



An
Bord
Pleanála

**S. 6(7) of Planning and
Development (Housing) and
Residential Tenancies Act 2016**

**Inspector's Report on
Recommended Opinion
303210-18**

Strategic Housing Development	324 student bedspaces and 32 apartments, two small retail units, all contained in 2 blocks ranging in height from 4-6 storeys and ancillary site works
Location	Punch's Cross, Limerick
Planning Authority	Limerick County Council
Prospective Applicant	Clancaragh Investments
Date of Consultation Meeting	January 25 th 2019
Date of Site Inspection	14 th January 2019
Inspector	L. Dockery

1.0 Introduction

Having regard to the consultation that has taken place in relation to the proposed development and also having regard to the submissions from the planning authority and the documentation received from the prospective applicant, the purpose of this report is to form a recommended opinion as to whether the documentation submitted with the consultation request under section 5(5) of the Planning and Development (Housing) and Residential Tenancies Act 2016 - (i) constitutes a reasonable basis for an application under section 4, or (ii) requires further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

2.0 Site Location and Description

2.1 The subject site, which has a stated area of circa 0.7282 hectares, is located at Punch's Cross, a suburban area on the western side of Limerick, approximately 1.5km from the city centre. The site occupies a corner site between Rosbrien Road and Ballinacurra Road. The site is currently a brownfield site, vacant and overgrown. A disused commercial building occupies the site.

3.0 Proposed Strategic Housing Development

3.1 The proposed development comprises an application for a 324 student bedspaces and 32 apartments, together with two retail units at ground floor to operate in conjunction with the student accommodation, together with associated site works. The works also includes for the ceding of land to accommodate an additional traffic lane and new public footpath along Rosbrien Road.

3.2 The following details are noted:

Parameter	Site Proposal
Application Site	0.7282 ha
No. of Units	324 student bedspaces & 32 apartments
Other Uses	2 retail units (150 sq. m)
Car Parking	94 spaces (basement)
Bicycle Parking	394
Vehicular Access	From Rosbrien Road and Ballinacurra Road
Part V	3 units

The breakdown of residential unit types is as follows:

Unit Type	1 bed	2 bed	3 bed	
Apartment	10	20	2	32
% Total	31.25%	62.5%	6.25%	100%

4.0 National and Local Planning Policy

4.1 National

Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the planning authority, I am of the opinion that the directly relevant Section 28 Ministerial Guidelines are:

- ‘Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas’ (including the associated ‘Urban Design Manual’)
- ‘Sustainable Urban Housing: Design Standards for New Apartments’ (2018)
- ‘Design Manual for Urban Roads and Streets’ (2013)
- ‘The Planning System and Flood Risk Management’ (including the associated ‘Technical Appendices’) (2009)
- ‘Architectural Heritage Protection- Guidelines for Planning Authorities
- Urban Development and Building Heights, Guidelines for Planning Authorities (2018)

The following documents are also considered relevant:

- Dept. of Education and Skills ‘National Student Accommodation Strategy’ (July 2017)
- Dept. of Education and Science ‘Guidelines on Residential Developments for 3rd Level Students Section 50 Finance Act 1999’ (1999).
- Dept. of Education and Science ‘Matters Arising in Relation to the Guidelines on Residential Developments for 3rd Level Students Section 50 Finance Act 1999.’ (July 2005)

4.2 Local

The Limerick City Development Plan 2010-2016 (as extended) applies.

Zoning:

Objective Z0.5 (D) Local Centre which seeks ‘to protect, provide for and/or improve the retail function of local centres and provide a focus for local centres’.

Local centres provide for convenience shopping, which anchor units of 400m² or less and a similar amount of associated small units containing convenience, lower order comparison shopping and local service outlets. Limited retail offices will be

acceptable in these local centres to serve local needs, subject to restrictions on scale and extent including a cap of 75m² per unit. Residential uses are also acceptable within this zone.

5.0 **Planning History**

Subject Site:

06/203 (PL30.221336)

Permission GRANTED on appeal for demolition of existing buildings and erection of mixed use retail/office development

04/770531

Permission GRANTED for showroom to front of premises and retention of minor alterations

04/77038

Permission REFUSED for change of use from betting office to traditional fish and chip shop- decision UPHeld on appeal

Nearby Sites

14/1255 (immediately west of proposed site)

Permission GRANTED for change of use of part of ground floor from office to HSE's Child and Adolescent Mental Health Service and other works to NEPS building

17/60 (immediately SW of proposed site)

Permission GRANTED on appeal for demolition of existing buildings and construction of a new monopitched licenced discount foodstore

18/8014 (Part 8 development at site on Rosbrien Road to SE of proposed development)

Provision of 17 residential units, relocation of existing pitch, provision of new junction onto Rosbrien Road from community centre and ancillary works. In process

6.0 **Section 247 Consultation(s) with Planning Authority**

6.1 It is stated by the prospective applicant that three pre-application consultation took place with the planning authority on 16th day of January 2018, 25th day of April 2018 and 31st day of May 2018.

