



An
Bord
Pleanála

Inspector's Report

ABP-308109-20

Development

Development of a six storey building comprising of 31 student apartment units & all associated auxiliary rooms. Medical Centre of 366.72 sq.m. Provision of 20 car parking spaces & secure bicycle storage. Demolition of existing bungalow & public house. Modifications to front site boundary wall and entrance and all associated site works.

Location

Hassett's Cross, Limerick.

Planning Authority

Limerick City and County Council

Planning Authority Reg. Ref.

19710

Applicant(s)

Shelbourne Medical Properties Ltd.

Type of Application

Permission.

Planning Authority Decision

Grant Permission subject to conditions

Type of Appeals

Third Party

Appellant(s)

Mayorstone Coolraine Residents Association.

Richard M Delaney

Observer(s)

Department of Tourism Culture Arts
Gaeltacht Sport and Media.

Date of Site Inspection

27th November 2020.

Inspector

Bríd Maxwell

1.0 Site Location and Description

- 1.1. The appeal site has a stated area of 0.2385 hectares and is located at Hasset's Cross which comprises the intersection of the Shelbourne Road R464, Sexton Street North and the Cratloe Road R445 on the north side of Limerick City. Hasset's Cross is a busy signalised junction approximately 1.5km northwest of Limerick City Centre. The appeal site is occupied by Hasset's public house which is semi derelict and a detached single storey dwelling located to the south. The public house is a single storey structure and is setback on the corner site with an area of open hardstanding to the front. The dwelling which lies within a walled garden fronts onto Shelbourne Road.
- 1.2. The area is characterised by mixed use. Gaelscoil Sáirséal adjoins to the south and Shelbourne Park amenity area to the south of this. Residential dwellings adjoin to the east. Thomond Park Stadium is located to the north west and Limerick Institute of Technology circa 550m to the northwest. Saint Camillus Hospital is circa 400m to the south.
- 1.3. The dwellings to the east of the site are single storey dwellings with large rear gardens. Across the Shelbourne road to the west is a 3-storey apartment building Thomond Court. To the north across Sexton Street north are two storey houses set above the street level behind a high stone wall while three storey residential properties Parkview Terrace define the opposite corner.

2.0 Proposed Development

- 2.1 The application seeks permission for a development comprising demolition of the existing bungalow and public house and development of a six-storey building comprising of 31 student apartment units (143 student bed spaces) and all associated auxiliary rooms and a medical centre of 366.72m². The layout provides for 20 car parking spaces and bicycle storage. Modifications are proposed to site boundary wall and entrance and all associated site works.
- 2.2 The proposed six storey block wraps around Sexton Street Shelbourne Road corner and a south facing open space and parking is provided to the rear. The proposed medical centre is located on the ground floor fronting Sexton Street North. The

proposed student accommodation provides 143 bed spaces arranged across 31 no units. At ground level there is a main reception space, meeting room, storage room, laundry facilities and enclosed and secure bicycle parking. Ancillary accommodation includes a seminar room, study rooms and break out and casual seated areas.

- 2.3 The apartment unit types are slaid out in a mix of 3, 4, 5 and 6 bed units. Open space is provided externally at ground floor level and at upper floors through the provision of a communal roof garden at communal balcony space.
- 2.4 The medical centre will have 5 no consulting / GP rooms and ancillary rooms for administration staff and supporting health professionals. Dedicated access to the medical centre is provided from Sexton Street North with additional access from car park to the rear.
- 2.5 I note that some modifications were made to the proposed development in response to requests for additional information and clarification of additional information. The revisions included an additional setback of the building from the public road and footpath and revisions to the proposed columns design at the student accommodation entrance.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1 By order dated 12th August 2020 Limerick City and County Council issued notification of the decision to grant permission subject to 20 conditions which included the following of particular note:

Condition 2 Development Contribution €102,668

Condition 3 Bond to secure the provision and satisfactory completion and maintenance of the development. €139,500

Condition 4 Sound insulation.

Condition 7. Noise levels limits.

Condition 14 Certification of works in accordance with permission.

Condition 16 Proposed student accommodation for use as student accommodation or accommodation related to a higher education institute only during the academic year. The 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 permission.

Condition 17 Refurbishment Demolition Asbestos Survey to be submitted prior to commencement of development.

Condition 18. Historical record of the site supported by photographs to be submitted for written agreement.

Condition 20 Development to be maintained by a Private Management Company details to be agreed.

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.1.1 Planner's initial report sought additional information including a statement of consistency with Sustainable Urban Housing Design Standards for New apartments Guidelines 2018, an urban design statement and as sunlight / daylight cast analysis. As sightlines depend on reduction of adjacent wall height to 1m agreement from neighbour (school) to be demonstrated. Further amendments were sought to road and footpath layout, public lighting design, details in relation to surface water disposal, maintenance plan and schedule. Waste water details and the applicant to be invited to respond to the letters of objection.

