



An
Bord
Pleanála

Inspector's Report

ABP-315678-23

Development	202 no. student bedspace accommodation and associated site works.
Location	Old Dublin Road, Rhebogue, Limerick City. (www.olddublinroadstudentvillage.ie)
Planning Authority	Limerick City and County Council
Planning Authority Reg. Ref.	22/1216
Applicant(s)	Kearock Investments Limited
Type of Application	Large-Scale Residential Development
Planning Authority Decision	Grant Permission with Conditions
Type of Appeal	Third Party
Appellant(s)	<ol style="list-style-type: none">1. Daniel Gordon2. Pat Power
Observers	<ol style="list-style-type: none">1. Brendan Hogan2. Elaine Hogan3. Gene Arbuzova and others

4. Jimmy and Caroline Madden
5. Cllr. Kieran O'Hanlon
6. Michael Hennessy on behalf of
Rhebouge Meadows Residents
Association and Neighbours
7. Teresa O'Halloran
8. Valerie Foley and Sinead Tuite

Date of Site Inspection

21st March 2023

Inspector

Elaine Power

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1.0 **Site Location and Description**

- 1.1. The subject site is located on the Old Dublin Road, c. 2km east of Limerick city centre and c. 1.2km west of University Limerick. It is generally bound to the north and west by suburban housing on Rhebogue Road / Rhebogue Meadows, to the west by large, detached dwellings which front onto the Old Dublin Road and their associated rear open space and to the south by the Old Dublin Road. The subject site is immediate adjacent to residential uses, however, the surrounding area comprises a wide variety of uses. The Parkway Shopping Centre and Parkway Retail Centre are located c. 300m west, there are a number of commercial units located along the Old Dublin Road and Rhebogue Road, including a Texaco service station with associated retail units located c. 120m west of the site and an Aldi supermarket located c. 300m east of the site.
- 1.2. The site is a greenfield site that was occasionally in agricultural use. It has a stated area of 0.54ha. There is a level difference of c. 2m width within the site, with the site generally sloping in a south – north direction. The boundaries currently comprise of a blockwork wall and trees and vegetation.

2.0 **Proposed Development**

- 2.1. The proposed development comprises 26 no. student accommodation apartments with a total of 202 no. student bedspaces and 342sqm of internal communal amenity space in 3 no. Blocks (Block A, B and C) ranging in height from 2 – 5 storeys.
- 2.2. Access to the site is proposed from a 4.8m wide shared surface and dedicated footpath from the old Dublin Road. The proposed development also includes 1,519 sqm of open space, 16 no. car parking spaces, 142 no. bicycle parking spaces, boundary treatments, bin storage, public lighting, EV charging bays, electrical infrastructure including 1 no. electrical supply sub-station, water supply and foul and surface water drainage infrastructure and all associated and ancillary site and development works.
- 2.3. Key Development Statistics are outlined below:

	Proposed Development
Site Area	0.53 ha
Bedspace	202 no. bedspaces in 26 no. apartments
Density	49 units per ha
Height	Block A: 4-5 storeys Block B: 5 storeys Block C: 2-4 storeys
Other Uses	Internal Communal Amenity Space (342sqm)
Public Open Space	1,519sqm (20% of site area)
Car Parking	16 no. spaces
Bicycle Parking	142 no. spaces

3.0 **Planning Authority Pre- Application Opinion**

3.1. The Planners Report notes that an LRD pre-planning consultation took place on the 4th October 2022. Representatives of the prospective applicant and the planning authority were in attendance. The report also states that a Letter of Opinion (LRD Pre-Planning Number 22/14399) was issued to the applicant on the 27th October 2022 requesting that the following be submitted with any future application: -

- A revised Daylight Analysis and Overshadowing Assessment
- A Revised Design Statement detailing how the proposed scheme is in line with standards as set out in the Department of Education and Science Guidelines on Residential Development for Third Level Students (1999 & 2005)
- Inclusion of nature based SUDS
- Details in relation to roads and footpaths.

4.0 **Planning Authority Decision**

4.1. **Decision**

Permission was granted subject to 13 no. standard conditions.

4.2. Planning Authority Reports

4.2.1. Planning Reports

Planners Report dated 16th January 2023

The report includes a summary of the proposed development, site location and description, relevant planning history, LRD pre-planning meeting, policy context, interdepartmental reports, consultees and third party submissions. The key planning considerations of the planning report are summarised below.

