



An
Bord
Pleanála

Inspector's Report ABP-317694-23

Development

Permission for change of use of ground floor office to provide medical services, extension to medical services clinic, and electricity substation to the rear. Retention of switch/meter room to the rear.

Location

3-5 Barrington Street, Limerick

Planning Authority

Limerick City and County Council

Planning Authority Reg. Ref.

23/88

Applicant(s)

Beacon Hospital Sandyford Ltd.

Type of Application

Permission

Planning Authority Decision

Grant subject to conditions

Type of Appeal

Third Party

Appellant(s)

Dore Property Holdings Ltd.

Observer(s)

None

Date of Site Inspection

16 September 2024

Inspector

Cáit Ryan

1.0 Site Location and Description

- 1.1. The site is located on a corner site at Barrington Street in Limerick city centre, approximately 100m west of People's Park at Pery Square. The 0.092ha site is roughly square-shaped. The site is bounded:
- to the front (south) by Barrington Street
 - to the west and north by a laneway, which has separate pedestrian and vehicular accesses onto Hartstonge Street either side of a large period building to north of McSweeney's Lane. This building is indicated as Museum on OS mapping. To west the Crescent's mews buildings back onto the lane.
 - to the east by 6 Barrington Street, which forms a terrace of 3no. Georgian dwellings, which are 4-storey over semi-basement. 6 Barrington Street appears to be in residential use. Further to the east of this terrace is a hotel.
- 1.2. The modern building fronting Barrington Street is 2-storey over basement with glazed dormer windows on the front roof slope, and is 3-storey over semi-basement on the rear (McSweeney's Lane) elevation. Signage on the Barrington St. elevation indicates Park House (apartments) on the western entrance and Barrington House at the eastern entrance, occupied by Beacon Limerick and LBS Partners.
- 1.3. On site inspection it was noted that the hotel a short distance to the east on Barrington Street is of significant scale in its site context as viewed from the laneway, whereby it extends above the eaves level of the Georgian buildings.

2.0 Proposed Development

- 2.1. Planning permission is sought for
- Change of use of 144.5sqm existing office use at ground floor to medical services and healthcare
 - a 120sqm single storey extension (7m high to parapet) to existing medical services clinic at ground level to rear to house MRI

- a 14sqm electricity substation to rear
- all ancillary site works including internal alterations, external security fencing, plant on the extension roof and plant in the undercroft below the extension.

Retention permission is sought for a 7sqm switch/meter room to rear.

While the 120sqm extension is described as single storey, it is at 'upper ground floor' level, and has a stated 7m height to parapet. The design of the extension creates an undercroft level, whereby ground to ceiling heights range from 1.72m to 1.83m.

Documentation lodged with the planning application includes a letter of consent from the building's stated owner, Semja Limited, and an Engineering Planning Report.

2.2. Further Information (FI) amendments to the proposed development include -

- the red line boundary is amended, whereby a 25sqm roughly square-shaped area is omitted from the north eastern corner, bounding the rear lane.
- The ground floor extension is altered, such that the eastern elevation is closer to No. 6 Barrington Street, and the building line at the modified north eastern corner aligns with the revised red line boundary.

3.0 Planning Authority Decision

3.1. Decision

Following a request for Further Information (FI), the planning authority granted planning permission subject to 7no. conditions. Conditions of note are as follows:

Condition 1: Development shall be carried out in accordance with application lodged on 13 February 2023, as amended by further plans submitted on 20 June 2023.

Condition 2: Financial contribution of €5360.00.

Condition 6: Waste management plan for site clearance, refurbishment/construction.

Condition 7: (i) Further interventions that may be necessary to meet statutory or regulatory requirements shall be forwarded for assessment as to whether a further

grant of planning permission may be required. (ii) Four weeks prior to external lighting works commencing, the location of services, types and design of luminaires that enhance the character of Architectural Conservation Area shall be submitted for approval. Reason for condition is to protect the architectural heritage in the interests of the common good and proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Basis for planning authority's decision:

Planning Reports (27 March 2023 and 11 July 2023)

First Executive Planner's report states use for medical purposes associated with Beacon Clinic can be considered under the land use zoning and notes internal reports. Recommended FI request on 7no. items reflects report.

Second Executive Planner's report considers FI response acceptable and recommends grant subject to 7no. conditions.

3.2.2. Other Technical Reports

Conservation Office (27 March 2023, 6 July 2023):

First report recommends FI on 4no. items, including photographic record of exteriors of existing buildings, plots and location.

Second report recommends grant subject to conditions.

Limerick City and County Fire and Rescue Service (16 March 2023, 29 June 2023):

First report states no objection, and includes comments relating to Building Regulations, Building Control Regulations, Fire Safety Certificate and DAC.

Email of 29 June 2023 re-issues previous email of 16 March 2023.

Operations and Maintenance Services | Central Services | (21 March 2023):

States 2no. conditions regarding surface water/SuDS and construction management plan.

Environment, Recreation & Climate Change Department (22 March 2023, 28 June 2023)

First report recommends FI relating to noise pollution and waste management.

Second report states 3no. conditions.

Separate Environment Section internal correspondence states submission indicates that environmental noise from MRI unit will not be an issue.

