SAC (site code 002165)
- Fergus Estuary and Inner Shannon, North Shore pNHA (site code 002048)

- River Shannon and River Fergus Estuaries SPA (site code 004077)

5.3. EIA Screening

The proposal would entail a change of use only to the part of the first floor of the Riverpoint complex and so for the purposes of EIA it would not constitute a project. Accordingly, the question as to whether or not this proposal should be the subject of a mandatory or a sub-threshold EIA does not arise.

6.0 The Appeal

6.1. Grounds of Appeal

- Attention is drawn to the small ground floor entrance foyer (c. 3m x 12m) and the existing pattern of use whereby the clients of professional offices and the dental clinic are typically met within this space on a one-to-one basis. Attention is also drawn to the small first floor corridor (c. 10m x 1.5m), which would be shared by the dental clinic and the proposed language school. The applicant understands that between 50 and 60 students would attend the proposed language school. Their introduction to the said small spaces and the attendant noise, disturbance, and overcrowding would create an undesirable environment for clients who are referred to the dental clinic and who maybe nervous and/or elderly.
- While the applicant has sought to provide reassurances concerning the avoidance of congregating in common areas, enforcement would be difficult, e.g. some of the circulation spaces and the ground floor entrance foyer would not be visible from the proposed language school.
- More toing and froing is likely than that indicated by the applicant for the beginning and the ending of classes, e.g. break time would be unlikely to be contained wholly within the proposed language school, and the vagaries of public transport may lead to students arriving early/late for classes.
- While the appellant does not question the applicant's professionalism and good faith, in the light of the above factors they consider that the building is inappropriate for the intensification of use proposed and, if this is acceded to,

then an adverse precedent would be established for further intensive uses that would overwhelm the common areas. Accordingly, this use would, demonstrably, be not in keeping with the intended use of the building.

6.2. Applicant Response

None

6.3. Planning Authority Response

None

6.4. Observations

None

6.5. Further Responses

None

7.0 Assessment

7.1. I have reviewed the proposal in the light of the CDP, relevant planning history, the submissions of the parties, and my own site visit. Accordingly, I consider that this application/appeal should be assessed under the following headings:

- (i) Land use,
- (ii) Amenity,
- (iii) Water, and
- (iv) Appropriate Assessment.

(i) Land use

7.2. The site is located within the Riverpoint complex, which, under the CDP, lies within the City Centre Area and the City Centre Commercial Area. The zoning objective for the former is “To support the retention and expansion of a wide range of commercial, cultural, leisure and residential uses in the City Centre as defined in the 2030

Economic and Spatial Plan”, and the zoning objective for the latter is “To support the retention and expansion of a wide range of commercial, cultural, leisure and residential uses in the commercial core area, (apart from comparison retail uses).”

- 7.3. The proposed use of the site is that of an educational facility for adults seeking to learn English. Under the CDP’s land use zoning matrix, education is “open for consideration” within the City Centre Commercial Area.
- 7.4. During my site visit, I noted that the applicant’s educational facility presently operates in a Georgian building at No. 89 O’Connell Street, which also lies within the City Centre Commercial Area. Thus, the proposal would entail the relocation of this facility within the same zone and so it would be retained therein. I note, too, that the zoning objective refers to “a wide range” of uses and so such retention would ensure that the widening effect of the educational facility upon usage in the City Centre Commercial Area would continue.
- 7.5. I conclude that there is no, in principle, land use objection to the proposal.

(ii) Amenity

- 7.6. The appellant expresses concern that the proposal would result in the introduction of an overly intensive use into the Riverpoint complex and that as a result the ambience of communal circulation and waiting spaces would change to the detriment of other users of the building. An adverse precedent for further intensification in the future would also be established.
- 7.7. During my site visit, I observed that the offices in the Riverpoint complex are occupied by a wide range of users. I also observed that the appellant’s Riverpoint Specialist Dental Clinic is on the first floor and so would share circulation spaces with the proposed educational facility
- 7.8. At the application stage, under further information, the applicant submitted details of how the proposed educational facility would function and the numbers of staff and students who would be in attendance. Thus, he anticipates that a staff of 9 would teach English to overseas students, who would be in the 24 – 36 age group. Courses would typically last for 25 weeks and they would be run in the mornings between 09.00 and 12.30. The case planner’s report adds that 50 – 60 students would be in attendance.

- 7.9. I note from the further information that the students would be adults and that the envisaged hours of operation would be essentially in the mornings. I noted, too, during my site visit that the ground floor reception area is relatively spacious and that it is accompanied externally by a terrace area that runs between the entrance and the westernmost corner of the complex. By contrast, the corridors highlighted by the appellant, which accompany the stairs and lifts at ground floor and first floor, are narrow. I thus take the view that, insofar as students may congregate informally outside of the educational facility, this would be likely to occur either in the more spacious reception area or on the terrace rather than in the said corridors.
- 7.10. In the light of the foregoing considerations, I do not consider that the proposed educational facility would necessarily adversely affect the amenities of the Riverpoint complex, although I recognise that a greater degree of managerial oversight of this more intensive use would be of importance to ensure that this is so. By way of response to the aforementioned further information, the applicant has given undertakings in this respect, and I would anticipate that the landlord of the complex would be committed to ensuring that they are met in the interests of all his/her tenants.
- 7.11. The appellant's concern over an adverse precedent can be allayed by the fact that any future proposal for a more intensive use would be considered on its merits, too.
- 7.12. I conclude that the proposal would be capable of being compatible with the existing amenities of the Riverpoint complex.

(iii) Water

- 7.13. The OPW's flood information website does not show the site as being the subject of any identifiable flood risk.

(iv) Appropriate Assessment

- 7.14. The River Shannon passes the site to the north west. This River is a Natura 2000 site, i.e. it is designated the Lower River Shannon SAC and the River Shannon and River Fergus Estuaries SPA. Nevertheless, as the proposal is for a change of use only, no significant effects upon this site would be likely to occur.
- 7.15. Having regard to nature and scale of the proposal, no Appropriate Assessment issues arise, and it is not considered that the proposal would be likely to have a

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

8.0 Recommendation

8.1. That permission be granted.

9.0 Reasons and Considerations

Having regard to the Limerick City Development Plan 2010 – 2016, it is considered that the proposal would, subject to conditions, comply with the Zoning Objective for the City Centre Commercial Area that the subject site lies within and this proposal would be capable of being compatible with the amenities of the Riverpoint complex within which it would operate. No flood risk or Appropriate Assessment issues would arise. The proposal would thus accord with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>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 on the 31st day of December 2018, 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>No advertisement or advertisement structure shall be erected or displayed on the building in such a manner as to be visible from outside the building, unless authorised by a further grant of planning permission.</p> <p>Reason: In the interest of visual amenity.</p>

Hugh D. Morrison
Planning Inspector

21st May 2019