

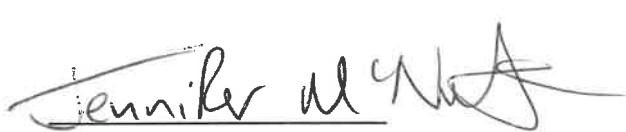
**PLANNING REPORT IN ACCORDANCE WITH
SECTION 179 3(a) OF THE PLANNING & DEVELOPMENT
ACT 2000 (as amended)**

Re: Permission for the following:

Development of the 'Limerick City Outdoor Dining Experience Project'. The scheme will include upgrades to the public realm setting, new sheltered dining areas and street furniture. The proposed works will include the installation of covered pergola structures with retractable roofs and toughened glass screens along Bedford Row and Thomas Street to create sheltered outdoor areas for dining; additional lighting, planting, street furniture, water bottle refill stations, smart solar compacting bins and all necessary service, utility and ancillary site works.

At: Bedford Row & Thomas Street, Limerick

Planning Reference No. 21/8007



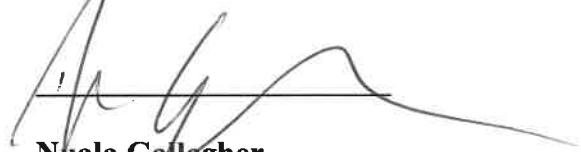
Jennifer Mc Nulty
Executive Planner



Donogh O'Donoghue
Senior Executive Planner



Nuala O'Connell
Senior Planner



Nuala Gallagher
Director of Services
Planning Environment & Place Making
Directorate

Pursuant to Section 179 3(a) of the Planning & Development Act 2000 (as amended) this report is submitted to the members of Limerick City & County Council. In accordance with Section 179(4) (b) of the above Act, it is proposed to proceed as indicated in Section 6 of this report.


Sean Coughlan
Chief Executive
Limerick City & County Council

Date: 16/9/21

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1. Foreword

This planning report has been prepared pursuant to Section 179 of the Planning & Development Act 2000 (as amended), and Part 8 of the Planning & Development Regulations 2001 (as amended).

2. Description of the nature and extent of the proposed development

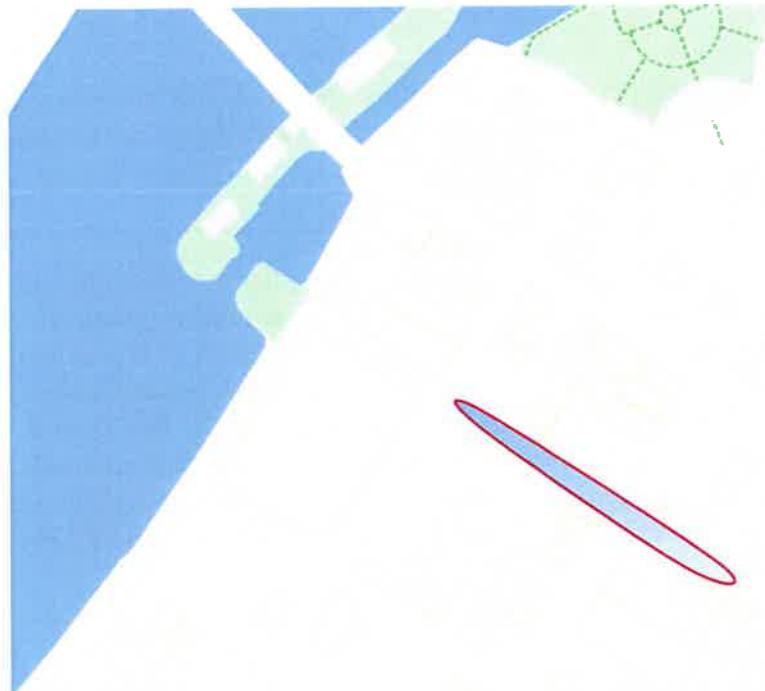
The proposed works will be carried out at Bedford Row & Thomas Street, Limerick.