7.0 **Submissions Received**

Irish Water

Irish Water has issued a Confirmation of Feasibility for this development for 422 student bedspaces.

The proposed development, as assessed for the CoF, is standard connection requiring no network or treatment plant upgrades for water or wastewater by either the customer or Irish Water. No third party consents are required for these connections to take place.

Therefore, based on the CoF, Irish Water confirms that subject to a compliant water and wastewater layout and a valid connection agreement being put in place between Irish Water and the developer, the proposed connections to the Irish Water networks can be facilitated.

8.0 Forming of Opinion

8.0.1 Pursuant to section 6(7) of the Act of 2016, regard is had in the forming of the opinion to the documentation submitted by the prospective applicant; the planning authority submissions and the discussions which took place during the tripartite consultation meeting. I shall provide brief detail on each of these elements hereunder.

7.0 Documentation Submitted

8.1.1. The prospective applicant has submitted information pursuant to section 5(5)(a) of the Planning & Development (Housing) and Residential Tenancies Act 2016 and Article 285 of the Planning and Development (Strategic Housing Development) Regulations 2017. This information included, inter alia, completed application form, architectural drawings, CGIs, a completed pre-connection enquiry feedback form from Irish Water, Statement of Consistency Report, Appropriate Assessment Screening Report, Planting Plan, Design Statement Shadow Cast & Sunlight Analysis, Flood Risk Assessment, Drainage details, Construction & Waste Management Plan, Traffic and Transport Assessment. Road Safety Audit and Water Services Report

8.1.2. I have considered all of the documentation submitted by the prospective applicant, relating to this case.

7.1 Planning Authority Submission

7.1.1 In compliance with section 6(4)(b) of the 2016 Act the planning authority for the area in which the proposed development is located, Dublin City Council, submitted a note of their section 247 consultations with the prospective applicant and also submitted their opinion in relation to the proposal. These were received by An Bord Pleanála on 18th January 2019.

7.1.2 The planning authority's 'opinion' included the following matters: copies of records of section 247 consultations, planning history; site location, zoning, masterplan, traffic and transportation, surface water, environment, fire/building control, Part V, appropriate assessment. Design/layout/landscaping/building materials, density, building height, integration with the character of, and pattern of development in

particular O'Connell St ACA adjacent to development, and appendices containing reports of internal departments.

7.1.3 The report addresses the following:

- Principle of student accommodation and apartments is acceptable at this location
- Degree to which proposed development satisfies zoning objective will be a key consideration for ABP
- Applicants were advised that masterplan should be prepared for the overall lands zoned local centre to include future development potential of adjoining lands, pedestrian desire lines and future pedestrian routes
- Proposed development would facilitate a long term development of the entire block, with integration between various development sites
- Key consideration for ABP shall be the future potential of the site to accommodate increased residential/commercial activity on line with zoning
- Summary of reports from internal departments
- In relation to Part V, discussions have taken place between develop and Housing Unit and units have been agreed for transfer
- Errors in AA Screening Report should be corrected, errors do not have an impact on findings of AA Screening
- Blank gables to book end wing blocks should be avoided; fenestration to habitable rooms on this elevation to provide optimum passive surveillance
- Clarity with regard to nature of proposed commercial/retail/food outlets proposed
- Rear open space communal area should be to high standard
- Consideration should be given to relocating lift shaft in private apartments to avoid intrusion into private living areas
- 2m wide venting to allow for natural aeration for basement should be related to inner courtyard, in the interests of maintenance and to maintain a high quality streetscape- railing should be reflective of Georgian building stock

- Relationship of street trees in public realm should be considered further
- Proposed density is considered to accord with City Development Plan and national guidance
- Key determination will be to determine if the type, scale and density of units proposed, including mix of units is appropriate for the site
- Building heights proposed are substantially in compliance with Urban Development and Building Height, Guidelines for Planning Authorities, Draft Consultation
- Key consideration is that application demonstrates that the proposed development integrates with its surroundings

7.1.4 Report concludes by highlighting the need for high quality design and layout to realise the potential of strategically important site in a manner that is in accordance with s28 ministerial guidance and accords with both the Limerick City Development Plan 2010-2016 (as extended) and National Planning Policy and Guidance. ABP has to be satisfied that the proposed scheme integrates successfully with the immediate urban area and with the wider city achieving adequate connectivity and has due regard to neighbouring developments. ABP will also need to ensure that the proposed layout integrates successfully with the existing dwellings/layout and the adjacent ACA of O'Connell Avenue and Rosbrien Road and has due regard to serving the needs of existing occupiers, including the provision of quality areas of public open space, recreation and amenity facilities.

