



An
Bord
Pleanála

Inspector's Report ABP-319325-24

Development	<i>Redevelopment of the existing library and educational complex building with a new 4 storey library and learning and resource centre</i>		
Location	<i>Mary Immaculate College Campus, South Circular Road, Limerick V94 4D85</i>		
Planning Authority Ref.	<i>2860965</i>		
Applicant	<i>Mary Immaculate College</i>		
Type of Application	<i>Permission</i>	PA Decision	<i>Grant Permission</i>
Type of Appeal	<i>Third Party</i>	Appellants	Residents of Summerhill Avenue
Observer(s)	<i>None</i>		
Date of Site Inspection	<i>10/05/2024</i>	Inspector	<i>Andrew Hersey</i>

Context

1. Site Location/ and Description.

The site is located within the Mary Immaculate College Campus which is located to the south west of Limerick City Centre. There is an existing library on site with a landscaped area to the front north of the same and a car park to the north of the landscaped area. A private residential estate, Summerhill Road runs along the north boundary of the campus. The boundary between the campus and

Summerhill Road comprises of a high boundary wall in excess of 4 metres in height

2. Description of development. The proposed development comprises of :

- The redevelopment of the existing library and educational complex building with a new 4 no. storey library and learning and resources centre over a 1 no. storey basement and all associated teaching and pupil facilities.
- The substantial demolition of the existing library and educational complex building.
- The provision of a refurbished public plaza to the south-west of the proposed library.
- Associated site works including tree removal.
- These works are within the curtilage of several protected structures.
- All on a site area of 0.790 hectares.

I note with respect to the same that the footprint of the new library building is to be located to the front, north of the existing library within an existing green space comprising of mature trees which are to be removed to facilitate the works

3. Planning History.

On Site

- Planning Reg Ref 16/792 ABP PL91.248423 - Mary Immaculate College - Permission granted for the construction of a proposed four-story library/learning resources centre and basement (with ancillary third level uses) providing a gross floor area of 4,955m². The application includes the phased demolition of the existing library including the removal of 17 no. trees, a proposed new paved plaza to the south-west of the new library building and associated landscape works including planting of new trees to replace trees removed, proposed public lighting and associated site works. These works are within the curtilage of a Protected Structure.
- I note that an appeal on the contribution was lodged by the first party

4. National/Regional/Local Planning Policy

- The Limerick City and County Development Plan 2022- 2028 is the statutory plan in force at present.
- The site is zoned for Education and Community Facilities the objective of which is
To protect and provide for educational, training and adult learning, community, healthcare, childcare, civic, religious and social infrastructure.
 and the purpose of which is '*To protect existing and allow for expansion of a wide range of educational facilities, services and related development. To facilitate sustainable development of community infrastructure and create an inclusive high quality of life. This land use will provide for community facilities, healthcare services, childcare, religious, social and civic infrastructure, ancillary purpose-built accommodation such as residential care or institutions to support the main use only, and other facilities*'
- Objective EHO53: Architectural Conservation Areas
- Objective EH O50 Work to Protected Structures

5. Natural Heritage Designations

- The nearest designated site is the Lower River Shannon SAC (002165) and the River Shannon and River Fergus Estuaries SPA (Site Code 004077) which is located 600m to the north of the site

Development, Decision and Grounds of Appeal

6. PA Decision.

Permission was granted subject to conditions. Conditions of note include

- Condition 2 relates to a financial contribution
- Condition 3 relates to hours of operation
- Condition 5 relates to a requirement for charging points for electric vehicles
- Condition 11 relates to mitigation measures with respect to the bat survey being implemented.