Under this planning application the Applicant, Transportation & Mobility Directorate Limerick City & County Council proposes the following:

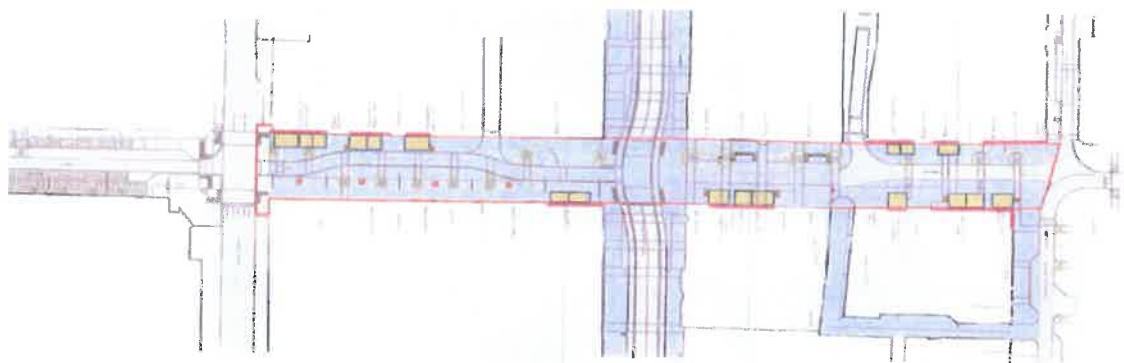
Development of the Limerick City Outdoor Dining Experience Project. The scheme will include upgrades to the public realm setting, new sheltered dining areas and street furniture. The proposed works will include the installation of covered pergola structures with retractable roofs and toughened glass screens along Bedford Row and Thomas Street to create sheltered outdoor areas for dining; additional lighting, planting, street furniture, water bottle refill stations, smart solar compacting bins and all necessary service, utility and ancillary site works.

**The plans and particulars went on public display from 11th of June, 2021 to 9th of July, 2021.
Submissions and observations had to be submitted by 23rd of July, 2021.**

Site Location:



Site Layout:



3. Likely implications, if any, with respect to the proper planning and sustainable development of the area:

Limerick City Development Plan 2010 – 2016

Policy EDS.7

It is the policy of the City Council to actively promote the implementation of ongoing initiatives in Urban Renewal by the Government.

Policy EDS.9

It is the policy of Limerick City Council to prepare plans for urban renewal and sustainable development for areas in need of renewal and regeneration especially urban renewal of the City Centre and to pursue the implementation of that plan with the utmost vigour.

Commercial Leisure

Commercial leisure facilities are those run on a profit basis and include cinemas, family entertainment centres such as bowling, indoor children's play centres, fitness centres, gyms swimming pools etc. hotels, restaurants and public houses. Commercial leisure facilities generate a high level of movement and are best located in places that offer the highest levels of accessibility to a range of transport modes, in particular public transport. However, it is also important to protect the amenities of the City Centre. It is therefore the policy to control the location, size and activities of entertainment uses that are likely to attract large numbers of people, in particular 'super-pubs' and night clubs, in order to safeguard residential amenity, environmental quality and the established unique character and function of parts of the City Centre.

Policy EDS.19

It is the policy of Limerick City Council to ensure that all significant commercial leisure developments are located in accordance with a sequential test approach. The priority will be City Centre locations, followed by edge of centre, then district centres and neighbourhood centres. The availability of a choice of transport modes will be essential.

3.2 Habitats Directive Project Screening Assessment

An Appropriate Assessment Screening Report was submitted as part of this application prepared by Minogue & Associates. It has been concluded by Limerick City and County Council that the project is not likely, alone or in combination with other plans or projects, to have a significant effect on any European sites in view of their Conservation Objectives and on the basis of best scientific evidence and there is no reasonable scientific doubt as to that conclusion.

3.3. Environmental Impact Assessment Screening Report

An Environmental Impact Assessment Screening Report was submitted as part of this application prepared by Minogue & Associates. It has been concluded by Limerick City and County Council that an EIA is not required for the proposed project.

3.3 Land Acquisition

Limerick City & County Council is the owner of the site.

4. Submissions with respect to the proposed development

A total of 4 x No. written submission/observation was received and is listed below:

LIST OF SUBMISSIONS RECEIVED

No.	Name
1	Neil Butler
2	Michelle Hayes on behalf of Environmental Trust Ireland
3	Department of Housing, Local Government and Heritage
4	HSE Environmental Health Service

SUB (1) Neil Butler

Submission Summary:

1. Concerns raised regarding the loss of existing public street seating to facilitate the proposed scheme. Additional seating should be provided.
2. Concerns raised regarding the proposed material of the pergola screens (glass) and the potential to deteriorate in quality over time.
3. Query regarding flexibility to remove / relocate the structures in the future if a business closes.