3.3. Prescribed Bodies

Uisce Éireann/Irish Water (IW/UÉ) letter dated 23 March 2023 states no objection. It notes the P.A. Ref. 20/1102 permission, that a PCE (pre-connection enquiry) was not applied for and that submissions do not relate to water services. 10no. observations are outlined, which include:

- Where connection to a public water/wastewater network operated by IW is proposed, the applicant shall enter into a water/wastewater connection agreement(s) with IW and adhere to standards and conditions.
- Proposed connections to the water and waste water infrastructure will be subject to the constraints of the IW Capital Investment Programme.
- There shall be no building over water mains, common pipes or sewers and if found the applicant must contact IW with a proposal for altering.

3.4. Observations to the Planning Authority

5no. observations were received by the planning authority. The issues raised generally reflect the grounds of appeal and relate to title, noise pollution, fire and safety hazard, waste management, car parking and traffic.

4.0 Planning History

P.A. Ref. 20/1102: Permission granted for change of use of 689sqm of existing

office use at ground floor and basement to provision of medical services and healthcare, alterations to exterior including wheelchair platform lift to front.

5.0 Policy Context

5.1. Limerick Development Plan 2022-2028

Volume 1: Written Statement

Chapter 12: Land Use Zoning Strategy

The site is zoned City Centre, where it is an objective to protect, consolidate and facilitate the development of the City Centre commercial, retail, educational, leisure, residential, social and community uses and facilities.

Purpose is 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. 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 impact of private car-based traffic and enhancing existing urban fabric.

The land use zoning matrix indicates that 'Health centre', 'Health Practitioner' and 'Hospital' are all generally permitted in the City Centre land use zoning.

Chapter 11: Development Management Standards

Section 11.5.3 Health Care Facilities states the Planning Authority will consider applications for health care facilities on their own merits, and will distinguish between small-scale medical practices involving one to two practitioners with maximum one to two employees and larger medical practices accommodating two or more medical practitioners and staff. Larger scale and group medical practices should normally only be located in local, district and major Town/City Centre zonings. They should not have negative impacts in terms of car parking, traffic hazard and residential amenity. Proposed signage shall be appropriately designed and of modest scale.

Chapter 10: Sustainable Communities and Social Infrastructure

Objective SCSI O15 Health Care Facilities includes support development and expansion of health service infrastructure by Health Service Executive, other statutory and voluntary agencies and private healthcare providers in healthcare facilities provision at appropriate locations, including system of hospital care and community-based primary care facilities, mental health and wellbeing facilities.

Chapter 3: Spatial Strategy

Objective LL O1 Limerick Laneways is promote reuse of vacant buildings, support existing uses within City Centre, improve connections and maintain linkages within and through City Centre, promote high design quality and improve public realm.

Chapter 5: A Strong Economy

Policy ECON P4 Urban Economy includes to promote economic development and employment generating activities in Limerick City Centre, at Strategic Employment Locations and other appropriately zoned locations in a sustainable manner.

Chapter 6: Environment, Heritage, Landscape and Green Infrastructure

Objective EH O53 Architectural Conservation Areas (ACA) seeks to protect character and special interest of ACAs, and to retain all features that contribute to character of an ACA, including boundary walls, railings, soft landscaping, traditional paving and street furniture and to safeguard the Georgian heritage of Limerick.

Volume 3: Architectural Conservation Areas (ACA)

The site is within Newtown Perry ACA. This ACA outlines that Georgian Limerick is the most expansive example of collective Georgian architecture with a regular historic grid plan in the Republic outside Dublin. Uses are generally a mix of multi-occupancy residential and commercial on ground and/or first floor, with some retail and service uses. The integrity of the area is compromised by vacancy and poor maintenance, often with inappropriate modern construction materials, deteriorating the historical fabric into obsolescence.

Volume 3A: Record of Protected Structures – Metropolitan District of Limerick

Adjoining terraced properties to east at No.s 6, 7 and 8 Barrington Street are protected structures; RPS Reg. No.s 3163, 3164 and 3165 respectively refer.

5.2. **Section 28 Guidelines**

Development Management Guidelines for Planning Authorities

Architectural Heritage Protection Guidelines for Planning Authorities

5.3. **Natural Heritage Designations**

The site is not located within or adjacent to any European sites. The nearest European sites are:

- Lower River Shannon SAC (002165) approx. 380m to north west.
- River Shannon and River Fergus Estuaries SPA (004077) approx. 380m to north west.

Fergus Estuary and Inner Shannon, North Shore (002048) pNHA is approx. 480m to north west.

5.4. **EIA Screening**

See completed Form 1 and Form 2. Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

A third party appeal has been received from Dore Property Holdings Ltd. The grounds of appeal may be summarised as follows:

Title and Site Address

- Senja Unlimited Company is landlord of the area leased by Beacon Hospital.
- Dore Property Company did not give consent for use of their car parking

space No. 17 and entry rights into area that the Beacon propose to build on.