3.2.1.2 A clarification of further information sought revised site layout demonstrating the incorporation of road safety audit recommendations and demonstration of consent of the adjoining neighbour with regard to reduction in height of wall to 1m to provide for sightlines. Columns at proposed entrance to be removed. Lighting details and noise reduction proposals.

3.2.1.3 Final planning report indicates no objection and recommends permission subject to conditions.

3.2.2. Other Technical Reports

- 3.2.2.1 Executive Scientist report outlines concerns with regard to noise levels which are likely to be significant and therefore noise assessment is required. A condition regarding noise insulation to noise sensitive areas including the consulting rooms in the medical centre was recommended.
- 3.2.2.2 Fire Office. Recommends compliance with building regulations.
- 3.2.2.3 Executive Engineer no objection with regard to the issue of flood risk.
- 3.2.2.4 Executive Archaeologist Limerick City and County Council.- No archaeological issues.
- 3.2.2.5 Conservation Officer. Historical analysis of the locality fails to mention the Mayor's Stone directly opposite and north west of the site, as depicted on 1st Edition OS 6" mapping dating to 1840. This 1840 mapping also shows a building on the site more or less on the footprint of the gabled element of the public house intended to be demolished. A fuller history is required including a full archival standard photographic study of the existing building and plot accompanied by a cartographic and plan record. Preservation by record and the services of an architectural historian should be engaged to produce a comprehensive historical record of the site and immediate locality.
- 3.2.2.6 Environmental Services. Refurbishment Demolition Asbestos survey should be submitted as further information. A site-specific waste management plan to be devised and agreed.
- 3.2.2.7 Roads report. Revised site layout to be submitted indicating how the recommendations of the road safety audit have been incorporated in the scheme design. Agreement from the adjoining neighbour regarding reduction of wall to 1m in height to be demonstrated. Proposed columns at the main entrance will hinder pedestrian movement and should be removed. Set back from road/footpath edge is required. A minimum 2m wide footpath is required along entire boundary. Final report recommends conditions in respect of roads/footpath, lighting surface water disposal and construction management and delivery plan.

3.3. Prescribed Bodies

3.3.1 Irish Water – no objection subject to connection agreement

3.3.2 Environmental Health Officer HSE West. No observations.

3.4. Third Party Observations

3.4.1 A number of third-party submissions to the local authority from the following

Michael Butler, Hazelwood House North Circular Road

Sr Barbara Jackson, Delmarie, Hasset's Cross

Cllr Conor Sheehan

Mayorstone Coolraine Residents Association

Maura Lenihan, Christable Lenihan 35 Sexton Street North

Ger McNamara, Melrose Sexton Street North.

Gerard Kiely. 1 Thomond Court, Shelbourne Road

Tom Frawley 104 Mayorstone Grove

CM Graham. Montrose Shelbourne Road

Richard M Delaney, 3 Grianvar, Shelbourne road. Submission includes a petition of objection signed numerous local residents.

Andrew Burke Hillcrest, 5 Mayorstone Drive Mayorstone Limerick

Ian O Madagain, Board of Management of Gaelscoil Sáirséal.

3.4.2 The submissions raise common grounds of objection which I have summarised as follows:

- Height of the building inappropriate.
- Traffic congestion and conflict with school traffic and parking.
- Overspill parking in the vicinity
- Lack of cycle infrastructure.

- Sunlight impacts.
- Loss of privacy,
- Anti-social behaviour.
- Noise pollution.
- Student village inappropriate in established residential area beside the primary school and adjacent to this busy junction.
- Overlooking of school and school yard.
- Need for student accommodation at this location has not been justified.
- Need for medical centre not demonstrated.
- Management of the facility not clear.
- Health and safety and safeguarding implications.

4.0 Planning History

4.1 No planning history on the site.

4.2 Adjacent sites.

16/84 Gaelscoil Sáirséil – A 68m² building extension consisting of secretarial office, universal and assisted toilets and lift shaft over two floors. The site works include 2 no playgrounds, 4 no flag poles, signage and ancillary works associated within this application including lighting and CCTV on the site of the former St Munchin's Boys Primary SRST School on Shelbourne Road.

06/770279 Thomond Park. Development comprising demolition of existing west stand and west terrace and dwellings no 1 to 28 Knockalisheen Road and associated out buildings. Construction of 2 no stands on the east and west side of the existing main pitch with a seating capacity of 7643 and 8013 respectively. Accommodation within the stands include dressing rooms bars museum retail area hospitality function room corporate boxes kitchen area concourse areas plant areas and ancillary facilities. Construction of new west terrace with a capacity of 25.16 construction of infill terraces at the north east north west and south west corners with a

capacity of 2575 modifications to the east and north terraces including the provision of a toilet block to the rear of the north terrace relocation of the existing 4 no lighting masts and associated equipment.

