



An
Bord
Pleanála

Inspector's Report ABP-301696-18

Development	Change of Use - Office to Residential, provision of 14 no. studio apartments, upgrade to existing courtyard landscape amenity space, ancillary site works.
Location	Jutland Hall, Steamboat Quay, Limerick.
Planning Authority	Limerick City and County Council
Planning Authority Reg. Ref.	18/219
Applicant(s)	CMS Contract Management Services Ltd.
Type of Application	Permission
Planning Authority Decision	Grant subject to conditions
Type of Appeal	Third Party
Appellant(s)	Florence Roche and Rakib Ahmed
Observer(s)	None
Date of Site Inspection	5 th July 2018
Inspector	Ciara Kellett

1.0 Site Location and Description

- 1.1. The appeal site is a development known as Jutland Hall on the banks of the River Shannon in Limerick city centre. It is bounded by Steamboat Quay to the north and the Dock Road to the south. It is c.800m to the west of Limerick bus and train station. Other mixed use developments are located in the general vicinity including a Clayton Hotel, restaurants, cafes and apartments.
- 1.2. The development has façades facing onto both Steamboat Quay and the Dock Road and is five storeys fronting onto Dock Road. The building currently comprises parking at ground floor level, vacant offices at first and second floor and apartments on the floors above, with a central courtyard located above the parking, at first floor. Access to the offices at first and second floors is via a pedestrian entrance from Dock Road. The upper floors are accessed via a lift located in the centre of the development, as well as via a stairwell and walkways on the quay side of the development. Vehicular access to the ground floor is from the quay side.
- 1.3. Appendix A includes maps and photos.

2.0 Proposed Development

- 2.1. It is proposed to change the use of the offices at first and second floor to residential use and provide 14 studio apartments. The floor plate of the studio apartments will extend onto the first and second floors. An extension to the walkway/access deck at second floor is proposed to provide access to the lift. An upgrade to the landscaping in the courtyard at first floor is also proposed.
- 2.2. Each of the proposed studio apartments are in excess of 40sq.m and comprise a separated bedroom, kitchen/dining room and shower room. Each unit has private external amenity space as well as internal storage and a lockable storage unit at ground floor. 7 no. bicycle spaces are proposed to replace two car parking spaces at ground floor.
- 2.3. A Flood Risk Assessment accompanied the documentation.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to grant permission subject to 9 conditions. Condition no.3 required the applicant to submit details of the location and management of refuse storage. Condition no.4 required that no unit is occupied until the applicant has submitted photographic evidence of the renovated courtyard.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner's Report is the basis for the Planning Authority's decision. In summary, it includes:

- Site is zoned 'City Centre Area' and is within the area defined as City Centre Retail Area (CCRA).
- Notes retailing is prioritised in this area but not to the exclusion of other land use types. Other uses which complement and promote vibrancy are also permitted.
- Notes that Part V does not apply to this development because the application is for a change of use and extension to an existing building where at least 50% of the existing structure is being retained.
- Zoning Objective ZO.1 City Centre Area (CCA): 'To support the retention and expansion of a wide range of commercial, cultural, leisure and residential uses in the city centre as defined in the City Centre Strategy'. Considers principle is in line with the zoning objectives.
- Notes all apartments measure a minimum of 40sq.m and that although the layout is reflective of a one-bedroom apartment, the Planning Authority is satisfied that the scheme is acceptable in the context of the city centre location, the availability of communal open space and a quality layout of the units which conforms to section 6.9 of the Guidelines for New Apartments, 2018, which states that Planning Authorities are requested to practically and flexibly apply the general requirements in relation to refurbishment schemes.

- Notes 4 car parking spaces only have been identified but consider this acceptable in the city centre zoning and in line with Apartment Guidelines.
- Notes the applicant has not addressed bin storage and that waste disposal in the city centre is an ongoing environmental concern. Considers a suitable condition should be attached.
- Notes site is partially located in the CFRAM flood maps and that the applicant has submitted a Flood Risk Assessment. Report concludes that the site is a “low risk from a flood event” and the works relate to the first and second floor.
- Recommends permission is granted subject to conditions.

The decision was in accordance with the Planner’s recommendations.

3.2.2. Other Technical Reports

- **Roads Department:** Recommends that Further Information should be sought with respect to the applicant confirming that a minimum of 1 no. car park space is provided for each apartment. Applicant to confirm what the rest of the building is being used for and that parking is compliant with the Development Plan. Recommends a condition is appended requiring that the applicant agrees a Construction Management & Delivery Plan with the Council.
- **Fire Authority:** A Fire Safety Certificate and a Disability Access Certificate application is currently being assessed.
- **Physical Development Directorate:** Require a Flood Emergency Response Plan is in operation and reviewed annually.