Principle of Development: the principle of student accommodation at this location is considered in line with the zoning objective. The development of this infill site is welcomed.

Density: Density standards are not applicable to student accommodation. Notwithstanding this 26 no. student apartments on a 0.53ha site would result in a density of 49 units per ha. The site lies within Density Zone 2 Intermediate Urban Locations / Transport corridors which requires a density of 45+ units per ha. The policy context envisions a city that adopts a more compact urban form and place emphasis on the need for increased building heights on infill and brownfield sites. However, any such development should respect the surrounding development and character and established residential communities are protected from overdevelopment.

Apartment Blocks: Based on the information provided the size of the apartments, bedrooms and kitchen / living rooms are in accordance with Guidelines on Residential Developments for 3rd Level Students.

Design, Height, Scale, Materials and Finishes: The results of the Daylight Analysis and Overshadowing Assessment and the design and layout of the scheme are noted. It is recommended that a condition be attached that tree planting along the western boundary be provided to negate any negative impact on residential amenity of adjacent properties.

Residential Amenity: The scheme has been designed to mitigate overlooking of existing properties. The Daylight Analysis noted that even by reducing the massing of

Blocks A and B that there would be no significant change in the amount of sunlight received by neighbouring amenity spaces.

Open Space: Each apartment block has its own usable communal open space.

Car Parking: 16 no car parking spaces is considered acceptable.

Bicycle Parking: The provision of 142 no. bicycle parking spaces is well above the required standard and is considered acceptable.

Access: The access arrangements and internal road layout is noted. It is considered that the site is centrally located and within walking distance of public transport within an existing fully services area.

Flood Risk: The site is not within a flood zone.

AA Screening: The Screening Assessment concluded that the proposed development would not have any effects on any Natura 2000.

Part V: Student Accommodation does not require Part V provision.

An EIA preliminary screening assessment was also carried out which concluded that the proposed scheme does not require a mandatory EIA and no further screening was required.

Conclusion: Having regard to the nature of the proposed development subject to conditions the proposed development would be in accordance with the proper planning and sustainable development of the area.

4.2.2. **Other Technical Reports**

Active Travel: No concerns raised. It is important that the existing footpath and cycle lane directly outside the site are maintained to existing levels, including priority for pedestrians and cyclists passing the entrance. It is recommended that a condition regarding the management of cycle storage units, access for students and security measures such as CCTV be attached to any grant of permission.

Archaeologist: The Archaeology and Cultural Heritage Assessment are noted. Given the size and greenfield nature of the site there is a possibility of disturbing previously unknown archaeological material / artefacts. It is recommended that suitable conditions be attached to any grant of permission.

Executive Scientist: The Acoustic Design Statement is noted. It is recommended that suitable conditions be attached to any grant of permission to mitigate against construction and road noise.

Fire and Building Control: No objection in principle subject to standard conditions.

Roads and Traffic: The Roads Section is not in agreement with the proposed main junction layout and design. A revised junction layout / design is required to include appropriate junction radii, revised tactile paving and revised cycle track. Safety concerns regarding the auto-track submitted. Unclear where the lighting columns would be located. A number of standard conditions are also recommended.

Engineering: Site is located in Flood Zone C. No objection.

4.3. **Prescribed Bodies**

Irish Water: The submission from Irish Water notes that there is a 700mm main that runs across the northern section of the site. A water and wastewater connection are feasible without infrastructure upgrade.

4.4. **Third Party Observations**

17 no. third party submissions were received by the planning authority. The concerns raised are similar to those of the appeals and observations which are outlined below.

5.0 **Planning History**

5.1. **Subject site**

- *Reg. Ref. 07/770161:* The subject site formed part of a larger landholding that was refused permission in 2008 for the demolition of 2 no. existing dwelling houses and ancillary sheds and structures and the construction of 29 no. 2 bed

apartments, 13 no. 3 bed duplex apartments, neighbourhood shop, betting office, restaurant/coffee shop and 4 no. small office units in 5 no. 3 storey blocks, car parking.