- Solicitor's letter stating Semja Unlimited Company and TOT Architects are incorrect in claims of full ownership of area where development is to be located.
- Permission should be limited to lands under control of applicant. (Where) applicant is not legal owner of land or structure concerned, owner's written consent must be given.
- Copy of registered ownership is attached, a 999 year lease granted in 1992 on purchase of Apt. 4 and parking space no. 17 1-2 Barrington Street.
- Boundary map is incorrect as it included Park House 1-2 Barrington Street address. No application made for change of use of office of this unit into medical clinic.

Fire Safety

- Fire escape issues for 4no. apartments or commercial tenants not addressed.
- Access to fire assembly points in car park has been blocked by removal of doorway. Apartment tenants had access through lower ground area to fire assembly points in car park and onto street.
- Change of use from office to medical unit alters the fire escape requirements.
- Fire safety plan is invalid.
- Increased risk of fire and explosion with x-ray machines, gas cylinders and MRI room.

Parking

- Substation compromises access and turning space of vehicles to parking spaces. Third party's right to pass over the rear area is compromised.
- Construction leaves no on-site parking for other commercial occupiers and apartments. There were 17 spaces. 16no. spaces were for office occupiers and other 3 apartments had use of these at night time on a first come basis.
- The Beacon has no parking for its staff or daily patients. This is a residential area. Nearby houses have parking permits.
- There is a drop-off only parking space at front entrance. Congestion caused with people having to double park to drop-off out patients.

Waste

- Medical waste compound is on the 1-2 Barrington St. property.
- Residents' waste bins used to be stored with(in) basement area. They are now in carpark, where space for these is now being compromised.

Procedural

- Council failed to notify parties that a FI request was made.
- Significant information claiming ownership was submitted in the FI.
- Council should have notified the parties who made submissions in relation to land ownership.

6.2. Applicant Response

The applicant's response to the grounds of appeal may be summarised as follows:

Title

- Matters of legal dispute are not planning matters. Vast majority of appeal relates to legal or civil matters which are outside An Bord Pleanála's remit.
- Development Management Guidelines for Planning Authorities re-affirms this.
- Written consent of landowner (Semja Limited) received, planning authority validated the application and sought FI for applicant's legal interest.
- Applicant disputes appellant's contention that they have legal title over car park space No. 17, and states appellant has leasehold interest only in Apartment 4 and parking space No. 17.
- It was proposed to locate a mobile bicycle parking rack in this parking space. Applicant has no objection to re-locating the parking rack elsewhere within the basement; see enclosed Drawing No. PL-2001 ABP Rev B.
- Cites Section 34(13) of Planning and Development Act 2000, as amended.

Site address

- Stated address was sufficient to identify the subject site and area subject to planning application was clearly delineated. Site notices at site entrances and press advertisement ensured that proposal was clearly notified.

- No third party rights were affected by stated address, given that observations were submitted. This is not a material issue for consideration by the Board.

Fire Safety

- Fire safety issues raised are not planning assessment issues, are assessed under a completely separate statutory code under Building Regulations, and are irrelevant to the Board's assessment.
- Notwithstanding this, the planning authority raised a fire safety issue and received a comprehensive response from applicant and its fire consultant. Assistant Chief Fire Officer confirmed no objection.

Car Parking

- No issues were raised by LCCC (Limerick City and County Council) Roads Section. Proposed car parking arrangements are satisfactory. No material planning issues on foot of car parking.

Waste Management

- FI response relating to waste management was reviewed by Council's Environment Section (Waste) and deemed acceptable.
- Condition 6 includes requirement for submission of waste management plan.

6.3. Planning Authority Response

None

6.4. Observations

None

7.0 Assessment

7.1. 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 and national policies and guidance, I consider that the substantive issues in this appeal to be considered are outlined as follows:

- Compliance with Development Plan – Land Use Zoning
- Legal and Procedural
- Parking
- Waste Management
- Planning Authority's Condition 17
- New Issue – Impacts on the Residential Amenities of the Area
- Other Issue: Drainage and Water Supply

7.2. Compliance with Development Plan – Land Use Zoning

- 7.2.1. 'Health centre' is a use which is generally permitted in the City Centre land use zoning in Limerick Development Plan 2022-2028. The proposed development would be in compliance with the land use zoning objective in principle.
- 7.2.2. The purpose of this zoning objective is to consolidate Limerick City Centre through densification of appropriate commercial and residential developments. While the proposed use would be acceptable, I am not satisfied on the basis of the information on file that its impact on any neighbouring residential properties has been adequately addressed. This is discussed further elsewhere in this report.
- 7.2.3. Section 11.5.3 Health Care Facilities states larger scale and group medical practices should normally only be located in local, district and major Town/City Centre zonings, and should not have negative impacts in terms of car parking, traffic hazard and residential amenity. I consider that the proposed development would not have negative impacts in terms of car parking and traffic safety. As outlined above, the matter of impacts on the residential amenities of the area is discussed further elsewhere in this report.

7.3. Legal and Procedural

Site Address

- 7.3.1. The planning authority validated the planning application. No issues regarding the site address were raised in the Further Information request. The Board has no role in relation to the validation process.
- 7.3.2. However, for completeness, I note the site address is described in the public notices as 3-5 Barrington Street, Limerick. The site location map shows 1-4 on the western part of the site, and shows the two site notice locations on Barrington Street and on the western boundary to the laneway. The site's red line boundary is shown to encompass the premises extending to the western laneway.
- 7.3.3. 4no. observations were received by the planning authority. On the basis of the information on file, including the indicated site notice locations, I am satisfied that concerned parties were not prevented from making representations.