7. Internal Reports

- Archaeologist (16th February 2024) – no objections
- Environmental & Climate Action (15th February 2024) – asbestos survey required, site specific waste management plan required.
- Active Travel (undated) - a revised Mobility Management Plan/Workplace Travel Plan
- Central Services (undated) – details need to be agreed
- Heritage Office (received 20th February 2024) – AA screening report acceptable. No objection subject to conditions
- Conservation Officer (22nd February 2024) no objection subject to conditions

8. Prescribed Bodies

- Irish Water (Received 27th January 2024) - no objection

9. Submissions

There are 19 submission on file

In summary the submissions raise the following issues:

- Loss of sunlight along Summerville Avenue as a consequence of the proposed development
- Loss of mature trees will impact on birdlife and insects
- Impact to roots of existing trees
- Loss of car parking spaces during construction
- The design is out of character with the area
- Lack of consultation with residents of Summerville Avenue
- That the existing library should be retained and extended
- That the proposal contradicts the Limerick Development Plan and Mary Immaculate College's Masterplan
- Overdevelopment
- Lack of a buffer zone between Summerville Avenue and Mary Immaculate College
- Contrary to policies of Climate Action Plan
- Deterioration of residential amenity
- Loss of solar gain
- Overshadowing

- Loss of green space
- Carbon footprint associated with the proposed demolition of the existing library
- The negative impacts on the character of the built heritage within Mary Immaculate College
- Devaluation of properties along Summerville Avenue

9. Grounds of Appeal

A third party appeal was received by the Residents of Summerville Avenue c/o Coakley O'Neill Town Planning on the 19th March 2024. The appeal in summary raises the following issues

- That the proposed development is contrary to the policies set out in the Limerick Development Plan with respect to the protection of the city's built heritage. The site is located within an ACA and within the curtilage of a number of protected structures.
- The proposed development will degrade the residential amenity in the surrounding area. There is ample space within the campus to provide for mitigation against such impacts
- The proposed demolition of the library is contrary to the Limerick Development Plan 2022 -2028 with respect of Climate Change which states under Section 11.7.1 that 'The retention, restoration and reuse of buildings in preference to their demolition and reconstruction where possible'.
- That the Board satisfy themselves that the ecological assessments submitted with the application sufficiently rule out any loss of habitat.
- The appeal raises strategic objectives within the Mary Immaculate College Masterplan 2022-2024 and that the proposed development does not comply with these objectives.

10. PA Response

None received

11. Observations

None received

12. First Party Response to Appeal

A first party response to the appeal was received on the 18th April 2024 c/o Tom Phillips and Associates. The response in summary states:

- That the Mary Immaculate College Masterplan 2022-2024 is not a statutory plan
- That it is not stated in the same masterplan that the library which is subject to demolition is of any architectural significance.
- The current library capacity is for 700 students but the current student numbers is circa 5000 students and as such the current library is inadequate.
- That the proposed development does retain elements of the existing library facility including lecture theatre facilities which is a departure from the previously permitted library which permitted the full demolition of the building.
- That the proposal has been supported by a Arboriculture Survey, an Architectural Design Statement and Landscape Drawings. The proposed development requires the removal of a number of mature trees with a number of these deemed poor quality.
- The proposed development includes for a comprehensive planting schedule which includes for a woodland mix. The proposal in part proposes to include to replant 18 new trees to address the loss of the existing.
- That a Conservation Impact Statement was submitted with the application which was to assess the proposed developments potential impact to the surrounding architectural character.
- That the massing and scale of the new building are comparable to both the existing and modern 20th Century campus buildings. The new library building at the highest parapet screen is 38.16 level datum whereas the RKD Residents Building is circa 37.52 level datum a difference of 64cm.

