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**Planning and Development Acts 2000 to 2021**

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

**Planning Register Reference Number: 22/1216**

**Appeal** by Daniel Gordon of 64 Rhebogue Meadows, Dublin Road, Limerick and by Pat Power of Hillcrest, Rhebogue, Dublin Road, Limerick against the decision made on the 17<sup>th</sup> day of January, 2023 by Limerick City and County Council to grant subject to conditions a permission to Kearock Investments Limited care of AK Planning and Development Limited of Millside, Mill Road, Corbally, Limerick in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Large-Scale Residential Development (LRD) on lands (0.53 hectares). The proposed development comprises of the construction of a Purpose-Built Student Accommodation (PBSA) scheme consisting of 26 number apartments with a total of 202 number student bedspaces distributed across three number multi-storey blocks with a gross development area of 5,771 square metres. 'Block C' located at the southern end of the site addressing the Old Dublin Road provides seven number student apartments and 52 number bedspaces and is four storeys with the uppermost floor setback. 'Block C' steps down to two storeys to the rear providing ancillary space (342 square metres) inclusive of a communal lounge, meeting room, reception area and laundry. Two additional blocks

proposed are located to the rear, namely 'Block B', a five-storey block with 10 number apartments and 79 number bedspaces and 'Block A', a four-/five-storey block with nine number apartments and 71 number bedspaces located at the northern end of the site. A total of 1,519 square metres of landscaped public open space is provided across the scheme. The site will be accessed via a 4.8-metre shared surface and dedicated footpath from the Old Dublin Road. The proposed development also includes parking for 16 number cars and 142 number bicycles, boundary treatments, bin storage, public lighting, EV charging bays, electrical infrastructure, including one number electrical supply sub-station, water supply and foul and surface water drainage infrastructure and all associated and ancillary site and development works, all at Old Dublin Road, Rhebogue, Limerick City.

## 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.**

## Reasons and Considerations

Having regard to:

- (a) the site's location on lands with a zoning objective for residential development,
- (b) the policies and objectives of the Limerick City and County Development Plan 2022-2028,
- (c) the nature, scale and design of the proposed development,
- (d) the pattern of existing development in the area,
- (e) the National Student Accommodation Strategy issued by the Department of Education in July 2017,



- (f) the Guidelines on Residential Development for 3<sup>rd</sup> Level Students (Section 50 of the Finance Act 1999),
- (g) Circular PL 8/2016, APH 2/2016 issued by the Department of Housing, Planning, Community and Local Government in July 2016,
- (h) the National Planning Framework issued by the Department of Housing, Planning and Local Government in February 2018,
- (i) the Urban Development and Building Heights Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in December 2018,
- (j) the submissions and observations received in relation to the planning application and the appeal, and
- (k) the report and recommendation of the Inspector,

it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, height and quantum of development, and would be acceptable in terms of traffic and pedestrian safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

**Appropriate Assessment:**

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on European Sites, taking into account the nature and scale of the proposed development on serviced lands, the nature of the receiving environment, which comprises a built-up urban area, the distances to the nearest European Sites, and the hydrological pathway considerations, the submissions on file, the information submitted as part of the applicant's Appropriate Assessment Screening

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documentation and the Inspector's report. In completing the screening exercise, the Board agreed with and adopted the report of the Inspector and concluded that, by itself or in combination with other developments, plans and projects in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the Conservation Objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

### **Conclusions on Proper Planning and Sustainable Development:**

The Board considered that the proposed development is compliant with the provisions of the Limerick City and County Development Plan 2022-2028 and would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **Conditions**

1. The proposed development shall be carried out and completed 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, or as otherwise stipulated by conditions hereunder, and the proposed development shall be carried out and completed in accordance with the agreed particulars. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

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



2. The proposed development shall be amended to omit the approximately three-metre-wide footpath on the eastern side of the site entrance. The vehicular access shall be relocated approximately two metres east. The width of the footpath on the western side of the carriageway shall be increased to a minimum of 2.5 metres.

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

**Reason:** In the interest of privacy and residential amenity.

3. The proposed development shall be used for:
  - (a) student accommodation or accommodation related to a Higher Education Institute only, during the academic year, or
  - (b) student accommodation or accommodation related to a Higher Education Institute or tourist/visitor accommodation only, during academic holiday periods.

The proposed development shall not be used for the purposes of permanent residential accommodation, as a hotel, hostel, apart-hotel or similar use without a prior grant of planning permission.

**Reason:** In the interest of the proper planning and sustainable development of the area.

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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 indicated in the Student Accommodation Management Plan submitted with the planning application.
  - (b) Student units/apartments shall not be amalgamated or combined.

