



---

**Planning and Development Acts 2000 to 2020**

**Planning Authority: Limerick City and County Council**

**Planning Register Reference Number: 19/710**

**Appeal** by Jean Nolan on behalf of Mayorstone Coolraine Residents Association of 141 Mayorstone Upper, Mayorstone, Limerick and by Richard M. Delaney care of Andrew Hersey Planning Consultant of 3 Atlantic View, West End, Kilkee, County Clare against the decision made on the 12<sup>th</sup> day of August, 2020 by Limerick City and County Council to grant subject to conditions a permission to Shelbourne Medical Properties Limited care of Healy Partners Architects of The Mill, Glentworth Street, Limerick in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Development of a six storey building comprising of 31 number student apartment units (143 number student bed spaces) and all associated auxiliary rooms. Medical Centre of 366.72 square metres. Provision of 20 number car parking spaces and secure bicycle storage. Demolition of existing bungalow and public house. Modifications to front site boundary wall and entrance and all associated site works at Hassett's Cross, Limerick.

## **Decision**

**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

## **Matters Considered**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## **Reasons and Considerations**

In coming to its decision, the Board had regard to the following:

- (a) the site's location on lands with a zoning objective for residential development and associated uses,
- (b) the policies and objectives of the Limerick City Development Plan 2010-2016 as extended,
- (c) the Rebuilding Ireland Action Plan for Housing and Homelessness 2016,
- (d) the National Planning Framework issued by the Department of Housing, Planning and Local Government in February 2018,

- (e) the provisions of the Guidelines for Planning Authorities on Sustainable Residential Developments in Urban Areas (Cities, Towns and Villages) and the accompanying Urban Design Manual, A Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009,
- (f) the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in March 2018,
- (g) the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013, as amended,
- (h) The Planning System and Flood Risk Management Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in November 2009,
- (i) the nature, scale and design of the proposed development,
- (j) the proximity of the site to third level institutions, a wide range of social infrastructure and to public transport services,
- (k) the pattern of existing and permitted development in the area,
- (l) the submissions received by An Bord Pleanála in relation to this application, and

(m) the report of the Planning Inspector.

The Board considered that, subject to compliance with the conditions set out below, the proposed development would achieve an acceptable standard of urban design, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would respect the existing character of the area and would be acceptable in terms of pedestrian, cyclist and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board had regard to the topography of the area and the location of the proposed development at the lowest point of Sexton Street North and of Shelbourne Road, the character of the area which includes a mix of uses and scales from the single storey dwellings immediately to the south east on Sexton Street North to three storey properties Thomond Court and Fairview Terrace fronting onto the opposite corners to the north and west respectively, Thomond Park Stadium to the northwest which represents a significant landmark structure dominating the skyline locally and from the wider area and the design and layout of the proposed development which defines a strong urban edge while maintaining space for public realm and providing for south facing open space to the rear of the building and a focal point provided by the corner portico style entrance and considered that the form, scale and height of the proposed development in the context of its location at Hassett's Cross and in proximity to Thomond Park Stadium would not be visually dominant and would not harm the streetscape. Furthermore, the Board concluded that the proposed development would not seriously injure the residential and other amenities of established properties through overbearing visual impact but would make a positive contribution to place making, by reason of its design and layout on this prominent brownfield site. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **Appropriate Assessment Screening**

The Board completed the screening exercise in relation to the potential effects of the proposed development on designated European sites, taking into account the nature, scale and location of the proposed development, the Inspector's report and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, on the basis of the information on the file, the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on the Lower River Shannon Special Area of Conservation (site code 002165), or any other European site, in view of the site's conservation objectives, and a Stage 2 Appropriate Assessment (and submission of a Natura Impact Statement) is not, therefore, required.