3.3. Prescribed Bodies

- None on file

3.4. Third Party Observations

Three third party submissions were received from apartment owners. In summary, they include:

- Lack of communication from developer

- Depreciation in value of apartments
- There are 35 apartments – building is not designed to cater for an additional 14 apartments. All services are at their maximum capacity, such as lifts, fire alarm and security.
- Common areas are not capable of coping with 14 additional apartments.
- Block has been very poorly managed – fire report commissioned by owners which was damning and considering calling in the Fire Prevention Officer.
- Block is completely run down.
- Lack of car park spaces and refuse bins.

4.0 Planning History

On the site:

- LCC Reg. Ref. 08/770007: Permission granted in March 2008 for the change of use from a bar/restaurant to office use on the Steamboat Quay side of the development.

5.0 Policy Context

5.1. Limerick City Development Plan 2010 – 2016 (extended)

- 5.1.1. Chapter 2 of the Plan refers to the overall strategy for the city. Chapter 6 refers to housing, Chapter 13 refers to the City Centre, Chapter 15 to the Land Use Zoning Objectives and Chapter 16 to Development Management. Map 1 is the Land Use Zoning Map and the area is zoned '(A, B, C) City Centre Area'. Map 1A identifies the site within the City Centre Retail Area (CCRA).
- 5.1.2. Chapter 13 refers to the CCRA area. It states: *Retailing is prioritised in this area but not to the exclusion of other land use types. Other uses such as residential, hotel, office, cultural and leisure facilities etc., which compliment the retail function of the CCRA and promote vibrancy in the City Centre are also permitted, subject to the policies to promote City Centre retailing.*
- 5.1.3. Chapter 15 refers to the zoning objective for the city centre area. It states:

Objective ZO.1 CCA:

To support the retention and expansion of a wide range of commercial, cultural, leisure and residential uses in the City Centre as defined in the 2030 Economic and Spatial Plan.

Objective ZO.1 (A) CCRA:

To provide for the protection, upgrading and expansion of higher order retailing, in particular comparison retailing, and a range of other supporting uses in the City Centre retail area.

- 5.1.4. Table 16.1 of Chapter 16 identifies a parking requirement of 1 space per apartment. The following is noted below the table:

The standards set out above may be relaxed if certain scenarios occur as follows:

- *Where public car parking is available in the vicinity of the development which is adequate to serve both the development and to perform its original purpose, or where such parking provision is proposed.*
- *Where adequate on-street parking is available and is likely to be available in the foreseeable future and where the car parking activity associated with the development is not likely to give rise to a loss of amenity or to traffic congestion.*
- *Where on the particular planning merits of the case or in central urban areas, it would be unreasonable to require full provision. Where public car parking facilities have been provided or are to be provided which facilitate the development, in this case, the Planning Authority will require the payment of a contribution towards the provision of such car-parking spaces. The level of contribution will be calculated based on the scale and the nature of the proposed development.*

5.2. Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2018

- 5.2.1. Section 2.22 of the Guidelines states:

In addition, Development Plans should provide for flexibility in respect of dwelling mix in small-scale building refurbishment and urban infill development schemes:

Specific Planning Policy Requirement 2

For all building refurbishment schemes on sites of any size, or urban infill schemes on sites of up to 0.25ha:

- *Where up to 9 residential units are proposed, notwithstanding SPPR 1, there shall be no restriction on dwelling mix, provided no more than 50% of the development (i.e. up to 4 units) comprises studio-type units;*
- *Where between 10 to 49 residential units are proposed, the flexible dwelling mix provision for the first 9 units may be carried forward and the parameters set out in SPPR 1, shall apply from the 10th residential unit to the 49th;*
- *For schemes of 50 or more units, SPPR 1 shall apply to the entire development.*

Specific Planning Policy Requirement 3 requires a minimum floor area of 37sq.m for studio apartments.

5.2.2. Lifts and stair cores are addressed in Section 3. **Specific Planning Policy Requirement 6** states:

A maximum of 12 apartments per floor per core may be provided in apartment schemes. This maximum provision may be increased for building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, subject to overall design quality and compliance with building regulations.