Transportation & Mobility Directorate Response:

1. Replacement public seating will be provided as part of the proposed development. The proposed large tree/plant containers include attached benches for use as public seating along Bedford Row and Thomas Street.
2. The glass screens have been selected to ensure minimal visual impact of the new structures on the streetscape and maintain views of the shopfront. Prior to the commencement of development, a licence agreement will be put in place with each business to address maintenance and liability matters.
3. A requirement of the grant funding is that the project must have a lifespan of 5 years or more. The detailed design of the scheme will see the pergola structures fixed to the ground with concrete foundations. The structures can be removed in the future, if required.

Planning Authority Comment:

Response noted.

SUB (2) Michelle Hayes, Environmental Trust Ireland

Submission Summary:

1. The application has not included detail of cumulative and in combination effects of the project.
2. The development is presented in a piecemeal and disjointed nature and has not considered cumulative impacts.
3. A plan for hospitality sector and outdoor dining in the city and not been provided and as such does not allow for meaningful public participation.
4. The proposed development is an example of project splitting to avoid mandatory EIA/AA.
5. The hospitality sector has received significant grants and incentives relative to other businesses. The impacts on other retail and business sectors within the city should be assessed.
6. An assessment should be conducted, or information provided on cities where pedestrianisation and other measures have failed.
7. The retractable roofs and infrastructure are ugly and oppressive.
8. No consideration has been given to access for emergency services.
9. Existing and proposed infrastructure in the city presents a hostile environment for those with reduced mobility / visual impairments, etc. due to blocked footpaths.

10. No information has been provided on the ownership of the development / dining areas and responsibility for liability when accidents / injuries occur.

Transportation & Mobility Directorate Response:

1. An Environmental Impact Assessment Screening Report has been prepared by Minogue & Associates Environmental Consultancy for the proposed development. It has been indicated that the proposed development would not trigger the threshold for mandatory EIA/EIAR and as such has been concluded that the proposed development would not give rise to significant negative effects on the environment, due to the scale, nature, location and design of the development. The Screening Report can be used by the competent authority, Limerick City & County Council, to conclude and determine that an EIA is not required for the proposed project. It is also noted that a separate Appropriate Assessment Screening Report has concluded that there will be no negative impacts on the qualifying interests or species of any Natura 2000 site within a 15km radius of the proposed development.
2. As per no. 1 above.
3. The current proposed project 'Part 8' development includes statutory periods of public consultation to allow the public to participate in the planning process and express their views.
4. The proposals outlined in the application is the full extent of the proposed development, as per the conditions of the Failte Ireland grant funding.
5. The grant funding for the hospitality sector has been made available nationally in all local authority areas. It is considered that the proposed development will have positive impacts on retail and other businesses in the city due to increased footfall and people spending longer periods of time in the city.
6. The areas of Bedford Row and Thomas Street have been successfully pedestrianised for many years and are considered to positively contribute to the city.
7. The design of the weather proofing structures has been carefully considered, both singly and collectively, to minimise any adverse visual impacts on the streetscapes of the city centre, through the selection of a simple rectangular form that respects the varied building elevations. The retractable roofs have been selected to ensure that the outdoor dining areas can be used throughout the year.
8. Access for emergency services has been considered throughout the design development. The areas of Bedford Row and Thomas Street have been successfully pedestrianised for many years and access will continue to be available for emergency services. The detailed design of the proposed development also ensures that emergency access/egress will continue to be available from the buildings on these streets.
9. The current proposed development has been specifically proposed along existing pedestrianised routes and as such significant space will remain available for pedestrians and other users.
10. Prior to the commencement of development, a licence agreement will be put in place with each business to address maintenance and liability matters.

Planning Authority Comment:

Response noted.

SUB (3) Department of Housing Local Government & Heritage

Submission Summary:

1. Works at the site should not result in the spread of invasive species. A site survey for invasive species should be carried out and appropriate measures carried out prior to commencement.