7.1.5 I have reviewed and considered all of the documentation submitted by the planning authority relating to this case.

7.2 Consultation Meeting

7.2.1 A Section 5 Consultation meeting took place at the offices of Limerick City and County Council, Dooradoyle, Limerick on the 25th day of January 2019, commencing at 10.30 am. Representatives of the prospective applicant, the planning authority

and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting.

7.2.2 The main topics raised for discussion at the tripartite meeting were as follows:

1. Development Strategy for the site to include proposal in context of SHD legislation; proposed uses in context of zoning objective; elevational treatment/finishes; connectivity
2. Development Standards to include internal layout, landscaping, daylight/sunlight;
3. Residential Amenity
4. Traffic and Parking
5. Surface water drainage
6. Any other matters

7.2.3 In relation to development strategy, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- Proposed development in the context of SHD legislation
- Proposed uses in the context of the zoning objectives for the site; masterplan for overall local centre lands; public accessibility to proposed retail units
- Need for proposed student accommodation- submission of a Student Demand and Concentration Report
- Links with third level institutions
- Use of proposed development outside of term-time
- Public accessibility to proposed retail units
- Elevational treatment and finishes
- Connectivity achievable in the surrounding area, to nearby shops and services, to third level institutions, to existing public transport links

7.2.4 In relation to development standards, An Bord Pleanála sought further elaboration/discussion/consideration of the following:

1. Details of the proposed floor areas in the context of the minimum standards set out in 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' (2018).
- Provision of communal uses and concentration of proposed communal uses in basement- both from a usage/quality perspective; management perspective and access to daylight
- Quality of open space provision and public realm; interface between proposed communal open space and apartment block; landscaping
- Internal daylight/sunlight analysis to ensure adequate amenity of future residents

7.2.5 In relation to residential amenity, An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- Potential impacts on existing and proposed residential development in terms of overlooking, overshadowing, overbearing and noise
- Compatibility of proposed student accommodation and apartment block in terms of layout, proximity and management/security
- Proximity of communal open space associated with student accommodation element to apartment elements; interface between the two elements

7.2.6 In relation to parking and mobility management, An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- Car parking provision and management/allocation of same
- Other matters raised within Appendices of PA Opinion (emails dated 15/01/19 and 16/01/19) in relation to roads/traffic/parking, together with comments of Limerick Smarter Travel

7.2.7 In relation to surface water drainage, An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- Matters raised within Appendices of PA Opinion (email dated 16/01/19) in relation to surface water drainage

7.2.8 In regards to other matters, An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- Potential impacts of proposed development on O'Connell Avenue ACA
- CGIs/visualisation/cross sections
- Site slope/levels
- Part V
- Waste management
- Taking in charge
- Demolition Plan
- Construction Management Plan

7.3 **Conclusion and Recommendation**

7.3.1 Based on the entirety of the information before me, it would appear that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

7.3.2 I have examined all of the information and submissions before me including the documentation submitted by the prospective applicants, the submissions of the planning authority and the discussions which took place at the tripartite meeting. I have had regard to both national policy, via the section 28 Ministerial Guidelines and local policy via the statutory plans for the area.

7.3.3 Having regard to all of the above, I recommend that the Board serve a notice on the prospective applicant, pursuant to Section 6(7)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016, stating that it is of the opinion that the documentation submitted with the consultation request under section 5(5) of the

Act **requires further consideration and amendment** in order to constitute a reasonable basis for an application under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

7.3.4 I would also recommend that the prospective applicant be notified, pursuant to article 285(5)(b) of the 2017 Regulations, that specified information (as outlined hereunder) be submitted with any application for permission that may follow. I believe the specified information will assist the Board at application stage in its decision making process. I am also recommending that a number of prescribed bodies (as listed hereunder) be notified by the prospective applicant of the making of the application.