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

5. Prior to commencement of development, details of cycle parking and associated storage for cycling equipment shall be agreed in writing with the planning authority.

**Reason:** In the interest of the proper planning and sustainable development of the area.

6. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be as submitted with the planning application, unless otherwise agreed in writing with the planning authority prior to commencement of development. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

**Reason:** In the interest of visual amenity and to ensure an appropriate high standard of development.

7. Prior to commencement of development, details of all areas of boundary treatments to delineate public areas and communal open space and planting shall be submitted to, and agreed in writing with, the planning authority. Boundaries and areas of public areas and communal open space shown on the lodged plans shall be landscaped in accordance with the landscape scheme submitted with the planning application, unless otherwise agreed in writing with the planning authority. Access to green roof areas shall be strictly prohibited unless for maintenance purposes.

**Reason:** In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

8. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall –
- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operations (including hydrological and geotechnical investigations) relating to the proposed development,
  - (b) ensure that all ground reduction is subject to a programme of archaeological monitoring under licence by a suitably qualified archaeologist,
  - (c) ensure that where archaeological material is shown to be present, avoidance, preservation in situ, or preservation by record (excavation) may be required. Works may be halted pending receipt of advice from the National Monuments Service, Department of Housing, Local Government and Heritage, who shall advise the developer with regard to these matters, and



- (d) on completion of monitoring of ground reduction, and any archaeological excavations arising, the archaeologist shall submit a written report to the planning authority and to the Department of Housing, Local Government and Heritage for consideration.

In default of agreement on any of these requirements, the matter(s) shall be referred to An Bord Pleanála for determination.

**Reason:** In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

9. The car parking facilities hereby permitted shall be reserved solely to serve the proposed development. Prior to the occupation of the proposed development, a Parking Management Plan shall be prepared for the development and shall be submitted to, and agreed in writing with, the planning authority. This plan shall provide for the permanent retention of the designated residential parking spaces and shall indicate how these and other spaces within the development shall be assigned, segregated by use, and how the car park shall be continually managed.

**Reason:** To ensure that adequate parking facilities are permanently available to serve the proposed residential units and to prevent inappropriate commuter parking.





10. A minimum of 10% of all car parking spaces shall be provided with functioning electric vehicle charging stations/points, and ducting shall be provided for all remaining car parking spaces, facilitating the installation of electric vehicle charging points/stations at a later date. Where proposals relating to the installation of electric vehicle ducting and charging stations/points have not been submitted with the planning application, in accordance with the above noted requirements, such proposals shall be submitted to, and agreed in writing with, the planning authority prior to the occupation of the development.

**Reason:** To provide for and/or future proof the development such as would facilitate the use of electric vehicles.

11. Electric charging facilities shall be provided for bicycle parking within the scheme. Plans and particulars 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 interest of sustainable travel and residential amenity.

12. Public lighting shall be provided in accordance with a final scheme to reflect the indicative details in the submitted Public Lighting Report, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development/installation of lighting. Such lighting shall be provided prior to the making available for occupation of any apartment unit.

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

13. 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 agreed in writing with the planning authority.

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

14. Proposals for an apartment naming/numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

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

15. All service cables associated with the proposed development, such as electrical, telecommunications and communal television, shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

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



16. The developer shall enter into water and wastewater connection agreement(s) with Uisce Éireann (formerly Irish Water) prior to commencement of development.

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

17. Water supply and drainage arrangements, including the disposal and attenuation 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. Upon Completion of the development, a Stage 3 Completion Stormwater Audit to demonstrate that Sustainable Urban Drainage System measures have been installed and are working, as designed, and that there have been no misconnections or damage to storm water drainage infrastructure during construction works shall be submitted to the planning authority for written agreement.

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

18. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays, inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall 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.

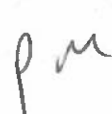
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19. A plan containing details for the management of waste within the proposed development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

**Reason:** To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

20. Prior to commencement of development, the developer shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021), including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on file and retained as part of the public record. The RWMP shall be submitted to the planning authority for written agreement prior to commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

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



21. The construction of the proposed 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 proposed development, including noise management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interest of public safety and residential amenity.

22. 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 and maintenance until taken in charge by the planning authority of roads, footpaths, watermains, drains and other services required in connection with the development, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion or maintenance 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 and maintenance of the development until taken in charge.



23. 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.



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**Peter Mullan**

**Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.**



Dated this *1<sup>st</sup>* day of *May*, 2023.