Notification

- 7.3.4. Concerns are raised in the appeal grounds regarding lack of notification relating to the FI response to those who had made submissions relating to their landownership. The matter of revised public notices pursuant to the FI response is a matter for the planning authority, who in this case did not require the submission of same.
- 7.3.5. I note the red line boundary is amended in the FI response, whereby the site area is reduced by 25sqm, and the position and layout of the proposed rear extension is slightly closer to No. 6 Barrington Street along of part of the extension's eastern building line. The 25sqm reduction results in a slightly reduced 895sqm site area. I consider that the FI reduced site area would not by itself give rise to new material impacts on adjoining properties.
- 7.3.6. In terms of detail, the FI cover letter outlines it was discovered that there was a 5m square area near the existing ESB kiosk assigned to ESB, and while this area is in the landlord's use, it was thought prudent to avoid encroaching on same.
- 7.3.7. The matter of the revised extension layout and position relative to No. 6 Barrington Street is discussed under Section 7.7 New Issues – Impacts on the Residential Amenities of the Area.

Legal Interest

- 7.3.8. In terms of legal interest, I am satisfied that the applicant has provided sufficient evidence of their legal interest to make an application.

- 7.3.9. The applicant is Beacon Hospital Sandyford Ltd. Bryan Murphy Semja Ltd. is stated as owner on the planning application form. A letter of consent from Bryan Murphy, on behalf of Semja Ltd., was lodged with the application.
- 7.3.10. FI Item 3 response includes a solicitor's letter stating the registered owner of the attached folio is Semja Unlimited Company, relating to 3-5 Barrington Street, and there are no registered rights for any other party in respect of car spaces on this folio. In terms of detail, the attached Property Registration Authority folio approximates to the application site's modified FI red line boundary, i.e., it excludes an approx. 25sqm area in the north eastern corner of the site.
- 7.3.11. The applicant's response to the appeal grounds includes a solicitor's letter stating it acts for Semja Limited the freehold owners of 1-5 Barrington Street.
- 7.3.12. Based on the information on file, there would appear to be some inconsistency in ownership names which vary between Semja Limited and Semja Unlimited Company and the site address.
- 7.3.13. While noting the discrepancies, I note also that the Development Management Guidelines state (at Section 5.13) if *inter alia* a submission made by a third party raises doubts as to the sufficiency of the legal interest, further information may have to be sought, and if notwithstanding the further information some doubt still remains, the planning authority may decide to grant permission.
- 7.3.14. The grounds of appeal include documentation date-stamped by Tailte Éireann, Registry of Deeds.
- 7.3.15. Notwithstanding this, I note that any further legal dispute is considered a civil matter and outside the scope of the planning appeal. In any case, this is a matter to be resolved between the parties, having regard to the provisions of Section 34(13) of the Planning and Development Act 2000 as amended which states that a person shall not be entitled solely by reason of a permission under this section to carry out any development.

Fire Safety

- 7.3.16. Fire safety concerns raised in the grounds of appeal relate to fire escape issues, blocked access to fire assembly points in car park, increased fire and explosion risk and altered fire escape requirements due to change of use from office to medical.

- 7.3.17. For completeness I note that FI Item 4 requested the applicant to address a clear path of emergency escape for the residential units. The FI response outlines that the proposed development does not alter or obstruct existing egresses serving upper level apartments on levels 1 and 2, as Apartments 1-4 utilise the exit stairs (Staircase 2) at front only. It states apartment tenants do not have direct access to rear exit at ground level, which is available only to basement or tenancies on eastern side of building. It outlines that the P.A. Ref. 20/1102 development was completed and references a Fire Safety Certificate (21/FSC/D/1033) for this.
- 7.3.18. The Assistant Chief Fire Officer's email of 29 June 2023 on the subject application re-issues the previous email of 16 March 2023, which states no objection and includes comments relating to Building Regulations, Building Control Regulations, Fire Safety Certificate and DAC.
- 7.3.19. The applicant's response to the grounds of appeal includes that fire safety issues are addressed under a separate statutory code under the Building Regulations, and this part of the appeal is irrelevant to the Board's assessment of the development.
- 7.3.20. I note that the Development Management Guidelines state that fire safety can only be considered where it is relevant to the primary purpose of the Acts, namely the proper planning and sustainable development of the area.
- 7.3.21. While the information on file relating to *inter alia* the FI Item 4 request and response and the Assistant Chief Fire Officer's reports/emails are noted, I consider that the substantive matter is that the issue of compliance with Building Regulations will be evaluated under a separate legal code and thus this issue need not concern the Board for the purposes of this appeal.

7.4. Parking

Car Parking

- 7.4.1. The site is located within Zone 1, whereby the Development Plan maximum car parking standard for medical centres/consulting rooms is 1no. space per treatment room and 1 space per 2 staff (Table DM 9(a) refers). It is further stated that car free developments will be considered for all proposals in Zone 1 on a case-by-case basis. The 7no. consultation rooms and 13no. staff proposed would equate to a maximum parking standard of 13.5no. spaces. All 7no. consultation rooms are proposed within

the existing building. The provision of 1 no. parking space would be substantially below 13.5no. spaces, and does not take account of other existing land uses on site.