5.0 Policy Context

5.1 Strategic Guidance:

5.1.1 National Planning Framework 2018-2040.

- Objective 4 Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.
- Objective 2a of the National Planning Framework 2018-2040 is a target that half of future population growth will be in the cities or their suburbs.
- Objective 13 - in urban areas, planning and related standards including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth.
- Objective 35 is to increase residential density in settlements, through a range of measures including reductions in vacancy, reuse of existing buildings, infill development schemes, area or site-based regeneration and increased building height.
- At Section 6.6 dealing with housing the NPF refers to student accommodation noting that demand for student accommodation exacerbates the demand pressures on the available supply of rental accommodation in urban areas in particular. In the years ahead, student accommodation pressures are anticipated to increase. The location of purpose-built student accommodation needs to be as proximate as possible to the centre of education, as well as being connected to accessible infrastructure such as walking, cycling and public transport. The National Student Accommodation Strategy supports these objectives.

5.1.2 The following is a list of section 28 Ministerial Guidelines considered of relevance to the proposed development.

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual') (2009)
- 'Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities' and associated relevant excerpts from Circular PL 11/2016; APH 5/2016 (B2R).
- 'Design Manual for Urban Roads and Streets' (2013)
- 'The Planning System and Flood Risk Management' (including the associated 'Technical Appendices') (2009)

Other relevant guidance:

- Rebuilding Ireland- National Student Accommodation Strategy (2018) issued by the Department of Education and Skills aims to ensure an increased level of supply of purpose-built student accommodation (PBSA). Key national targets include the construction of at least an additional 7,000 PBSA bedspaces by end 2019 and at least an additional 21,000 bedspaces by 2024.
- DHPCLG Circular PL8/2016 APH 2/2016 (July 2016): Encourages co-operation between local authorities and higher education institutes in the provision of student housing. Indicates that student accommodation should not be used for permanent residency but can be use by other persons/groups during holiday periods.
- Guidelines on Residential Development for Third Level Students, Section 50 Finance Act 1999 (Department of Education and Science, 1999).

5.2 Development Plan

5.2.1 The Limerick City Development Plan 2010 to 2016 as extended refers.

- The site is zoned residential 2A. “To provide for residential development and associated uses.” Zoning matrix is provided at Fig 15.1 of the plan. Residential development is permitted in principle.
- Chapter 16 Development Management. In relation to design it is stated that Limerick City Council will ensure that all new developments contribute positively to the enhancement of the urban qualities of the City. A high standard of design is considered essential to this process, as well as the fostering of long term socially and economically viable communities. Creating a distinctive sense of place taking into account the site history and its setting is important. The analysis of any proposal will assess the visual characteristics of the building form and related elements, such as aspect and orientation, proportion, the balance of solid to void, the shapes and details of roofs, chimneys, windows and doors and the materials used.
- Part II Qualitative Standards. In relation to density, it is outlined that high densities will be promoted throughout the city area, and in particular will be sought within a walking catchment of public transport infrastructure (approximately 500m from a ‘*Green Route*’), major centres of employment; prime urban centres, neighbourhood centres and areas in need of regeneration. However, there is a need to respect the character of the existing area. An assessment of the adequacy of public open space and other social supports in the area will be required. To provide some guidance to developers the following indicative densities are suggested:

Outer City: densities in excess of 35-50 dwellings per hectare shall be encouraged subject to appropriate qualitative safeguards. In addition, schemes adjoining public transport routes, or close to major centres of employment may be encouraged to exceed this figure.

In City Centre locations higher densities shall be encouraged where it can be demonstrated that the proposal complies with the guidance set out in Section 5.6 of the DEHLG Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Towns & Villages), 2009.

In both City Centre and outer city areas, the final density will in all cases be dependent on the scheme’s design and location.

- **Indicative Site Coverage Standards**

Zoning Objective Indicative Site Coverage

Zone 1 Core City Centre 80%-100%

Zone 2 Outer Core 80%

Zone 3 Suburban 50%

- **Building Heights**

The issue of appropriate building height in context is relative and relates not only to the prevailing or dominant heights but also to the grain and its consistency or diversity within an existing character area.

Special Standards Applying to Medium & High-Rise Buildings

The following considerations will be taken into account in considering proposals for high buildings:

- o The need to create a positive urban design;
- o The need to suitably incorporate the building into the urban grain;
- o The need to create positive urban spaces;
- o In view of the inevitable prominence of a high building it should be of outstanding architectural quality, creating a building which is elegant, contemporary, stylish, and, in terms of form and profile, makes a positive contribution to the existing skyline;
- o The need to respect important views, landmarks, prospects, roofscapes and vistas;
- o The proposal should be very carefully related to, and not have any serious disadvantages to, its immediate surroundings, both existing and proposed, and especially to any other high buildings and prominent features in the vicinity and to existing open space;
- o The site must be of appropriate size and context to allow for a well-designed setting of lower buildings and/or landscaped open space;
- o The design of high buildings should seek to minimise overshadowing and overlooking of surrounding property and should not create adverse micro-climatic effects (such as down-draft);
- o The building should consider important telecommunication channels and not interfere with air navigation

When submitting plans for high rise buildings the developer will be required to submit a Visual Impact Analysis Study including a 3-D model of the scheme, and photomontages of the impact of the building(s) at a city-wide and local scale.