5.2.3. Refuse Storage is addressed in section 4. Section 4.8 states: *‘Provision shall be made for the storage and collection of waste materials in apartment schemes. Refuse facilities shall be accessible to each apartment stair/lift core and designed with regard to the projected level of waste generation and types and quantities of receptacles required.’*

5.2.4. Section 4.18 refers to car parking. It states: *‘The quantum of car parking or the requirement for any such provision for apartment developments will vary, having*

regard to the types of location in cities and towns that may be suitable for apartment development, broadly based on proximity and accessibility criteria’.

5.3. Natural Heritage Designations

The development site is just south of the Lower River Shannon SAC (Site Code 002165) and the River Shannon and River Fergus SPA (Site Code 004077).

6.0 The Appeal

6.1. Grounds of Appeal

One third party appeal has been lodged by owners of two apartments. In summary the planning issues raised include:

- Security: The building has had several security issues and the new use of the entrance on Dock Road side will lead to further problems in this area.
- Services: The lift breaks down regularly and this plan will lead to increased failures.
- Car park spaces: This plan adds 14 apartments and removes 2 car park spaces. There is no provision to secure spaces bought by owners. Reference made to the 2015 DECLG Sustainable Urban Housing which recommends 1 space per dwelling. Note Planning Authority report initially marked this issue for FI but ultimately recommended planning permission without any attempt to obtain a rationale for the provision of no additional parking spaces.
- Refuse: Current location for bins is unsafe – extra bins will make this problem worse. Space should be secured for bins. Planning Authority’s decision to deal with this point by way of condition is unsatisfactory having regard to the management/developer’s failure to address this issue.
- Existing enclosed bin store in carpark: This is where the CCTV monitor maintenance and cleaning tools have been kept – no provision for these allowed.
- Floor plate extensions: Do not consider it right to use the small common area/courtyard to provide open space for new apartments. The extension of

the second floor plate will overshadow the remaining courtyard. Provision of open spaces will lead to increased noise – all other open spaces for apartments are on the outside.

- Serious concerns with the management/developer's ability to bring amenity standards up to levels required by the DECLG document.
- No consideration has been given to the health and safety of the residents during the construction.
- Two maps accompany the appeal.

6.2. **Applicant Response**

The applicant has not responded to the appeal.

6.3. **Planning Authority Response**

The Planning Authority has not responded to the appeal.

7.0 **Assessment**

The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Principle of Development
- Residential Amenities
- Car Parking
- Open space
- Appropriate Assessment

7.1. Principle of Development

- 7.1.1. This application proposes the conversion of offices at first and second floor to 14 studio apartments. There are 35 apartments already in existence within Jutland Hall on upper floor levels.
- 7.1.2. The total number of apartments will rise to 49. The drawings indicate that the existing apartments are two-bedroom units, therefore, I am satisfied that 14 no. studio apartments are acceptable and in accordance with the Design Standards for New Apartments, Guidelines 2018.
- 7.1.3. All of the studio apartments are in excess of 40sq.m which is over the minimum floor area of 37sq.m required for studios.
- 7.1.4. The area is zoned 'city centre retail area' and residential use is permitted in principle.
- 7.1.5. I am satisfied that the principle of converting offices into 14 studio apartments is acceptable in this location.

7.2. Residential Amenities

- 7.2.1. The appellants raise concerns with the proposal's impact on amenities in terms of security, use of the lift, refuse storage, and impact during construction. I intend to address each point in turn.

7.2.2. Security

The Dock Road access currently serves ground, first and second floor only. It was a separate access for the offices, albeit it provided full access to the car park at ground floor and to the first floor courtyard area, where access to all other floors could be obtained. The appellants express concerns that the new use of this entrance will lead to further security problems in this area.

The original intent appears to have been to provide the offices with a separate standalone access to the street. There is no change proposed in terms of access from Dock Road and hence it is unlikely that there will be any 'new' use of this entrance. It will continue to serve ground, first and second floor. As such I am of the view that there will be no change to the security of the building.

7.2.3. *Use of the Lift*

Currently there is no walkway from the lift at second floor to the offices. The offices were originally served by the lift to the first floor only. Part of the proposal includes the extension of the walkway at second floor level to provide future residents access to the lift.

The appellants state that there are currently issues with the lift already and are concerned that the increased use of the lift will exacerbate these maintenance issues.

It is proposed to provide 7 no. studio apartments at first and second floor. There are currently 5 apartments at both first and second floor. The additional 7 studios will bring this number up to 12. I note that Design Standards for New Apartments, Guidelines 2018, with respect to stair and lift cores states that a *'maximum of 12 apartments per floor per core may be provided in apartment schemes. This maximum provision may be increased for building refurbishment schemes....'*

I am satisfied that one lift to serve 12 units is in accordance with policy standards. I note that there will be access to all apartments from the stair core on the quay side of the building with the extension of the walkway at second floor.