- 7.4.2. I consider that the existing basement plan would suggest that there are approx. 10no. non-assigned car parking spaces on site, which in some cases would be less than 2.5m wide. The FI proposed basement plan indicates 1no. space, located between the cycle rack adjoining the western boundary and the waste compound.
- 7.4.3. The Engineering Planning Report lodged with the application states there are currently 8no. usable car parking spaces, shared with other uses in the development. While it is stated that the proposed development will reduce the number of spaces available, this is not quantified in the submitted report, nor is it stated as to which uses/occupiers are currently assigned any spaces.
- 7.4.4. The submitted report outlines that pay and display on-street parking is available on Barrington St. and there are numerous multi-storey car parks within walking distance. A 15-minute set down area to the front was put in place in conjunction with LCCC. It outlines that the site is easily accessible by public transport with a bus stop approx. 30m from the entrance and serviced by 304A Raheen UHL/University of Limerick, 314 Glin and 320 Charleville. Bus stops on O'Connell Street are a 2-minute walk, and those on Mallow Street are a 5-minute walk.
- 7.4.5. Based on the information on file, the proposed development has not taken account of the existing development on site in the calculation of parking spaces. The P.A Ref. 20/1102 permission, which is stated to have been implemented, has not been referenced with regard to car parking. I have viewed the plans and particulars on P.A. Ref. 20/1102 on the planning authority's online planning search (accessed on 29 October 2024) whereby 5no. consultation rooms were permitted.
- 7.4.6. However, having regard to the site's city centre location, its proximity to public transport, the availability of car parking alternatives in multi-storey car parks in the vicinity, and the Development Plan content which allows for car free developments in Zone 1 to be considered on a case by case basis, I consider that the principle of a very limited quantum of car parking to serve the proposed development, i.e., an almost car free development, would be acceptable in this case.
- 7.4.7. With regard to concerns raised in the grounds of appeal relating to car parking space no. 17, this is further discussed in the following Cycle Parking section.

Cycle Parking

- 7.4.8. The Development Plan requires minimum 1 space per 2 treatment rooms and 1 space per 2 staff. The submitted Engineering Planning Report calculates that 7no. consultant rooms and 13no. staff equates to minimum 10no. spaces.
- 7.4.9. The FI site plan shows a 10-space cycle rack on a parking space adjoining the western (laneway) site boundary. This parking space is stated by the appellant to be space no. 17. On site inspection it was noted that a car occupied this space.
- 7.4.10. As outlined previously, the 7no. consultant rooms proposed in this application are all located within the existing building, and would be additional to the 5no. provided pursuant to P.A. Ref. 20/1102. Given that the 10no. cycle spaces proposed to serve the development subject of the current appeal meets the minimum Development Plan standard, I consider that this quantum is acceptable. I consider that the provision of the cycle rack at the location shown would be acceptable in principle.
- 7.4.11. With regard to the cycle rack's proposed location at parking space no. 17, I note that the solicitor's letter on behalf of Semja Limited submitted with the applicant's response to grounds of appeal, states Dore Property Holdings holds a leasehold interest in Apartment 4 and car parking space no. 17. It outlines that no part of parking space no. 17 is interfered with by the application.
- 7.4.12. I note that the drawings on file indicate that provision of a cycle rack, albeit a mobile rack, on this space would render it inaccessible to a car/other vehicle or other uses.
- 7.4.13. As outlined previously, I consider that the principle of providing the cycle parking rack at parking space no. 17 would be acceptable.
- 7.4.14. I note all submissions on file with regard to this parking space. I consider that any further legal dispute is a civil matter and outside the scope of the planning appeal, and in any case, this is a matter to be resolved between the parties, having regard to the provisions of Section 34(13) of the Planning and Development Act 2000 as amended.
- 7.4.15. In addition to the matters outlined above, the applicant's response to the grounds of appeal includes a revised proposal, whereby the cycle rack is repositioned to adjoin the northern (laneway) site boundary, and car space 17 is annotated. Save for bicycles being partially, and very marginally, located in the undercroft area, these

cycle spaces are uncovered. Access to these spaces is via a set of double doors on the west elevation. The ground to ceiling heights in the undercroft area are shown to range from 1.53m to 1.83m, as per FI Section A-A (Drawing No. 2025P2_PL-3001), whereby the 1.53m dimension is annotated at the northern elevation. Given the limited 1.53m height at this point and the lack of cover for cycle spaces, I do not consider the revised cycle rack location would be appropriate.

- 7.4.16. In the event the Board was minded to grant permission, I do not recommend that the proposed re-positioning of the cycle rack as shown in the applicant's response to the grounds of appeal (date-stamped 25 August 2023) be permitted, and the Board may wish to consider attaching a condition confirming this.