5.2. **Surrounding Sites**

- *Reg. Ref. 15/7414*: Permission was granted in 2015 for the construction of 16 no. apartments in a 4-storey block on the Old Dublin Road opposite the subject site. This permission was extended under Reg. Ref. 20/7017. This development is constructed and occupied.
- *PL91.300054, Reg. Ref. 17/450*: Permission was granted in 2018 for the construction of a single storey service station with retail / service building located c. 120m west of the subject site. This development is constructed and occupied.
- *ABP-308027-20. Reg. Ref. 20/25*: Permission was refused in 2022 for the construction of a mixed use development comprising 245 no. residential units, 12,262sqm of office use, a 152 bed hotel, 694sqm of commercial use, 2,103sqm of community space, a petrol filling station and a 1.12ha public park across a range of blocks ranging in height from 3 to 14 storeys. The 3 no. reasons for refusal related to (1) the sites zoning objective, (2) design approach and (3) sub-standard form of accommodation within the 14-storey apartment block. This site is located c. 200m south of the subject site.
- *ABP-306541-20*: Permission was refused in 2020 for a Strategic Housing Development Application comprising 18 no. houses, 363 no. apartments, 189 no. student bedspaces and a childcare facility at Pa Healy Road c. 1.5km west of the subject site. The reason for refusal related to deficiencies in the information provided in the NIS.
- *ABP-313205-22*: Current Strategic Housing Development Application for 18 no. houses, 363 no BTR apartments and 189 no. student bedspaces and a childcare facility at Pa Healy Road, c 1.5km west of the subject site.

6.0 Policy Context

6.1. ***Limerick City and County Development Plan 2022-2028***

The subject site is zoned 'New Residential' with the associated land use objective *to provide for new residential development in tandem with the provision of social and physical infrastructure*. This zone is intended primarily for new high quality housing development, including the provision of high-quality, professionally managed and purpose built third-level student accommodation. The quality and mix of residential areas and the servicing of lands will be a priority to support balanced communities. New housing and infill developments should include a mix of housing types, sizes and tenures, to cater for all members of society. Design should be complimentary to the surroundings and should not adversely impact on the amenity of adjoining residents. These areas require high levels of accessibility, including pedestrian, cyclists and public transport (where feasible). This zone may include a range of other uses particularly those that have the potential to facilitate the development of new residential communities such as open space, schools, childcare facilities, doctor's surgeries and playing fields etc.

The relevant objectives are outlined below: -

Objective HO O8: Student Accommodation: It is an objective of the Council to:

a) Support the provision of high quality, professionally managed purpose-built student accommodation either on campus, or in appropriate and accessible locations on public transport or cycle networks. All forms of student accommodation shall respect and protect the existing residential amenities of the area in which it is proposed. Student accommodation shall be of appropriate design, in accordance with the Department of Education and Science Guidelines on Residential Development for Third Level Students (1999), and (2005) and any subsequent updates. Applications for change of use from student housing to any other form of use shall be strongly resisted, without adequate demonstration that there is no longer a need for such use in the area and an over-provision of student housing exists.

b) Ensure that all applications for new off campus purpose built student accommodation, the change of use to student accommodation in existing

residential areas, or extensions to existing dwellings to facilitate student accommodation, must include details outlining the presence and distribution of any permanent residential occupiers; the extent of students renting in the private housing market; and the presence of any other housing catering primarily for students and short term lets in the area/estate. The application should address any potential impacts of the proposal on residential amenity and any permanent residents in the area.

c) Require all applications for off-campus purpose-built student accommodation to be accompanied by a Student Management Plan outlining how the scheme will be professionally managed. The Plan shall demonstrate how the development will be managed so as to avoid potential negative impacts from occupants on surrounding properties and neighbourhoods and ensure the maintenance of safe, secure and clean environments for the community, occupants and nearby residents.

d) Ensure permissions for student accommodation will be subject to a condition requiring planning permission for a change of use to any other type of use, including short-term holiday letting. Future applications for this type of change of use will be resisted. Where it is demonstrated that such student accommodation is no longer required, a planning application will require details of a proper management plan for the non-student use of the units to prevent adverse impacts on traditional residential estates.

Section 11.4.4.7 Student Accommodation: When assessing applications for student accommodation the Council will have regard to:

- The location of student accommodation: The Council will prioritise student accommodation on campus or within 1km distance from the boundary of a Third Level Institute, followed by locations within close proximity to high quality public transport corridors, cycle and pedestrian routes and green routes;
- The potential impact on residential amenities: The provision and location of student accommodation will not be permitted where it would have a detrimental effect on established residential amenities

- The provision of on-site facilities, including storage facilities, waste management, quality and quantum of cycle parking and associated showers and lockers, leisure facilities, car parking and amenity areas;
- The architectural quality of the design and integration with the wider streetscape with respect to scale, mass, external finishes and landscaping
- The number of existing similar facilities in the area (applicable only to off-campus accommodation). In assessing a proposal for student accommodation, the Planning Authority will consider the cumulative impact of student accommodation, which exists in the locality and will resist the overconcentration of such schemes in any one area, in the interests of sustainable development and residential amenity.