- The existing library building is poorly performing thermally and is an extremely difficult structure to thermally upgrade due to its design
- The existing building constructed of concrete is beginning to corrode which is difficult to deal with.
- The refurbishment of the existing library cannot accommodate the level of students in the college.
- The demolition waste will be reused and in particular the concrete waste will be used in the foundation of the new building.
- The planning application has appropriately outlined the proposed developments impact upon the ACA. The proposed library building is envisaged to be a landmark building within the campus but has been appropriate regard to the surrounding architectural character.
- With respect to the protection of residential amenities the first party states that there is a 55 metre distance to the nearest dwelling which is separated by a high stone wall and a road which further act as physical partitions
- The architects have met with the residents on four occasions where residents raised concerns with respect to overlooking. These concerns were overcome by way of design of the northern elevation and there are no windows within the building which overlook adjacent properties. Any windows are for the purposes of light and users within the building cannot look out of these as they are high level or low level windows within the internal space.
- A shadow study analysis has been carried out by Chris Shackleton Consulting which was submitted with the application.
- No overshadowing will result as a consequence of the proposed development. Hourly shadow cast plots of the 21st March (equinox) were provided which show shadowing only within the proposed development site. A study analysis has been carried out by Chris

Shackleton Consulting which was submitted with the planning application.

Environmental Screening

12. EIA Screening

Having regard to the nature and scale of development its location within a built up urban area and the absence of any significant environmental sensitivity in the vicinity of the site, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

13. AA Screening

Having regard to the nature and scale of development its location within a built up urban area and the absence of connectivity to European sites, it is concluded that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

2.0 Assessment

2.1. Introduction

- 2.1.1. I have examined the application details and all other documentation on file and I have inspected the site and have had regard to relevant local development plan policies and guidance.
- 2.1.2. I am satisfied the substantive issues arising from the grounds of this third party appeal relate to the following matters:
- Built Heritage
 - That the proposed demolition of the library is contrary to the Limerick County Development Plan 2022-2028, specifically Climate Action
 - Residential Amenity

- That the proposed development is contrary to objectives as set out in the Mary Immaculate College Masterplan 2022-2024

2.2. Built Heritage

- 2.2.1. The appeal raises concerns with regard to the impact of the proposed development has on the built heritage of the area and further states that the proposed development site is located within a designated Architectural Conservation Area.
- 2.2.2. The Board should note in the first instance that the existing library building which is proposed to be demolished is not a protected structure as per the Limerick Development Plan 2022-2028 being the statutory development plan serving the area.
- 2.2.3. There are a number of protected structures within the vicinity of the site including:
- RPS Ref. 3365 Mary Immaculate College – 4 storey building
 - RPS Ref. 3366 Mary Immaculate College Chapel
 - RPS Ref. 3367 Mary Immaculate College Recreational Hall
 - RPS Ref. 3368 Mary Immaculate College Residential Block - 4 storey building
 - RPS Ref 2269 Mary Immaculate College Summerville Lodge – single storey gate lodge
- 2.2.4. These are located for the most part to the east of the site and are detached from the same. Summerville Lodge is located to the north west and again is detached from the site.
- 2.2.5. I also note that the site is located within an area designated as *ACA 2 South Circular Road, New Street and University of Limerick Mary Immaculate College Campus* in the statutory development plan.
- 2.2.6. Policy with respect to protection of protected structures in the statutory development plan is set out under Policy EH O50 Work to Protected Structures. Works within the curtilage of protected structures are set out in subsections a, b, d, e, and i of this objective as follows:
- a) Protect structures included on the RPS from any works that would negatively impact their special character and appearance.*

b) Ensure that any development proposals to Protected Structures, their curtilage and setting, shall have regard to the Architectural Heritage Protection Guidelines for Planning Authorities published by the Department of the Arts, Heritage and the Gaeltacht

d) Ensure that any development, modification, alteration, or extension affecting a Protected Structure and/ or its setting, is sensitively sited and designed and is appropriate in terms of the proposed scale, mass, height, density, layout and materials.

e) Ensure that the form and structural integrity of the Protected Structure is retained in any redevelopment and that the relationship between the Protected Structure and any complex of adjoining buildings, designed landscape features, or views and vistas from within the grounds of the structure are respected

i) Protect the curtilage of Protected Structures and to refuse planning permission for inappropriate development within the curtilage and attendant grounds, that would adversely impact on the special character of the Protected Structure.