7.5. Waste Management

- 7.5.1. The Existing Basement Plan shows existing clinic waste compound to the rear of the building. The FI Proposed Basement Plan & Extension shows waste compound in the same location as existing. The various existing and proposed floor plans do not identify any refuse storage areas for the existing office use, the floor area of which would be reduced pursuant to the current proposal, nor for the 4no. apartments.
- 7.5.2. FI Item 1 response comprises a healthcare waste and sharps management plan. Various waste streams are outlined, and it is stated that healthcare risk waste (biohazardous) is secured until definitive disposal can be accomplished by waste contractor. The identified waste compound is locked and controlled by staff whenever access is required. I consider that the information provided on file relating to waste management for the medical use on site to be acceptable.
- 7.5.3. Based on the information on file, including that the waste compound is locked, it would therefore appear that the waste compound would not be accessible to other occupiers of the overall premises.
- 7.5.4. On site inspection I noted there were a number of bins within the railed compound. There were also a number of bins directly west of same, and also in the vicinity of the switch/meter room proposed to be retained. The grounds of appeal include that residential bins are now located in the carpark area, where the space for these is now also being compromised.
- 7.5.5. Having regard to the absence of any identified waste storage areas for the office

use, albeit at reduced floorspace, and the residential units on site on the lodged plans and particulars, I consider that in the event the Board was minded to grant permission for the proposed development, that a condition is attached whereby a waste storage area for these uses is shown.

- 7.5.6. In this regard I note that the applicant Beacon Hospital Sandyford Ltd would appear to be distinct from other occupiers in the overall premises. However, having regard to the nature and scale of the development proposed on this overall site, I consider that the inclusion of such a condition would be appropriate in this case, in the interests of orderly development.

7.6. Planning Authority's Condition 7

- 7.6.1. The planning authority's Condition 7, summarised in Section 3.1, includes details of luminaires to be submitted for approval. I do not consider that the attachment of the planning authority's Condition 7 in full is required for the proposed development.
- 7.6.2. The plans and particulars on file do not include a lighting plan for the proposed development. External walls of the proposed extension are shown to comprise insulated render, stone or composite panel. Wall mounted lighting is not indicated.
- 7.6.3. The site is located within Newtown Perry ACA. The Architectural Heritage Protection Guidelines state (at Section 8.5.8) that the applicant should be able to satisfy the planning authority that matters such as light fittings have been properly considered and would not detract from the setting of other protected structures or the character of the ACA.
- 7.6.4. I note the context of the proposed rear extension, located to the rear of a modern primarily commercial, with some residential use building, and having regard to the extant development on site, I do not consider that the rear of the subject site itself is visually sensitive. However, having regard to the site location within an ACA and adjacent to No. 6 Barrington Street, a protected structure, and Objective LL O1 Limerick Laneways which seeks to promote high design quality and improve the public realm, I consider that a condition requiring the submission of a lighting plan would be appropriate in this case. In the event the Board was minded to grant permission for the proposed development, it may wish to consider the attachment of a condition to this effect.

7.7. New Issue – Impacts on the Residential Amenities of the Area

Proximity to No. 6 Barrington Street

- 7.7.1. There is a boundary wall between the subject site and No. 6 Barrington Street, a protected structure to the east, as noted on site inspection. The rear building line of the existing 3-storey over semi-basement structure on the subject site projects forward of No.6's rear return by approx. 2.2m, where it bounds that property.
- 7.7.2. Plans and particulars on file do not appear to indicate the existing use of this property. There is a rear access/roller shutter at the rear of this plot facing the laneway. No indication of non-residential uses at this adjoining property were noted on site inspection. While part of the rear of this adjoining property has a dilapidated appearance as viewed from rear laneway, it would appear to be in residential use.
- 7.7.3. The application as originally lodged shows the proposed ground floor plan would be minimum 2m from the eastern (side) boundary to No. 6 Barrington Street. The bulk of this extension would be accessed from the main building via a short 1.79m link/walkway, thereby creating a 'gap' between the existing building and the new structure to the rear.
- 7.7.4. The revised FI extension indicates that the proposed extension would be minimum 0.7m from the eastern site boundary, and would be positioned directly to rear of the existing building, i.e., no 'gap' between existing and proposed structures is shown. At its northern extent, the extension would be approx. 5m from rear of No. 6.
- 7.7.5. I consider that the provision of a new structure in excess of 6m in height at less than 1m from the boundary with No. 6 would result in overshadowing and visual overbearance impacts.
- 7.7.6. I note that this FI proposed extension which is closer to No. 6 than that originally proposed has not been subject of revised public notices.
- 7.7.7. In this regard I note the land use zoning, the purpose of which is to consolidate the city centre through densification of appropriate commercial and residential developments. I note also the immediate site context, whereby the hotel building a short distance east of the site, while of lesser depth than the subject proposal, is substantially taller than the subject proposal, such that it exceeds the eaves level of

the Georgian buildings. In addition, the existing boundary wall between the two sites would in any event result in some, albeit to a lesser extent, overshadowing of No. 6.