Section 3.4.2.4 and Volume 6 of the development plan sets out the Building Height Strategy for Limerick city. Chapter 11 sets out Development Management Standards.

The following policies are also considered relevant:

Objective CGR O2: Place-making, Universal Design and Public Realm

Objective HO O2: Density of Residential Developments

6.2. **Regional Spatial and Economic Strategy for the Southern Region**

The site is located within the 'Limerick-Shannon Metropolitan Area'. The RESE incorporates Metropolitan Area Strategic Plans (MASP) to ensure coordination between local authority plans. A key component of the RSES is building partnerships and a collaborative approach between the cities and metropolitan areas to realise combined strengths and potential, and to support their development as a viable alternative to Dublin.

The MASP notes that Limerick City is the largest urban centre in the Mid-West and the country's third largest city. Limerick City and Shannon are interdependent, with their complementary functions contributing to a combined strength that is a key economic driver for the Region and Ireland. Limerick Regeneration, the amalgamation of Limerick City and County and the Limerick 2030 initiative have all contributed to enhancing Limerick's growth potential. There is capacity to build on recent successes and add to the ambitious vision for this Metropolitan Area.

The MASP highlights the need to increase residential density in Limerick City and Shannon through a range of measures including, reductions in vacancy, re-use of existing buildings, infill and site-based regeneration. The MASP supports the densification of Limerick City Centre, the assembly of brownfield sites for development and City Centre rejuvenation and consolidation.

6.3. ***National Planning Framework***

The National Planning Framework addresses the issue of 'making stronger urban places' and sets out a range of objectives which it considers would support the creation of high quality urban places and increased residential densities in appropriate locations while improving quality of life and place. Table 4.1 of the framework sets growth targets for Dublin City and Suburbs, proposing a 20-25% growth in population to 2040. In achieving this, it places a great emphasis on compact growth requiring a concentration of development within the existing built-up area, including increased densities and higher building format than hitherto provided for. Brownfield sites, in particular, are identified as suitable in this context.

At Section 6.6 - housing, the framework refers specifically to student accommodation. It notes that accommodation pressures are anticipated to increase in the years ahead and indicates preferred locations for purpose-built student accommodation proximate to centres of education and accessible infrastructure such as walking, cycling and public transport. It also notes that the National Student Accommodation Strategy supports these objectives.

Relevant Policy Objectives include: -

- National Policy 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.
- National Policy 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. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated

outcomes, provided public safety is not compromised and the environment is suitably protected.

- National Policy Objective 33: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
- National Policy Objective 35: Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

6.4. ***The National Student Accommodation Strategy 2017***

The National Student Accommodation Strategy issued by the Department of Education and Skills in July 2017 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. It states that 12,432 spaces were available in Dublin in 2017 and projects that 35,806 would be required there in 2019 and 42,375 in 2024. A progress report issued in November 2019 reported that 8,229 PBSA bed spaces were completed by the end Q3, 2019, 5,254 further bed spaces were under construction, with planning permission granted for another 7,771 and sought for 2,359.

6.5. ***Section 28 Ministerial Guidelines***

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') 2009.
- 'Design Manual for Urban Roads and Streets' 2013.

6.6. ***Other relevant guidance:***

- 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 Developments for 3rd Level Students - Section 50 Finance Act, Department of Education and Science, 1999
- Matters Arising in Relation to the Guidelines on Residential Developments for 3rd Level Students (Section 50 Finance Act 1999), Department of Education and Science, 2005.
- Report on Student Accommodation: Demand and Supply, Higher Education Authority, 2015

7.0 The Appeal

7.1. Grounds of Appeal

7.1.1. 2 no. third party appeals were received from Daniel Gordon and Pat Power. The grounds of the appeal are summarised below:

Design Strategy

- The density, height and scale are excessive and would be overdevelopment of the site.
- Development is not a student village, as it only comprises residential uses.
- Development would result in a transient population
- The proposed development is not in keeping with the surrounding area and would have a negative visual impact for existing residents.
- The information submitted does not clearly identify the level difference between the subject site and adjacent residential dwellings.
- Student accommodation should be provided on campus.