Transportation & Mobility Directorate Comments:

1. The issue of potential invasive species on site will be addressed prior to construction, as part of the Safety, Health and Environment management plan, which will be prepared as part of the works contract.

Planning Authority Comment:

Response noted

SUB (4) HSE – Environmental Health Service

Submission Summary:

1. The smoking of tobacco products should not be permitted inside the enclosed shelters in the interest of Public Health.
2. All catering facilities within the pergolas shall comply with relevant environmental health legislation.
3. The water supply for the water bottle refill stations shall be direct from the rising main and the outlet tap shall be protected against the elements and tampering.

Transportation & Mobility Directorate Comments:

1. Noted. This will be highlighted within the licence agreement which is to be signed by all stakeholders prior to commencement of development.
2. Noted. This will be highlighted within the licence agreement which is to be signed by all stakeholders prior to commencement of development.
3. Water supply will be from the rising main. The detailed design of the water bottle refill stations will ensure the protection of the outlet tap.

Planning Authority Comment:

Response noted.

5. Conclusion

The proposed development is considered to be acceptable in principle and shall be carried out in accordance with the actions for the Local Authority hereby attached. The use of the development is to be controlled by way of license agreement between the Applicant and the end user. The scope of the licence agreement covers licensee's obligations in terms of the use, maintenance and upkeep of equipment as well as indemnification of council against any claims. Overall it is considered that the proposed development is in accordance with policies of the Limerick City Development Plan 2010-2016, as extended, and is therefore acceptable and in accordance with the proper planning and sustainable development of the area.

6. Action taken by Local Authority

1. The development shall be carried out in accordance with the plans and particulars lodged with the application, on the 11/06/21 and the report received by the Planning Authority on 13/09/21, except as may otherwise be required in order to comply with the following conditions.

Reason - In order to clarify the development to which this permission applies.

2. During construction of the proposed development, the following shall apply:

- (a) No work shall take place on site outside the hours of 8.00 a.m. to 8.00 p.m. Monday to Friday and 8.00 a.m. to 4.00 p.m. Saturday, or on Sundays or public holidays, unless otherwise agreed in writing by the Planning Authority.
- (b) No surface water run-off shall be discharged onto public roads, foul sewers or adjacent property.
- (c) Adequate car parking facilities shall be provided on site for all workers and visitors.

Reason – To protect the residential amenities of the area in the interest of proper planning and sustainable development

3. 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 event that any public roads become soiled by construction traffic from the site, these roads shall be cleaned immediately.

Reason - In the interest of the proper planning and sustainable development of the area, road safety and to protect the amenity of the area.

4. The Construction Management Plan shall be submitted to and agreed in writing with the Planning Authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise/vibration and traffic management measures and off-site disposal of construction/demolition waste.

Reason- In the interests of public safety and residential amenity

5. An Invasive Species Managements Plan shall be prepared and submitted for written agreement of the Planning Authority prior to the commencement of any development on site.

Reason - In the interest of orderly development

6. Prior to the commencement of this development the site developer or appointed contractor shall submit to Planning & Environmental Services for agreement in writing a site specific waste management plan for the recovery/disposal of all wastes arising from the demolition, refurbishment and/or construction related activities of this development. The waste management plan shall include:

- (d) A list of proposed authorised waste collection permit holders to be employed;
- (e) A list of the proposed waste facility permitted sites at which the wastes may be recovered or disposed of;
- (f) Estimates of the proposed tonnages of construction and demolition (C&D) wastes by type e.g. soil and stone, rubble, wood, metal and plastic;
- (g) If asbestos containing materials have been identified as present, they shall be included in items a, b and c above.

Reason - In the interests of proper planning and sustainable development of the area.

7. Where it is proposed to connect to a public water/wastewater network operated by Irish Water, a connection agreement with Irish Water shall be signed prior to the commencement of any development on site and adhere to the standards and conditions set out in that agreement.

Reason - In the interest of proper planning and public health and safety

8. No tables/chairs/windbreakers or any other form of advertising hoarding shall be placed outside the building on the pedestrian footpath or roadway without a subsequent Table & Chair Licence under Section 254 of the Planning & Development Act (as amended) issued by the Planning Authority.

Reason – In the interest of proper planning & orderly development.

9. No development shall take place until all parties have entered into a licensing agreement in relation to the proposed development.

Reason – In the interest of proper planning & orderly development.