The issue of maintenance of the lift is not an issue for the Board.

7.2.4. *Refuse storage*

In the car park at ground floor level there is a store which is proposed for use by the future residents as part of their storage requirements. The appellants state that this is an existing enclosed bin store and is where the CCTV monitor maintenance and cleaning tools are maintained. They query where this equipment is going to be stored and refer to the extra bins that the new apartments will require and potential issues with same.

The Planning Authority was of the opinion that this could be dealt with by way of condition.

Having regard to the ground floor car park layout, I am of the opinion that there is sufficient room for additional refuse bins. I recommend that a layout for waste receptacles should be submitted to the Planning Authority by way of condition, in

accordance with the requirements of Section 4.8 of the Design Standards for New Apartments, Guidelines 2018, should the Board consider granting permission.

7.2.5. *Impact on amenities during construction*

The appellants are concerned with the health and safety of existing residents during construction. They cite concerns with dust, noise, car parking and access.

I accept that there will be some inconvenience caused due to construction activities but note that the majority of the work will be internal to the offices. Undoubtedly there will be an increase in noise and dust, however, I consider that these impacts, as well as controlling access can be managed and mitigated with the production of a Construction Management Plan. Furthermore, these impacts will be temporary, for the duration of construction.

7.2.6. *Conclusion on Residential Amenities*

I am satisfied that there will not be a significantly adverse impact on residential amenities. The proposal is designed in accordance with policies and guidelines. I consider that refuse storage can be addressed by way of condition, and I recommend that a condition requiring the production of a construction management plan should be appended, if the Board are of a mind to grant permission.

7.3. **Car Parking**

- 7.3.1. The appellants are concerned with the lack of car parking spaces. It is stated that while 14 apartments are proposed the internal car parking is being reduced by two no. spaces. The two spaces being removed are being replaced with 7 bicycle parking spaces. It is proposed to dedicate 4 no. car parking spaces outside of the building to the development.
- 7.3.2. Chapter 16 of the Limerick City Development Plan provides for a relaxation of the numbers of car parking spaces in certain circumstances, and section 4.18 of the Design Standards for New Apartments, Guidelines 2018, states the requirement for car parking will vary depending on location etc.
- 7.3.3. Having regard to the city centre location of the site, I am satisfied that in this instance the addition of 4 no. spaces is acceptable and, it would be unreasonable to require full provision.

7.4. Open Space

- 7.4.1. The semi-private open space for the development is provided at first floor level in the form of a courtyard. I am in agreement with the appellants that the area could be improved significantly, as it is not conducive currently for use by families and children due to its uneven level and lack of soft surfaces and play areas.
- 7.4.2. The proposal includes significant improvements to the open space as indicated on Drawing No.211 'Proposed First Floor Plan'. The Planning Authority included a condition requiring photographic evidence of the improvements prior to any unit being occupied.
- 7.4.3. I am satisfied that the proposed plans for the courtyard, as well as the private amenity space are satisfactory. I agree that the landscaping improvements should be carried out ahead of occupation of any of the units and would recommend that a condition to this effect is appended, should the Board consider granting permission.

7.5. Appropriate Assessment

Having regard to the nature and scale of development proposed for retention and to the nature of the receiving environment, namely an urban environment, no appropriate assessment issues arise and it is not considered that the proposed development for retention would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. I recommend that permission should be granted for the proposed development subject to conditions.

9.0 Reasons and Considerations

Having regard to the residential zoning of the site under the Limerick City Development Plan 2010 – 2016 (extended), and compliance with the development standards as set out in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2018, it is considered that the proposed development, subject to compliance with the conditions below, would not

detract from the character of the area and would not seriously injure the residential or visual amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The 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 and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The areas of semi-private open space shown on the lodged plans shall be reserved for such use and shall be contoured, soiled, seeded, and landscaped in accordance with the landscaping proposals received by the planning authority and the detailed requirements of the planning authority. This work shall be completed before any of the dwellings are made available for occupation.

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

3. Details of the materials, colours and textures of all the external finishes and boundary treatments to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

4. 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, recyclables within dwellings 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.

5. The construction of the development shall be managed in accordance with a detailed 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 noise and dust management measures, site operational hours, and off-site disposal of construction/demolition waste.

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

6. A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for parking during the construction phase and the location for storage of deliveries to the site.

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

7. 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. The contribution shall be paid prior to the 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 the Board to determine the proper application of

the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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.

Ciara Kellett
Senior Planning Inspector

19th July 2018