Residential Amenity

- Proximity to existing mature residential properties

- The development would result in overshadowing and overlooking of existing properties.
- The proposed scheme would have an overbearing impact on existing residential properties.
- Potential negative impact on the structural stability of existing properties during the construction phase.

Transportation

- Insufficient car parking. Car parking generated by the proposed development would overspill onto the surrounding road network.
- Existing traffic congestion on the surrounding road network.

Infrastructure

- Potential negative impact on water main, which has been incorrectly marked on several drawings.

7.2. Applicant Response

7.2.1. The applicants response to the third party appeal is summarised below:

- The purpose built student accommodation would be professionally managed and operated. It is noted proposed that the scheme would be taken in charge by Limerick City and County Council.
- The scheme has been designed to limit the overshadowing impact on neighbouring properties. Numerous versions of the massing were examined. The scheme has been assessed against best practice guidelines and reaches all recommended standards set out in the BRE. Any impact is within the acceptable parameters. It is considered that the scale is therefore suitable at this location.
- The level of car parking provided is in accordance with development standards. The site is also located within close proximity to a number of bus routes and within walking and cycling distance of the University of Limerick Campus, Parkway shopping centre and Limerick City centre.

- The Dublin Road is a primary arterial route for Bus Connects. Which proposes high frequency (10 minute) buses in both directions, between Castletroy and Raheen.
- The national climate action plan requires a reduction in transport related CO2 emissions. This scheme seeks to adhere to this by positively discriminating in favour of students without cars.
- A topographical survey was undertaken and was submitted with the application. Details of the sites topography are shown on the architectural drawings.
- All elevations and visual imaging completed for the scheme was based on the topographical survey. All photomontages are verified.

The submission also included a letter from BDB Engineers which also noted the following: -

- Irish Water identified a 700mm diameter watermain within the northern portion of the site. correspondence from IW is submitted which requests that a 5m wayleave be provided either side of the main.
- For accuracy and to ensure the suitable siting of Block A, a ground penetration scan using Electro-Magnetic Locators and GPR Survey equipment to identify the water main was carried out. The location of the main is indicated on the submitted drawings.
- The watermain would be protected during construction. This would be completed in conjunction with Irish Water.

7.3. **Planning Authority Response**

No comments received.

7.4. **Observations**

7.4.1. 8 no. observations were received. The concerns raised are similar to those of the appeal which are outlined below. Additional concerns raised are summarised below:

Principle of development

- Potential change of use without planning permission

- The site is not within 1km. there is plenty of space within the UL campus to provide student accommodation. The site is located 1.25km from UL not 900m as stated by the applicant
- The student Demand and Concentration Report does not take account of the Groody Valley site that is zoned and identified as having high potential for student accommodation.
- The application does not provide details outlining the extent of students renting in the private housing market and short term lets in the area. Therefore it is not in accordance with Objective HO-08-b of the development plan.
- Non-compliance with Section 11.4.4.7 Student Accommodation of the development plan

Design Approach

- No leisure facilities have been provided on site, insufficient amenity areas and inadequate car parking.
- There is no appropriate transition in height

Residential Amenity

- Level difference between subject site and existing rear gardens is a potential security risk.
- Increase in pedestrian movements through residential estates would negatively impact existing residents.
- Anti-social behaviour
- Contravenes the objective of sustainable development and residential amenity.
- Local residents have not been consulted.
- Health and safety risk during construction

Transportation

- Additional public transport users / additional buses stopping would negatively impact on traffic flows on the Old Dublin Road.

- Surrounding road network already experiences traffic congestion. Additional movements could result in a traffic hazard.
- The traffic count survey is not reflective of current traffic issues additional surveys of the wider area would have provided a more realistic representation.
- The scheme would create an over concentration of students
- Road width may not comply with fire safety guidelines

7.5. **Further Responses**

None

8.0 **Assessment**

8.1. My assessment focuses on the National Planning Framework, the Regional Economic and Spatial Strategy and all relevant Section 28 guidelines and policy context of the statutory development plan. It has full regard to the planning authority's report, third party appeals and observations and submission by prescribed bodies. I am satisfied that no other substantial planning issues arise and consider that the main issues in this appeal can be dealt with under the following headings:

- Principle of Development
- Tenure / Student Accommodation
- Quantum of Development
- Design Approach
- Residential Amenity
- Transportation
- Water Services
- Archaeology

8.2. ***Principle of Development***

8.2.1. The site is zoned 'New Residential' with the associated land use objective *to provide for new residential development in tandem with the provision of social and physical infrastructure*. The development plan states that this zone is intended primarily for new high quality housing development, including the provision of high-quality, professionally managed and purpose built third-level student accommodation. Therefore, I am satisfied that the principle of the student accommodation is in accordance with the zoning objective for the site.