8 Recommended Opinion

The Board refers to your request pursuant to section 5 of the Planning and Development (Housing) and Residential Tenancies Act 2016. Section 6(7)(a) of the Act provides that the Board shall form an opinion as to whether the documents submitted with the consultation request (i) constitute a reasonable basis for an application under section 4 of the Act, or (ii) require further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, **An Bord Pleanála is of the opinion that the documentation submitted requires further consideration and amendment to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála.**

In the opinion of An Bord Pleanála, the following issues need to be addressed in the documents submitted to which section 5(5) of the Act of 2016 relates that could result in them constituting a reasonable basis for an application for strategic housing development:

1. Development Strategy

Further consideration and/or justification of the documents as they relate to the proposed strategy for the development of the site in respect of the type of residential uses proposed and the relationship/compatibility between them, particularly with regards to matters of nature of ownership and tenure, residential amenity,

management and security of the proposal. Further consideration and/or justification of the documents as they relate to the appropriateness of on-site Part V provision given the nature of the proposal, in particular given the transient nature of other residential development/residents on site. Where Part V proposals are not being provided on site, details of alternate Part V provision should be submitted. The further consideration of these issues may require an amendment to the documents and/or design proposals submitted at application stage.

2. Elevational Treatment/Finishes

Further consideration and/or justification of the documents as they relate to the elevational treatment/expression and finishes of the proposed development, having regard to the context of the site within an established suburban area and the desire to ensure that the proposed development makes a positive contribution to the character of the area over the long term. An architectural report and urban design statement should be submitted with the application. In addition, a report that specifically addresses the materials and finishes of the proposed structures including specific detailing of finishes, openings, the treatment of balconies, railings, landscaped areas and boundary treatments, having regard to the long term management and maintenance of the proposed development should be submitted. Furthermore, particular regard should also be had to proposals for the treatment of the interface between the proposed buildings and public realm/areas of communal open space. The further consideration of these issues may require an amendment to the documents and/or design proposals submitted at application stage

3. Car Parking

Further consideration and/or justification of the documents as they relate to the car parking strategy for the proposed development, having particular regard to the level of parking proposed, how it is intended that it is assigned and managed and measures proposed to address shared car parking, visitor parking and drop off locations. The further consideration of these issues may require an amendment to the documents and/or design proposals submitted at application stage.

Pursuant to article 285(5)(b)(i) and (ii) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that the following specific information should be submitted with any application for permission:

1. A plan detailing existing/proposed uses within this overall parcel of land zoned 'Local Centre'
2. A detailed schedule of accommodation which indicates consistency with relevant standards in the 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' (2018).
3. Colour coded drawings which clearly indicates individual clusters within the student accommodation element of the proposal and apartment types within the residential element
4. A report that addresses issues of residential amenity (both existing residents of adjoining developments and future occupants). Full and complete drawings including levels and cross sections showing the relationship between the development and nearby residential properties should be submitted. This should include a daylight/sunlight analysis and a noise assessment, and should detail any mitigation measures proposed, if considered necessary. This report should also give further consideration and/or justification of the documents as they relate to the internal layout of the proposed student accommodation element of the proposed development, having particular regard to the quantum and distribution of communal facilities.
5. A site specific Student Management Plan which includes details on management of student accommodation outside of term-time
6. A Conservation Report that addresses the impacts, if any, of the proposed development on the O'Connell Avenue ACA
7. Additional CGIs/visualisations/3D modelling showing the proposed development relative to existing development in vicinity
8. A life cycle report in accordance with section 6.3 of the Sustainable Urban Housing: Design Standards for New Apartments (2018).

9. Construction and Demolition Waste Management Plan
10. Drainage information as detailed in in Appendices, Surface Water Drainage Report, dated 16/01/2019 of PA Opinion submitted to An Bord Pleanála
11. Additional information in relation to roads, traffic and parking as detailed in Appendices, Roads/Traffic/Parking Report, dated 16/01/2019 and Limerick Smarter Travel Report, dated 15/01/2019 of PA Opinion submitted to An Bord Pleanála

Pursuant to article 285(5)(a) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is informed that the following authorities should be notified in the event of the making of an application arising from this notification in accordance with section 8(1)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016:

1. Irish Water
2. Transport Infrastructure Ireland
3. Health Service Executive
4. Commission for Energy Regulation

PLEASE NOTE:

Under section 6(9) of the Planning and Development (Housing) and Residential Tenancies Act 2016, neither the holding of a consultation under section 6, nor the forming of an opinion under that section, shall prejudice the performance by the Board, or the planning authority or authorities in whose area the proposed strategic housing development would be situated, of any other of their respective functions under the Planning and Development Acts 2000 to 2016 or any other enactment and cannot be relied upon in the formal planning process or in legal proceedings.

Lorraine Dockery
Senior Planning Inspector
13th February 2019