5.3 Natural Heritage Designations

The site is not within a designated area. The nearest such sites are the Lower River Shannon SAC (Site Code 002165) circa 550m to the east of the site and the River Shannon and River Fergus Estuaries SPA (Site Code 004077) circa 1.1km to the south.

5.4 EIA Screening

5.4.1 Having regard to the nature and scale of the proposed development there is no real likelihood of significant effects on the environment. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1 There are two third party appeals submitted by the following:

- Jean Nolan Chairperson Mayorstone Coolraine Residents Association.
- Andrew Hersey Planning Consultant on behalf of Mr Richard M Delaney 3 Grianvar, Shelbourne Road.

6.1.2 The appeals raise common issues which I have summarised as follows:

- Six storey building is out of character in a low density suburban area. Prevailing height is single or two storey.
- Excessive height, scale and density more suited to city centre location.
- Overlooking and overshadowing of 1-7 Mayorstone.
- Traffic Concerns. Congestion and associated problems. Proposal will exacerbate existing hazardous situation. Conflict with entrance to Thomond Court and school traffic. Overspill parking.
- Negative impact on adjacent Gaelscoil Sairséal.

- Significant negative impact on single storey dwellings on Sexton Street North due to overshadowing. Photomontage submitted of the development as viewed from Sexton Street North do not show these single storey dwellings however relationship is demonstrated on contiguous elevation.
- Development contravenes the zoning objective for the site. Assumption that student accommodation is a residential use is fundamentally flawed. More akin to hotel / hostel which is not allowed on lands zoned Z02(A) in the zoning matrix.
- Need for student accommodation questioned. There are four student villages in the vicinity serving the LIT at Moylish. Proposal will result in an over concentration of student accommodation in this area.
- Proposed building has a height of 18.1 m relative to the single storey houses to the east facing Sexton Street which have a ridge height of no more than 5m. Terrace of cottages will be dwarfed.
- Site is not served by good public transport accessibility and is too far removed from the city centre (1.5km) and train station (2.5km). No cycle infrastructure and only 4 bus routes within 250m
- Development plan suggests a density of 35-50 units per ha while proposal will result in 134 units per ha.
- Urban Development and Building Heights Guidelines 2018 pose questions for the adjudication authority with regard to the appropriateness.
- Proposal does not enhance the character of public realm is at odds with established development and will impact negatively on the cultural context of the area. Site is not a large urban development site.
- Photomontage shows just two views.
- Proposal is monolithic with uniform and repetitive treatment of facades particularly on Sexton Street North. Ground level on Sexton Street north does little to interact with the street.
- Proposed use represents a lost opportunity to create a more vibrant pedestrian friendly node which respects the cultural assets of Hasset's cross;

- BRE Daylight and Sunlight report does not consider the private rear gardens of the single storey houses on Sexton Street north which will be completely overshadowed.
- Design of the building is bulky in form and is completely out of context with the character of the area and as such will result in the degradation of residential amenity of the area.
- Overlooking of school inappropriate.
- Noise and anti-social behaviour
- Condition 16 is unclear regarding potential for other uses outside of the academic year.
- Condition 20. Management details should have formed part of the application.
- As the site was formerly a fuel station there may be underground fuel tanks on the site. Contamination issue should be addressed and subject to AA screening.
- Precedent case. ABP304705 Panches Cross. Underground fuel tanks in the site. Within 1km of the Lower River Shannon SAC and River Shannon and River Fergus Estuaries SPA

6.2. Applicant Response

6.2.1 The response on behalf of the first party is submitted by AK Planning Town Planning and Development Consultancy. The submission refutes the grounds of appeal and I have summarised the submission as follows:

- Site is in an inner suburban location on a brownfield site at a busy intersection that is well served by public transport. Proposal represents an efficient use of serviced land and compact urban development.
- Regarding the use, purpose-built student accommodation is normally located within areas zoned for residential development and it would be illogical to group use with hotel/hostel.