8.3. ***Tenure / Student Accommodation***

8.3.1. Objective HO O8 of the development plan sets out guidance for Student Accommodation. The aim of the objective is to support the provision of high quality, professionally managed purpose-built student accommodation either on campus, or in appropriate and accessible locations on public transport or cycle networks. This is also subject to a number of criteria which can be summarised as impact on residential amenity, compliance with Department of Education and Science Guidelines on Residential Development for Third Level Students, details of supply and demand in the area; the requirement for a Student Management Plan and alternative uses.

8.3.2. Section 11.4.4.7 of the development plan also sets out guidance for Student Accommodation. It states that the council will support the provision of purpose built-professionally managed student accommodation off-campus at suitable locations subject to a number of criteria. These criteria include compliance with Guidelines on Residential Development for Third Level Students (1999), the subsequent supplementary document (2005), the provision of the National Student Accommodation Strategy (2017) and Circular PL8/2016; the location of student accommodation; the potential impact on residential amenities; the provision of on-site facilities; the architectural quality; and the number of existing similar facilities in the area.

8.3.3. Concerns are raised in the third party appeals and the observations that the subject site is not an appropriate location for student accommodation and that the scheme is not compliant with Section 11.4.4.7 of the development Plan.

8.3.4. Having regard to the provisions of Objective HO O8 and Section 11.4.4.7 it is my view that the principle of student accommodation at the subject site should be assessed under the following criteria: compliance with national guidance; alternative uses; suitability of location; the provision of on-site services and facilities; supply and demand; the potential impact on residential amenities; and the architectural quality. There is some overlap between the criteria, however, in the interest of clarity they are addressed individually.

Compliance with National Guidance

8.3.5. The Apartment Guidelines explicitly state that they do not apply to student accommodation. Therefore, there are no national design standards regarding the provision of acceptable accommodation for students other than those issued under Section 50 of the 1999 Finance Act. The Guidelines on Residential Development for Third Level Students (Section 50 guidelines) set out the following guidance:

- Single study bedroom 8sqm
- Single study bedroom with en-suite shower, toilet and basin 12sqm
- Twin study bedroom 15sqm
- Twin study bedroom with en-suite shower, toilet and basin 18sqm
- Single Disabled study bedroom, with en-suite disabled shower, toilet and basin 15sqm

8.3.6. The drawings submitted indicate that the scheme includes 3 no. bedroom types. In this regard a typical single room (13.3 sqm), a twin bedroom (21.6 sqm – 23.2 sqm) and an accessible single room (23.2 sqm). The majority of the rooms are single occupancy with 11 no. twin rooms (22 no. bedspaces) 12 no. accessible rooms.. The guidelines also state that the shared kitchen/dining/living room space shall be based on a minimum of 4 sqm per bedspace. All rooms are in excess of the size standards set out in the Section 50 guidelines

8.3.7. The guidelines also note that communal facilities to cater for the needs of students should be provided. It is proposed to provide communal services at ground floor level including reception, laundry and a meeting room and 141sqm communal space at first floor level of Block C. Bin and bike storage are also provided adjacent to each of the

blocks. I am satisfied that sufficient internal communal space has been provided to serve the proposed use.

- 8.3.8. I am satisfied that the proposed development is in compliance with the provisions of Guidelines on Residential Development for Third Level Students (1999), the subsequent supplementary document (2005) (Section 50 guidelines).

Alternative Uses

- 8.3.9. Specific concerns are raised in the third party appeals and the observations that there is potential that the proposed student accommodation would be used for alternative uses. The Student Management Plan notes that the accommodation would be made available outside of academic terms for summer students, tourists and other guests. This is consistent with DHPCLG Circular PL8/2016 APH 2/2016 (July 2016) which indicates that student accommodation should not be used for permanent residency but can be use by other persons/groups during holiday periods.
- 8.3.10. The planning authority's condition no. 5 attached to the grant of permission clarified that the scheme should be operated and managed in accordance with the definition of student accommodation provided under Section 13(d) of the Planning and Development (Housing) and Residential Tenancies Act, 2016, which includes *residential accommodation that is used as tourist or visitor accommodation but only if it is so used outside of academic term times.*
- 8.3.11. It is noted that Objective HO O8 (d) of the development plan states that permissions for student accommodation will be subject to a condition requiring planning permission for a change of use to any other type of use, including short-term holiday letting and that future applications for this type of change of use will be resisted. However, having regard to the definition of student accommodation provided within Circular PL8/2016 and within the Planning and Development (Housing) and Residential Tenancies Act, 2016 I am satisfied that the provisions of Objective HO O8 (d) relate to the overall change of use to the proposed development and not to the use of the student accommodation outside of the academic period.