2.2.7. Policy with respect to development within ACA's is set out under EHO53 which seeks in part to:

a) Protect the character and special interest of an area, which has been designated as an Architectural Conservation Area (ACA)

b) Ensure that all development proposals within an ACA be appropriate to the character of the area having regard to the Character briefs for each area.

c) Ensure that any new development or alteration of a building within an ACA or immediately adjoining an ACA, is appropriate in terms of the proposed design, including scale, height, mass, density, building lines and materials.

d) Seek a high quality, sensitive design for any new development(s) that are complementary and/or sympathetic to their context and scale, whilst simultaneously encouraging contemporary design which is in harmony with the area. Direction can also be taken from using traditional forms that are then expressed in a contemporary manner, rather than a replica of a historic building style.

e) Seek the retention of all features that contribute to the character of an ACA, including boundary walls, railings, soft landscaping, traditional paving and street furniture.

- 2.2.8. I note that a Conservation Impact Statement prepared by Carrig Conservation International was submitted with the application.
- 2.2.9. I note that report from the council's conservation officer (dated 22nd February 2024) has no objection to the proposed development.
- 2.2.10. The architects have stated in submissions submitted with the application and on appeal that the proposed development is envisaged to be a landmark building within the campus which has appropriate regard to the surrounding architectural character.
- 2.2.11. The response to the appeal from the first party the project architects also states that: *'the massing and scale of the new building are comparable to both the existing and modern 20th Century campus buildings. The new library building at the highest parapet screen is 38.16 level datum whereas the Residents Building is circa 37.52 level datum a difference of 64cm'*. The height of the Lime Tree Theatre which is located in the background to the proposed development has a height of 34.41 – this is illustrated in drawing entitled 'Proposed Library Sections A-A, B-B, C-C.
- 2.2.12. This drawing shows that the proposed building is of a similar height to surrounding buildings.
- 2.2.13. The proposed building is of a modern form and design and as stated above is envisaged as a landmark building by the project architects. The said building is located to the west of and is detached from a number of protected structures as cited under paragraph 2.2.3 above. In this respect and having regard to the similar height of the proposed building when compared to adjacent buildings, it is considered that the proposed contemporary design approach is appropriate.
- 2.2.14. It is noted that the proposed development site is located within an ACA. Guidance with respect of development in an ACA is set out in Section 3.10.1 of the Architectural Heritage Protection Guidelines for Planning Authorities published by the Department of the Arts, Heritage and the Gaeltacht. The section states that: *Where there is an existing mixture of styles, a high standard of contemporary design that respects the character of the area should be encouraged. The scale of new structures should be appropriate to the general scale of the area and not its biggest buildings'*
- 2.2.15. The location of the proposed library is located in an area where there are present a mixture of styles of building from period buildings which are afforded a protected status

to more modern built structures such as the Lime Tree Theatre. The proposed contemporary form of the building is therefore appropriate in this ACA.

2.2.16. With respect of the same therefore it is considered that the proposed development does not impact upon the built heritage associated with its location and generally complies with the objectives of the Limerick County Development Plan 2022-2028 particularly policies EHO53 and EHO50 as set out under paragraphs 2.2.6 and 2.2.7.

2.2.17. The proposal is therefore deemed acceptable in terms of the protection of heritage.

2.3. The proposed demolition of the library is contrary to the Climate Action Plan

2.3.1. Section 11.7 of the Limerick Development Plan 2022-2028 sets policy with respect to Climate Action. Section 11.7.1 Built Environment, of the Limerick Development Plan 2022-2028 states that in order to achieve a more sustainable built environment, the Planning Authority encourages specific measures. One of these measure seeks that *'the retention, restoration and reuse of buildings in preference to their demolition and reconstruction where possible'*. I note that the first party response to the appeal points out that this section only applies in instances where retention and restoration and reuse is encouraged where it is possible. They consider that the merits of demolition and re-build in this instance outweighs the merits of retention.