- Deficit in student accommodation nationally and in Limerick clearly illustrated in planning report accompanying the application.
- Single storey dwellings to the east of the site have south facing gardens. The comprehensive daylight analysis submitted with the application reports no negative outcomes for this terrace.
- Thomond Park complex is located at a higher level and sets the tone for the immediate environment.
- Regarding negative impact on culture of the area, the public house has been closed for 20 years and the regeneration of the site is positive.
- Ministerial guidance makes assumptions in favour of reduced parking at accessible locations. Proposal will accommodate 143 students and will not facilitate students with cars. Medical centre has ample parking for staff and patients who attend by appointment only.
- Traffic movements will be minimal. Set down area will be provided for students.
- Typically the facility will operate at capacity during term time and in the summer period there may be scope for postgraduate and international students and some tourist letting.
- Student accommodation management plan enclosed. Anti-social behaviour will not be tolerated.
- Regarding ABP304705 Punches Cross this included a proposal for a substantial basement level as a means of facilitating car and bicycle parking. Proposal at Hassetts cross does not contain a basement component and there is no evidence of historical use as a service station.

6.3. Planning Authority Response

6.3.1 The Planning Authority did not respond to the appeal

6.4. Observations

6.4.1 Submission from Applications Unit Department of Tourism Culture Arts Gaeltacht Sport and Media, notes location within 800m of the Lower River Shannon SAC. A bat survey should be carried out by a suitably qualified ecologist and if species are found to be roosting in the building a derogation license will be required prior to commencement of development.

7.0 Assessment

7.1 The main issues that arise for assessment by the Board in relation to this appeal can in my view be considered under the following broad headings:

- Principle of Development.
- Design and Layout. Building height and impact on visual amenity
- Residential amenity of proposed units and impact on established residential and other amenities.
- Traffic and transport & Other Matters
- Appropriate Assessment

7.2 Principle of Development

7.2.1 The Limerick City Development Plan 2010-2016 as extended is the operative local plan for the area. The site is zoned Residential 2A- the objective being to provide for residential development and associated uses. I note that the zoning matrix does not specifically refer to student accommodation however the proposed student accommodation is considered to be a residential use. I note that one of the third party appellant parties suggests that student accommodation should be considered a commercial use more akin to hotel or hostel use. I do not however accept this argument and clearly the student accommodation is a specific type of residential use to which specific development standards apply. I note from the zoning matrix

provided at Fig 15.1 of the Development Plan that use for health centre is open to consideration within the residential 2A zoning objective. Thus, in terms of zoning the proposal to provide a mixed-use medical centre and student apartment development is in accordance with the zoning objective pertaining to the site.

7.2.2 As regards the principle of demolition, I note that the existing semi derelict public house and dwelling are of no particular architectural merit and their demolition to provide for urban infill development is considered to be appropriate. In terms of the strategic policy context I note that National policy as expressed within 'Rebuilding Ireland – The Government's Action Plan on Housing and Homelessness' and the 'National Planning Framework – Ireland 2040' fully support the need for urban infill residential development, such as that proposed on this site. I note that there is merit in the argument, that the provision of purpose-built student accommodation will free up the private rented residential stock for the normal housing market. Notably the need for the provision of purpose-built student accommodation is identified within the National Planning Framework which notes that demand for student accommodation exacerbates the demand pressures on the available supply of rental accommodation in urban areas in particular.

7.2.3 The National Planning Framework advocates more compact growth utilising existing infrastructure, improving the visibility of public transport and services and creating an urban environment which facilitates more healthy and sustainable trip patterns such as cycling and walking. I consider that the site is centrally located within walking distance of public transport within an existing fully serviced area. The proposal seeks to replace a semi derelict public house and a dwelling on the site and provide for mixed residential commercial development in order to expedite the more efficient use of currently underutilised serviced land. Given the location of the site the site it would be considered to be an appropriate location to facilitate higher density development. I am of the opinion that given its zoning, the delivery of residential and commercial development on this underutilised site is generally consistent with the policies of the Development Plan, the NPF and Rebuilding Ireland – The Government's Action Plan on Housing and Homelessness. Thus, I conclude that in terms of the principle of development, there is significant policy support for this type of development.

7.2.4 In regard for the need for student accommodation in this area, I note that the third party submissions assert that existing student accommodation in the area is currently under-utilised and there is no need for additional student accommodation. I note that the site is conveniently placed for LIT Moylish campus, located approximately 600m to the northwest of the site and is located within walking distance approximately 1.5km of Limerick City Centre and within 2.5km of Limerick Train Station. There are 4 bus routes within 250m of the site. I consider that the site would be an appropriate location for student accommodation.

7.2.5 Regarding the suitability of the site for the nature of development proposed I am satisfied that student accommodation can make a positive contribution to the area. The development will meet the increasing demand for student accommodation at a location that is accessible to third level institutions in and around the city centre. There is no evidence to suggest an overconcentration of student accommodation and the proposed student accommodation is considered to be acceptable in principle on this basis. As regards the proposed medical centre use I consider that the proposed mixed nature of the proposed uses has the potential to provide for an enhanced vibrancy and vitality to the site. On the basis of the foregoing, I consider that there is no fundamental conflict in principle with the objectives of the development plan. Thus, it is appropriate to advance the assessment to the detail of the proposed development on its merits.