- 7.7.8. Having regard to all information on file and to the existing site context, I consider that the provision of an extension in excess of 6m height to the rear of the existing building, subject to its separation distance from No. 6 being increased, may be considered acceptable. In the particular circumstances of this case, I consider that the FI extension be further modified, such that its eastern building line is minimum 2.5m from the eastern site boundary to No. 6, i.e., over a depth of approx. 9m as measured from the rear building line of the principal building on site. In this regard I note that while this separation distance would not negate overshadowing impacts from the west, some overshadowing in the city centre land use zoning may be considered acceptable, and this separation distance would alleviate visual overbearance impacts.
- 7.7.9. I note that the inclusion of such a condition would have consequent implications for the extension's internal layout, and would reduce the extent of the roof plant area.
- 7.7.10. In terms of detail, 2no. windows are proposed on the extension's eastern elevation, and based on the FFL shown, I estimate the lower cill level is approx. 1.6m from floor level. In the event the Board was minded to grant permission, it is recommended that the minimum cill level is increased to 1.8m above FFL, in order to prevent overlooking of No. 6 to the east.
- 7.7.11. Given that the matter of impacts on the residential amenities of this adjoining property at No. 6 Barrington Street is a new issue, the Board may consider that circulation to the parties is required.

External Plant

- 7.7.12. The FI First Floor/Proposed Extension Roof (Drawing No. 2025P2_PL-2005) delineates proposed extent of plant area. Individual plant units are not delineated.
- 7.7.13. There does not appear to be any information on file relating to noise levels associated with plant.
- 7.7.14. For clarity, FI Item 2 relates to noise assessment regarding anticipated noise levels from the new MRI unit. The FI response concludes that there will be no noise emission from this unit or ancillary equipment audible outside the building fabric. It

would therefore appear that the noise assessment relates to specific equipment within the building only, as distinct from roof plant.

- 7.7.15. In the event the Board was minded to grant permission, it is recommended that a condition is attached limiting noise levels arising from plant.

7.8. Other Issue – Drainage and Water Supply

- 7.8.1. The submitted Engineering Planning Report states the extension is proposed to tie into the existing combined sewer at the rear of the building, and it is proposed to utilise the existing water connection. I note that the Uisce Éireann/Irish Water (UÉ/IW) report on file states no objection, and outlines 10no. observations, including that where the applicant proposes to connect to a public water/wastewater network operated by Irish Water, a water and/or wastewater connection agreement with Irish Water shall be entered into.
- 7.8.2. Having regard to the UÉ/IW report on file, it is recommended that a condition to this effect is attached, in the event that the Board was minded to grant permission.

8.0 AA Screening

- 8.1. I have considered the proposed development in light of the requirements of S177U of the Planning and Development Act 2000, as amended.
- 8.2. The subject site is not located within or adjacent to any European site. The closest European sites are Lower River Shannon SAC and River Shannon and River Fergus SPA, both approx. 380m to north west of proposed development.
- 8.3. The proposed development is located in Limerick city centre. The proposed development relates to change of use from existing office use to medical services, new extension and substation, and retention of a switch/meter room. A detailed description of the proposal is outlined in Section 2.0 of this report.
- 8.4. No nature conservation concerns were raised in the proposed development.
- 8.5. 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 appreciable effect on a European site. The reason for this conclusion is as follows:

- Nature of works comprising proposed change of use and extension and retention of switch/meter room
- Urban location and lack of any connections to European sites.

8.6. I conclude on the basis of the 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.

8.7. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

9.0 Recommendation

I recommend that planning permission be granted for the proposed development.

10.0 Reasons and Considerations

Having regard to the nature and scale of the proposed development, which comprises a change of use to medical services and healthcare and a new extension to accommodate this use, to the city centre zoning of the site and to the pattern and character of development in the area, it is considered that subject to compliance with the conditions set out below, the proposed development would be in compliance with the city centre land use zoning objective and with Section 11.5.3 Health Care Facilities of the Limerick Development Plan 2022-2028, would not seriously injure the residential amenities of the area and would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 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 received by the planning authority on the 20 day of June 2023, and as except as may otherwise be required
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	<p>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>Prior to commencement of development, revised plans and particulars shall be submitted to and agreed in writing by the planning authority which shall show:</p> <p>(a) The eastern building line of the proposed rear extension shall be re-positioned minimum 2.5m from the eastern site boundary to No. 6 Barrington Street, i.e., over a depth of approximately 9m from the rear building line of the principal building on site.</p> <p>(b) The cill level of the 2no. windows proposed on eastern elevation shall be minimum 1.8m above finished floor level, or alternatively, these windows may be omitted in the modified extension to comply with (a) above.</p> <p>Reason: In the interest of residential amenities and orderly development.</p>
3.	<p>The proposed location of a cycle parking rack as shown on Drawing No. PL-2001 ABP 2, received by the Board on 25 August 2023, shall not be permitted pursuant to this permission.</p> <p>Reason: In the interests of clarity.</p>
4.	<p>Details of the materials, colours and textures of all the external finishes to the proposed extension shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p>