2.3.2. The first party response to the appeal states in this regard that:

- (a) The existing library building is poorly performing thermally and is an extremely difficult structure to thermally upgrade due to its design
- (b) The refurbishment of the existing library cannot accommodate the level of students in the college.
- (c) The building for the most part is not suitable for disabled persons.
- (d) The demolition waste will be reused and in particular the concrete waste will be used in the foundation of the new building.

2.3.3. I also note that the proposed development includes for the retention of a lecture hall that was previously proposed to be demolished under Planning Reg. Ref. 16/792 (ABP PL91.248423)

- 2.3.4. A Sustainability and Compliance Report prepared by Varming Consulting Engineers was submitted with the application. The report states that the proposed building will comply with Part L (of the Building Regulations) Conservation of Fuel and Energy including the requirements for Near Zero Emissions Building, achieving an A3 Building Energy Rating (BER). Such a building will therefore once constructed will use much less energy than that of the existing building on site which as stated in poorly performing thermally while at the same time be able to cater for the current level of population of students which are stated as 5000 +. The current library can only cater for 700 students.
- 2.3.5. With respect of the foregoing therefore and having regard to the information submitted with the application, it is considered that the benefits of the demolition of the existing library building is warranted in this instance and I do not consider that such a proposal contravenes policy with respect to Climate Action in the Limerick County Development Plan 2022-2018.

2.4. Residential Amenity

- 2.4.1. The third party appeal raises issues with respect to impact to the residential amenities of their properties which are located along Summerville Avenue to the north of the site.
- 2.4.2. I note firstly, that the proposed development site is separated from Summerville Avenue by way of an existing car park within the proposed development site, a high boundary wall which forms the boundary of the site, a road serving Summerville Avenue and the front gardens of each of the houses.
- 2.4.3. The first party states that there is 55 metres between the proposed development and the nearest property.
- 2.4.4. A shadow study analysis has been carried out by Chris Shackleton Consulting which was submitted with the application. The study concluded the proposed development has been successfully designed to ensure the neighbouring properties will generally not be affected. The report further stating that the proposed development is in line with the relevant guidelines – i.e. ‘Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice -Third Edition – 2022’.

- 2.4.5. I have examined the shadow study and I am satisfied on the basis of the information submitted and having regard to the 55 metre separation distance between the proposed development and the nearest house that there will be no undue impact to residential amenity as a consequence of the proposed development.
- 2.4.6. With respect to overlooking, I note that there is just one window on the northern elevation facing towards the houses on Summerville Avenue and this is a high level window serving a basement level in which users of the basement cannot see out. There are also 3 glass forms at the top of the proposed building and again users of the building cannot look out of these - they are for the purposes of lighting lower levels. There will therefore be no overlooking issues as a consequence of the same.
- 2.4.7. While it is appreciated that the skyline as viewed from the front of the houses along Summerville Avenue will change as a consequence of the proposed development, I do not consider that this change will be negative and in any rate change does occur in an urban environment where development is ongoing.
- 2.4.8. With respect of the above, I do not consider that there will be any negative implications to the residential amenities of adjacent properties as a consequence of the proposed development.

2.5. Mary Immaculate College Masterplan 2022-2024

- 2.5.1. I note that the third party refers to the above document in their appeal submission. This is a non-statutory document and therefore I suggest that no further comment with respect of the same is necessary.

3.0 Recommendation

- 3.1. I recommend that permission for the development be granted permission.

4.0 Reasons & Considerations

- 4.1. Having regard to the information submitted with the application and the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would comply with the

zoning objective for the site and the policies with respect of residential extensions as set out in Limerick County Development Plan 2022 – 2028, would not be injurious to the visual or residential amenities of the area and would, therefore, be in accordance with the proper planning and sustainable development of the area.