7.3 Design and Layout. Building height and impact on visual amenity

7.3.1 As outlined above the Policy context envisions that cities adopt a more compact urban form and place and emphasis on the need for increased building height on infill and brownfield sites. However, any such development should respect the surrounding development and character of the area and it is essential that established residential communities are protected from overdevelopment. The specific nature and qualitative elements of the proposal need to be considered in terms of the assessment of the appropriateness of the development as proposed to its context. Such wider considerations furthermore inform the issue of whether this

proposal contributes to urban regeneration or makes a significant contribution to urban character. In this regard it is appropriate to rely on the qualitative factors defining built form including height, open amenity space provision, and standards of public realm.

- 7.3.2 The appeal site occupies an important corner position fronting onto Sexton Street North and Shelbourne Road. The area is characterised by a mix of uses and scale varies 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 whilst Thomond Park Stadium to the northwest represents a significant landmark structure dominating the skyline locally and from the wider area. Adjoining to the south is the two storey school building on its own site. The proposed development is laid out as a single block wrapping around the corner and extending over six storeys to an overall height of 18.1m. The proposal reflects a contemporary design approach with external materials to include brick, exposed concrete with aluminium windows and flush metal panel to top floor and limestone finish to ground floor level and as entrance feature.
- 7.3.3 The urban design statement submitted in response to the request for additional information outlines that the proposed building is positioned to take advantage of site orientation without impacting significantly on adjacent properties. The position defines a strong urban edge while maintaining space for a public realm and providing for south facing open space to the rear of the building. The main corner portico style entrance is designed as a focal point.
- 7.3.4 As regards the quantum of development I note that the proposal represents a density of 134 units per hectare (621 bed spaces per hectare) based on the site area of .23 hectares. The third-party appellants raise concern regarding the density and assert that the proposal represents overdevelopment of the site. Reference is made to the Development Plan standards which suggest a density of 35-50 units per hectare within this part of the city. I note that student accommodation is different from standard apartment development as evidenced by the different development standards applicable. I also note that National and Development plan policy support higher density development in appropriate locations to avoid the trend toward low

density commuter driven development however, such increased residential density must be determined by a wide range of factors, including site context, amenity including overlooking/overshadowing etc. The adverse impact of overdevelopment and the specific nature and qualitative elements of the proposal need to be considered in terms of the assessment of the appropriateness of the development as proposed relative to its context. In assessing these wider considerations, it is appropriate to rely on the qualitative factors defining built form including height, scale, mass, design, open amenity space provision, and standards of public realm.

7.3.5 In this regard section 3.2 of the Government's *Urban Development and Building Heights – Guidelines for Planning Authorities December 2018* require a qualitative assessment to ensure that the highest standards of urban design, architectural quality and place making outcomes are achieved. In particular, the guidelines seek to ensure that a proposed development should satisfy criteria at the scale of the relevant city, district/neighbourhood/street and site/building. The specific nature and qualitative elements of the proposal need to be considered in terms of the assessment of the appropriateness of the development as proposed relative to its context. In this particular instance I am concerned in relation to building height on site and the implications for the mass and scale of the development.

7.3.6 Whilst the application site has extensive road frontage onto Sexton Street north and Shelbourne Road and the strategic location at this busy junction on the approach to the City provides the context for redevelopment to set its own character in terms of design and merits a building of quality and scale however key features also govern the development potential somewhat, in particular, proximity to established residential development particularly that to the southeast on Sexton Street north and the Scoil Sáirséal to the south and the established building typology of this existing development.

7.3.7 Section 3.2 of the building height guidelines emphasises the importance of new development respecting and enhancing its context and is well as integration with its surroundings. An emphasis on the avoidance of monolithic form and providing well considered design interventions to ensure a more coherent cityscape. Any significant

increase in height above the prevailing height is generally acceptable in principle with regard to the building height guidelines but this must take account of transition and impact on established amenities and visual impact on the streetscape and character of the area.

7.3.8 In my opinion due consideration has not been given to the established streetscape. I consider that the proposed development will appear as a discordant feature in the streetscape and having regard to its scale and mass the proposal will constitute an intrusive feature on the street particularly with regard to the transition from the adjoining sites. In my opinion, the scale and volume of the building is incompatible with the adjacent building typologies and fails to integrate with the surrounding pattern of development. The design approach makes no attempt to soften or reduce the visual impact, and in this respect the development does not form a cohesive part of the urban environment. I consider that the design and layout of the development is compromised in order to increase overall density. I note that the level of detail provided within the application particularly the limited number of photomontage viewpoints (two viewpoints) further demonstrates a failure to address this transition. As regards public realm I would concur with the third party appellant's that the proposal does not interact effectively with the street. The nature of the ground floor medical use to Sexton Street North provides little in terms of interaction with the street.