- 8.3.12. Appendix 1 of Circular PL8/2016 sets out a sample condition relating to the use of student accommodation. If permission is being contemplated it is recommended that a similar condition be attached.
- 8.3.13. Overall, I have no objection to the proposed scheme being used outside of the academic term for tourist or visitor accommodation and I am satisfied that the proposed development is in compliance with Circular PL8/2016 and the provisions of Objective HO O8(d).

Suitability of Location

- 8.3.14. Third parties raise specific concerns that the proposed development is not in accordance with Section 11.4.4.7 of the development plan as the proposed scheme is not within 1km of a third level institute. Section 11.4.4.7 aims to prioritise student accommodation on campus or within 1km distance from the boundary of a Third Level Institute, followed by locations within close proximity to high quality public transport corridors, cycle and pedestrian routes and green routes. Objective HO O8 also aims to support the provision of high quality, professionally managed purpose-built student accommodation either on campus, or in appropriate and accessible locations on public transport or cycle networks.
- 8.3.15. The proposed development comprises a purpose built and professionally managed off-campus student accommodation. The site is located c. 1.2km west of University Limerick. While it is acknowledged that the site is not on campus or within 1km of the subject site it is highly accessible by walking and cycling and is also located within 250m of a high frequency bus routes (304/A) on the Dublin Road, which provide connectivity to University Limerick and the city centre. Therefore, it is my view that the subject site is an appropriate and accessible location for student accommodation and is in accordance with the criteria outlined in Section 4.4.1.7 and Objective HO O8.

On-Site Services and Facilities

- 8.3.16. As noted above the on-site services and facilities are in accordance with the Section 50 guidelines. These services and facilities include a reception, laundry room, meeting room, a communal space, external communal open space, bin storage, car parking

and cycle parking. I am satisfied that sufficient internal and external communal space has been provided to ensure a high quality residential amenity for future occupants.

Supply and Demand

- 8.3.17. The applicant submitted a Student Demand and Concentration Report. Table 3 of the report indicates that there are c. 24,291 no. full time students in Limerick. In this regard c. 14,461 no. students in University Limerick located c. 1.2km east of the subject site, 4,078 no. students in Mary Immaculate College located c. 3.5km south west of the subject site and c. 5,752 no. students in the Limerick Institute of Technology located c. 4km north west of the subject site.
- 8.3.18. Table 1 of the report indicates that there are currently 6,267 no. student bedspaces within the city of Limerick and that there are currently 766 no. student bedspaces within various stated of planning. It is noted that one of those planning decisions (ABP-310103-21) was quashed. Therefore, there are currently 448 no. potential student bedspaces at various stages of planning.
- 8.3.19. Section 4.2.10 of the development plan notes that students are an increasingly important part of the housing demand in Limerick and that the main third level institutions are seeking to increase student numbers, within the lifetime of the Plan, which accordingly will result in increased demand for high quality student accommodation.
- 8.3.20. The Department of Education and Skills National Student Accommodation Strategy states that there were 6,816 no. student bedspaces in Limerick in 2017. By 2024 it was envisioned that there would be a demand for 9,798 no. bedspaces. The information submitted by the applicant, which is robust and evidence based, indicates that there are c. 6,267 no. student bedspaces in Limerick City with an additional 448 no. at various stages of the planning process. In my opinion, the granting of planning permission alone, does not necessarily guarantee delivery in accordance with targeted timeframes and that attention needs to be paid to the actual delivery of student bedspaces.

- 8.3.21. Specific concerns are raised by third parties that the information submitted within the application is not in accordance with the provisions of the development plan as the applicant has not provided details of the number of students in private rented accommodation. While it is acknowledged that Objective HO O8 (b) states that applications for student accommodation must include details of the extent of students renting in the private housing market. I am satisfied that the applicant has endeavoured to provide relevant and available information on existing student accommodation within Limerick and it is not reasonable to provide a detailed breakdown of students living within private rented accommodation within the city.
- 8.3.22. Having regard to the above, it is my view that there is an under provision of purpose built student accommodation within Limerick City and it is specially noted that the number of existing and proposed bedspaces falls significantly below the 2024 target set out in the National Student Accommodation Strategy.