5.0 Conditions

1.	<p>The development shall be carried out in accordance with the plans and particulars lodged with the application, 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>(a) Site development and building works shall be carried out only between the hours of 0800 to 1800 Monday to Fridays, between 0800 and 1400 hours on Saturday and not at all on Sundays and Public Holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>(b) Adequate car parking facilities shall be provided on site for all workers and visitors</p> <p>(c) The wheels and underside of all construction traffic leaving the site shall be cleaned, as required, to prevent soiling of public roads. A wheel washing facility, including water jets or other approved cleansing method shall be provided close to the site exit. In the event that any public roads become soiled by construction traffic from the site, these roads shall be cleaned immediately.</p> <p>(d) Haulage Routes for construction and waste materials shall be agreed with the Planning Authority prior to the commencement of development.</p>

	<p>Reason: To safeguard the residential amenities of adjoining property in the vicinity</p>
3	<p>(a) A minimum of 10% of all car parking spaces shall be provided with functioning electric vehicle charging stations/points.</p> <p>(b) Accessible Car Parking Bays shall be in line with the Irish Wheelchair Association Best Practice Access Guidelines.</p> <p>(c) Road Markings are to be in accordance with "IS EN 1436 European Standard for Road Markings" & in accordance with the "Traffic Signs Manual". Road Signs are to be in accordance with "IS EN 1436 European Standard for Road Markings" & in accordance with the "Traffic Signs Manual". All road markings and signage shall be kept maintained by the developer</p> <p>(d) An external lighting plan shall be agreed with the Planning Authority prior to the commencement of development</p> <p>Reason: In the interests of traffic safety and climate change</p>

4	<p>The developer shall enter into water and wastewater connection agreements with Irish Water.</p> <p>Reason: In the interest of public health.</p>
5	<p>Surface water drainage arrangements shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health</p>
6.	<p>(a) The recommendations as set out in the Demolition and Waste construction Management Plan submitted with the planning application shall be implemented in full.</p> <p>(b) Demolition waste shall be separated for recycling and concrete waste shall be re-used for the construction of the proposed development as appropriate, details of which shall be agreed with the Planning Authority prior to the commencement of development</p> <p>Reason: In the interests of sustainability</p>
7.	<p>The mitigation measures set out in Section 5 of the bat survey report, submitted with the shall be implemented in full.</p> <p>Reason: To protect bats</p>
8	<p>The landscaping scheme shall be carried out within the first planting season following substantial completion of external construction works</p> <p>Tree removal shall only take place outside of bird nesting season i.e. August to April</p> <p>Works close to trees which are subject to protection shall be supervised by a qualified arborist/tree surgeon.</p> <p>All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p>Reason: In the interest of visual amenity and to protect nesting birds</p>

9.	<p>Prior to commencement of development the developer shall submit the following for the written agreement of the Planning Authority:</p> <p>(a)The Mobility Management Plan /WorkPlace Travel Plan shall be revised to confirm the name of the person appointed as Mobility Management Plan Coordinator to facilitate the site specific actions and measures required to promote and support sustainable travel patterns modes.</p> <p>(b)Revised plans to show the inclusion of male and female changing rooms, showers and lockers for staff within the proposed library building or at an alternative location to be agreed with the Planning Authority</p> <p>Reason: In the interest of sustainable transportation.</p>
10.	<p>Proper records shall be kept of all works undertaken. The record should include Archival Standard Photographs taken before, during and after each stage of the work. Upon completion of the works, the supervising architect shall submit the two copies of the final report to the planning authority.</p> <p>Reason: To protect the architectural heritage in the interest of the common good and the proper planning and sustainable development of the area</p>
11.	<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</p>

	Development Contribution Scheme made under section 48 of the Act be applied to the permission.
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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.

Andrew Hersey

Planning Inspector

7th June 2024