7.3.9 The design and placement of taller buildings should make a positive contribution to the public realm, fit harmoniously with, and reflect an appropriate transition in scale with the surrounding context as established in Section 4.8 of Appendix 9: Building Height Strategy of the Development Plan and Section 3.2 of the Government's *Urban Development and Building Heights – Guidelines for Planning Authorities December 2018*. The architectural design resolution in my opinion, by reason of the bulk, scale, massing when viewed from all approaches, would represent a significant increase in built form relative to the wider streetscape. I consider the design approach accentuates the perceived mass and scale of the development and greater articulation should be considered in order to achieve an appropriate sense of scale. I consider the proposed development, by virtue of the design, bulk and form would be

out of character with the context of the site, in particular, the wider streetscape setting, would be contrary to central aim of the zoning objective pertaining to the site Z02 “to protect and provide for residential and associated uses” and Section 3.2 of the Building Height Guidelines for Planning Authorities (2018) to ensure that the highest standards of urban design, architectural quality and place making outcomes are also achieved at the scale of the relevant to site context. The proposed development would in my view represent poor design and would be an incongruous insertion at this location. The development should be refused for this reason.

7.4 Residential amenity of proposed units and impact on established residential and other amenities.

7.4.1 As regards the level of accommodation provided, the building form provides a total of 31 no student units (143 no bed spaces). Clusters range from 3, 4, 5, and 6 bedrooms per unit. Typical bedroom size is 12.35sq.m with 5 accessible rooms 36.7sq.m. Units are generally single aspect. From my assessment of the layout the development appears to comply with the standards set out Department of Education and Science Guidelines on Residential Development for third level Students 1999 and the review document of 2005.

7.4.2 Amenity space is provided in ground floor internal and external seating areas, and meeting rooms and at upper levels gym space, multimedia area, group study space, games room and balcony and roof terrace. I consider that the proposed purpose built student accommodation will provide an adequate and appropriate level of accommodation for students.

7.4.3 As regards impact on established residential amenity I note that the proposal seeks to mitigate the overlooking of dwellings to the east by way of design. Windows within 3m of the eastern boundary over first floor to fourth floor level serve circulation corridor whilst the fifth floor level is setback. As regards the school to the south again the building design seeks to mitigate the impact of overlooking however I am concerned regarding overlooking from upper level windows within 7m of the

boundary with the school property and the and the proposed roof terrace at fifth floor level. I note that the third-party appellants have raised this issue and I would concur that the degree of overlooking arising gives rise to some privacy and safeguarding concerns.

- 7.4.4 On the issue of sunlight and daylight I note that in response to the Council's request for additional information a daylight and sunlight assessment was submitted. In relation to light distribution the development performance it is noted that all living rooms meet average daylight factor requirements, 96% of bedrooms meet the standard and 5 bedrooms are below the recommendation through marginally so and are large accessible bedrooms where the additional floorspace was prioritised over access. In relation to sunlight 22 of the 31 living rooms are south facing.
- 7.4.5 In relation to light impact on established residential development the report outlines that in Thomond Court, 13 of the 40 windows meet BRE Loss of daylight guidelines. (7 of 9 windows serving living rooms meet the guidelines The other windows appear to light bedrooms. Five of twelve windows analysed at flats to Parkview Terrace / Kileely Road facing southerly towards the site would meet the BRE loss of daylight guidelines. Seven would meet the annual and winter loss of sunlight with a further three meeting the annual target.
- 7.4.6 As regards concerns in respect of noise nuisance and anti social behaviour I consider that appropriate management by on site professional management would appropriately address this issue and ensure the protection of the residential amenities of the adjacent properties. As regards concerns regarding potential for use for alternative purposes outside the academic year or change of use I consider that a condition restricting its use is appropriate.
- 7.4.7 As outlined above I consider that the key impact arising in terms of established residential amenity arises from the scale and height of the proposed development which gives rise to an overbearing impact and would dominate and detract from

established residential amenity and will also have an adverse impact by way of overlooking.

7.5 Traffic and Transport and Other Matters

7.5.1 Issues have been raised within the grounds of appeal regarding the potential for traffic congestion arising from the nature and intensity of development and the lack of car parking provision for the student accommodation element of the proposed development. The issue of potential conflict with school traffic is also raised. In line with national policy proper planning and sustainable development supports a fundamental shift towards sustainable travel and reducing car dependence. Clearly the proposed development, which relies largely on sustainable transport modes, accords with this policy context. I note that the third party submissions note the lack of cycle infrastructure in the local area however this is a wider issue to be addressed by the roads authority in terms of traffic and transport strategies.