	Reason: In the interest of the architectural heritage and the visual amenities of the area.
5.	<p>Prior to commencement of development, a lighting plan for the proposed development to include details of proposed light fittings shall be submitted to and agreed in writing by the planning authority. The lighting plan shall have regard to the location of the site within an Architectural Conservation Area.</p> <p>Reason: In the interests of protecting the character of the Architectural Conservation Area.</p>
6.	<p>With regard to plant proposed at roof level:</p> <p>(a) Where the noise in question does not contain acoustic features that enhance its impact such as tones or impulsive elements the LAeq level measured over 15 mins (daytime) or 5 minutes (night-time) at a noise sensitive premises when plant is operating shall not exceed LA90 (15 minutes day to 5 mins night) by 5 dB or more, measured from the same position, under the same conditions and during a comparable period with no plant in operation.</p> <p>(b) Where the noise in question does not contain acoustic features that enhance its impact such a tone or impulsive elements the rating noise level, LAr, T shall be compliant with BS 4142:2014+A1:2019 Methods for rating and assessing industrial and commercial sounds.</p> <p>Reason: In order to protect adjoining residential amenity.</p>
7.	<p>Prior to commencement of development, revised drawings shall be submitted to and agreed by the planning authority, which shall clearly show waste storage areas for the residential and office uses on site.</p> <p>Reason: In the interest of orderly development.</p>

8.	<p>The disposal of surface water shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
9.	<p>Prior to the commencement of development the developer shall enter into a Connection Agreement (s) with Uisce Éireann (Irish Water) 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>
10.	<p>Site development and building works shall be carried out between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.</p> <p>Reason: To safeguard the amenity of property in the vicinity.</p>
11.	<p>Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including noise and dust management measures, off-site disposal of construction/demolition waste and details of the timing and routing of construction traffic to and from the construction site and associated directional signage.</p> <p>Reason: In the interest of public safety and amenity.</p>

12.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</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.

Cáit Ryan
Senior Planning Inspector

04 November 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-317694-23		
Proposed Development Summary	Permission for change of use of ground floor office to provide medical services, extension to medical services clinic, and electricity substation to the rear. Retention of switch/meter room to the rear.		
Development Address	3-5 Barrington Street, Limerick		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	✓
		No	No further action required
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes		Class.....	EIA Mandatory EIAR required
No	✓		Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
No		N/A	No EIAR or Preliminary Examination required
Yes	✓	Sub-Threshold: Class 10(b)(iv) Urban development which would involve an area greater than 2 hectares in the case	Proceed to Q.4

		of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.		
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4. Has Schedule 7A information been submitted?		
No	✓	Preliminary Examination required
Yes		Screening Determination required

Inspector: _____ Date: _____

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-317694-23	
Proposed Development Summary	Permission for change of use of ground floor office to provide medical services, extension to medical services clinic, and electricity substation to the rear. Retention of switch/meter room to the rear.	
Development Address	3-5 Barrington Road, Limerick	
The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations.		
	Examination	Yes/No/ Uncertain
Nature of the Development Is the nature of the proposed development exceptional in the context of the existing environment? Will the development result in the production of any significant waste, emissions or pollutants?	The site is located in Limerick city centre and forms part of a terrace. Uses in the immediate vicinity include commercial and residential. The nature of the proposed development is not exceptional in the context of the existing environment. The proposed development would result in the production of some waste. However, having regard to the nature and scale of the proposed development, this is not considered to be significant.	No No
Size of the Development Is the size of the proposed development exceptional in the context of the existing environment? Are there significant cumulative considerations having	There is an existing medical use on site. The proposed development comprises change of use from office to medical use, a 120sqm extension and electricity substation, and retention of switch/meter room. The west and the rear (north) of the site are bounded by a lane. The size of the proposed development is not exceptional in the context of the existing environment. <u>ABP-317795-23 and P.A. Ref. 23/60351:</u> Permission was granted in 2024 at Mechanics	No No

<p>regard to other existing and/or permitted projects?</p>	<p>Institute, Hartstonge Street, for partial change of use from office to community support services. This planning application was for partial change of use of the building for those parts of the building that the Society of Saint Vincent de Paul propose to occupy and from which it will offer community support services and all associated site works. The building is a protected structure (RPS no. 3147). This site is approx. 55m north east of the subject site.</p> <p><u>P.A. Ref. 24/60395</u>: Permission was granted for change of use from storage to commercial office with alterations to mews building at Mews Coach House, 11 The Crescent. This is a protected structure (RPS 3247). This site is on the opposite (western) side of the laneway to the subject site, and has frontage to The Crescent, Barrington St. and the laneway.</p> <p>There is no real likelihood of significant cumulative effects having regard to other existing or permitted projects.</p>	
<p>Location of the Development</p> <p>Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?</p>	<p>The nearest European sites are Lower River Shannon SAC (002165) and River Shannon and River Fergus Estuaries SPA (004077) are approx. 380m to north west.</p> <p>Fergus Estuary and Inner Shannon, North Shore (002048) pNHA is approx. 480m to north west.</p> <p>The proposed development is not located on, in or adjoining, nor does it have the potential to significantly impact on an ecologically sensitive site or location.</p> <p>Having regard to its nature and scale and its location in Limerick city centre, the proposed development has the potential to significantly affect other significant environmental sensitivities in the area.</p>	<p>No</p> <p>No</p>
<p style="text-align: center;">Conclusion</p>		

<p>There is no real likelihood of significant effects on the environment.</p> <p>EIA not required.</p>	<p>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</p> <p>Schedule 7A Information required to enable a Screening Determination to be carried out.</p>	<p>There is a real likelihood of significant effects on the environment.</p> <p>EIAR required.</p>
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Inspector: _____

Date: _____

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

(only where Schedule 7A information or EIAR required)