## **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 submitted on the 14<sup>th</sup> day of February, 2020 and the 16<sup>th</sup> day of July, 2020, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The proposed development hereby permitted (except the area occupied by the medical centre) shall only be occupied as student accommodation, in accordance with the definition of student accommodation provided under section 13(d) of the Planning and Development (Housing) and Residential Tenancies Act, 2016 and shall not be used for any other purpose without a prior grant of planning permission for change of use.

**Reason:** In the interest of residential amenity and to limit the scope of the proposed development to that for which the application was made.

3. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development.

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

4. The proposed development shall be implemented as follows:
  - (a) The student accommodation and complex shall be operated and managed in accordance with the measures identified in a finalised Student Accommodation Management Plan which shall be submitted to, and agreed in writing with, the planning authority prior to first occupation of the development.
  - (b) Student Housing Units shall not be amalgamated or combined.

**Reason:** In the interest of the amenities of occupiers of the units and surrounding properties.

5. The proposed development shall be amended as follows:

The width of the windows at the ground floor along Sexton Street and Shelbourne Road, shall be increased in order to provide a more open relationship with the street.

Revised drawings showing compliance with this requirement shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interests of visual and residential amenity.

6. Details of the materials, colours and textures of all the external finishes to the proposed building shall be as submitted with the application, unless otherwise agreed in writing with the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

7. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

**Reason:** To protect the residential amenities of property in the vicinity and the visual amenities of the area.

8. Proposals for a development name and numbering scheme and signage proposed for the development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all such names and numbering shall be provided in accordance with the agreed scheme.

**Reason:** In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

9. Details of all security shuttering, lighting and signage shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development.

**Reason:** In the interest of the visual amenities of the area.

10. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any unit.

**Reason:** In the interests of amenity and public safety.

11. Prior to the occupation of the development, a Mobility Management Strategy shall be submitted to, and agreed in writing with, the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, and walking by residents/occupants/staff employed in the development. The mobility strategy shall be prepared and implemented by the management company for all units within the development.

**Reason:** In the interest of encouraging the use of sustainable modes of transport.



12. (a) Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Prior to commencement of development, the developer shall submit to the planning authority for written agreement, a Stage 2 - Detailed Design Stage Storm Water Audit.
- (b) Upon completion of the development, a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.

**Reason:** In the interests of public health and surface water management

13. The site shall be landscaped in accordance with a detailed comprehensive scheme of landscaping, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interests of residential and visual amenity.

14. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials for each student apartment unit shall be submitted to, and agreed in writing with, the planning authority not later than six months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.

**Reason:** In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

15. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July, 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

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

16. The construction of the development shall be managed in accordance with a Construction Management Plan, which 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:
- (a) location of the site and materials compounds including areas identified for the storage of construction refuse,
  - (b) location of areas for construction site offices and staff facilities,
  - (c) details of site security fencing and hoardings,
  - (d) details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site,
  - (e) measures to obviate queuing of construction traffic on the adjoining road network,
  - (f) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network,
  - (g) alternative arrangements to be put in place for pedestrians, cyclists and vehicles in the case of the closure of any public road, cycleway or footpath during the course of site development works,
  - (h) details of appropriate mitigation measures for noise and dust, and monitoring of such levels,

- (i) details of appropriate measures to mitigate vibration from construction activity in accordance with BS 6472: 1992 Guide to evaluation of human exposure to vibration in Buildings (1 hertz to 80 hertz) and BS 7385: Part 2 1993: Evaluation and measurement for vibration in buildings - Guide to damage levels from ground borne vibration, and for the monitoring of such levels,
- (j) containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater,
- (k) off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil, and
- (l) means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

**Reason:** In the interests of amenities, public health and safety.

17. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Saturdays inclusive, 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.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

18. The developer shall enter into water and wastewater connection agreements with Irish Water, prior to commencement of development.

**Reason:** In the interest of public health.

19. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** To ensure the satisfactory completion of the development.

20. 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.

**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.

---

**Michelle Fagan**

**Member of An Bord Pleanála**

**duly authorised to authenticate**

**the seal of the Board.**

**Dated this            day of            2021.**