7.5.2 In response to the Council's request for additional information the first party submitted a traffic and transport assessment by CS Consulting Group and Stage 1/2 road safety audit compiled by Traffic Transport and Road Safety Associates Ltd. I note that initially it was considered that the achievement of sightlines at the proposed entrance was dependent on the reduction in the adjacent school boundary it was subsequently outlined that satisfactory sightlines could be achieved in the context of DMURS including a stopping distance of 45m in a 50km/h zone. It was further noted that proximity of the entrance to Hasset's Cross junction increases driver caution, reduces speeds and constrains overtaking.

7.5.3 I consider that the submissions on behalf of the applicant have demonstrated that the trip rates arising from the proposed development will have a negligible impact on traffic flows on the local street network. Having reviewed all the submissions, I consider that adequate set down and servicing arrangements can be put in place to

appropriately service the development. In my view the proposal is acceptable from a traffic and transport perspective.

7.5.4 On the issue of the heritage of the site I note the report of Limerick City Council Conservation Office which is critical of the level of analysis of the historic background of the site. The Conservation Officer notes the presence, as depicted on first edition ordnance survey 6" mapping dating to 1840, of the 'Mayor's Stone' directly opposite and north west of the site boundary. It is further noted that 1840s mapping shows a building on the site on the footprint of the gabled element of the public house proposed for demolition. The Conservation Officer recommends that the historical background of the site be subject to further assessment including a full archival standard photographic survey and preservation by record with input from an architectural historian. I would concur that the level of information provided in respect of the historical context of the site is inadequate consider that this should be addressed as part of any future application on the site.

7.5.5 On the issue of site remediation the third party submissions suggest that the site may have operated at some point as a fuel filling station however the first party indicates that there is no record of this on online records. In light of the lack of background information provided by the first party in relation to the site background and context the degree of certainty on this issue is indeterminate. This could be further clarified as part of any future application.

7.6 Appropriate Assessment

7.6.1 The application is accompanied by a Habitats Directive Screening Assessment compiled by Rowan Engineering Consultants dated 12th June 2019. Natura 2000

sites within 15km of the appeal site are identified and assessed in terms of their Qualifying interests / Special Conservation Interests.

7.6.2 In relation to the identification of the sites which would be potentially affected using the source pathway receptor model, the following sites are screened out on the basis of the absence of pathway for interaction.

- Lower River Shannon SAC Site Code 002165 551m north of the site.
- River Shannon and River Fergus Estuaries SPA Site Code 004077 1.1km south.
- Glomra Wood SAC Site Code 001013 9.7km north.
- Ratty River Cave SAC Site Code 002136 13.5km northwest.
- Danes Hole Poulenelecka SAC 13.7km north
- Tory Hill SAC Site Code 000439
- Askeaton Fen Complex SAC 002279 14.6km southwest.

7.6.3 It is outlined that as the proposed development will not have any significant impacts on any of the qualifying interests or special conservation interests of the nearby Natura 2000 sites, it cannot have any cumulative impact with other proposals planned or ongoing to those Natura 2000 sites. The screening statement concludes that the impacts from the proposed development will not have any significant effects on the nearby Natura 2000 sites, their qualifying interests / special conservation interests, or conservation objectives and that Stage 2 AA is not required.

7.6.4 It is reasonable to conclude that on the basis of the information on the file, which I considered adequate in order to issue a screening determination, that 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 SAC any other

European site, in view of the site's conservation objectives, and a Stage 2 Appropriate Assessment (and submission of an NIS) is not therefore required.

8.0 Recommendation

8.1 Further to the above planning assessment of matters pertaining to this appeal, including consideration of the submissions of each party to the appeal and the site inspection, I conclude that the proposed mixed-use scheme is considered acceptable in principle at this site having regard to the zoning objective under the Limerick City Development Plan 2010-2016 as extended and to the central and accessible location of the site in an area with a wide range of social infrastructure and public amenities. In addition, the site is generally considered to be suitable for higher density residential development with regard to these factors. However, due to the design, bulk and scale of the proposed development it is considered that the proposal would be overbearing when viewed from the local area and from adjacent residential properties and would have a significant adverse impact on residential amenity by way of overlooking and overbearing impact. On this basis refusal is recommended for the following reasons and considerations.

Reasons and Considerations

It is considered that the proposed development would fail to respond to the unique characteristics of the site, would not contribute to a sense of place making and would, by reason of its design, height, bulk, scale and mass, be monolithic and would visually dominate and harm the streetscape. It is considered that the proposed scheme would be overbearing when viewed from adjacent residential development and from Gaelscoil Sáirséal and would seriously injure the residential and other amenities of established properties through overbearing visual impact. The proposed development would be contrary the zoning objective for the site and to the National Planning Framework and Ministerial Guidelines, which promote innovative and qualitative design solutions, and would seriously injure the amenities of property in

the vicinity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Bríd Maxwell
Planning Inspector

10th February 2021