Student Management Plan

- 8.3.23. A Student Accommodation Management Plan was submitted with the application. The report notes that the proposed student accommodation would be managed by an experienced management company with responsibility for all maintenance and upkeep of the services within the development. It notes that management staff would maintain contact on a regular basis with neighbouring residents and would be contactable at all times to assist with any issues that arise. I am satisfied that once the measures outlined in the plan are implemented it would avoid any potential negative impacts from occupants on surrounding properties and neighbourhoods. It is recommended that a condition be attached to any grant of permission that the final details of the Student Accommodation Management Plan be agreed with the planning authority.

Impact on Residential Amenity

- 8.3.24. Both Section 11.4.4.7 and Objective HO O8 note that the provision and location of student accommodation will not be permitted where it would have a detrimental effect on established residential amenities. The impact of the scheme on residential amenity is addressed in detail in Section 8.6 below.

Architectural Quality

- 8.3.25. Section 11.4.4.7 also states that the architectural quality of the proposed scheme in terms of its design and integration with the wider streetscape with respect to scale, mass, external finishes and landscaping would be considered. The Design Approach is addressed in detail in Section 8.5 below.

Conclusion

- 8.3.26. Having regard to the information outlined above, it is my view that this is a suitable location for student accommodation and that the proposed development is in accordance with the provisions of Objective HO O8 and Section 11.4.4.7 of the development plan and the provisions of the National Student Accommodation Strategy. It is also noted that the planning authority raised no concerns regarding the proposed use.

8.4. *Quantum of Development*

- 8.4.1. The site lies within Density Zone 2 Intermediate Urban Locations / Transport corridors as indicated on Map 2.2 of the development plan. Table 2.6 notes that this area requires a minimum density of 45+ units per ha. There is no density standard for student accommodation. The planning authority consider that the 26 no. student apartments on a 0.53 ha site would result in a density of 49 units per ha. The applicant considers the scheme to have a density of 127 units per ha. This is based on the assumption that 3 no. bedspaces equate to 1 no. 2-bed (3 person) apartment. However, using the applicants calculation and the site area (0.53 ha) this would equate to a density of 79 units per ha. It is acknowledged that there is no standard for assessing density for a student accommodation scheme, however, in my view the planning authority's approach is reasonable.
- 8.4.2. Concerns are raised by third parties that the density of the proposed scheme is excessive at this location. While it is acknowledged that the proposed scheme this is significantly denser than the adjoining suburban housing on Rhebogue Road and Meadows and along the Old Dublin Road it is my view that the proposed scheme should be viewed in the context of the immediate vicinity of the site, which has experienced a transition from a low density, single and two storey suburban area to a

more urban area, with a mix of different types of dwellings and uses, including a 4-storey apartment block containing 16 no. units on the opposite side of the Old Dublin Road.

- 8.4.3. It is my view that the density is acceptable and in accordance with provisions of the development plan with regard to Policy CS P2 which aims to support the compact growth of the metropolitan area and Objective HO O2 which aims to promote, where appropriate increased density.
- 8.4.4. In addition, Objectives 4, 13, 33 and 35 of the National Planning Framework and SPPR3 and SPPR4 of the Urban Development and Building Heights Guidelines, all support higher density developments in appropriate locations, to avoid the trend towards predominantly low-density commuter-driven developments.
- 8.4.5. In conclusion, it is my opinion that the proposed development does not represent overdevelopment of the site. The proposed quantum of development is appropriate in this instance having regard to national policy, the site's size, the nature of the development and the area's changing context. It is also noted that the planning authority raised no concerns regarding the quantum of development.

8.5. ***Design Approach***

- 8.5.1. Table 3.23 of the development plan sets out Urban Character Areas (UCA) and Objectives for the differing areas. The subject site is located within Rhebogue, which is identified as being within UCA 02 – surrounding suburban area. This area is substantially residential in character with a range of services and covers the suburbs immediately adjoining the inner city area. It is a specific objective to prioritise infill and brownfield sites within these suburbs and the building height strategy would inform the design of higher buildings.
- 8.5.2. Concerns are raised by third parties that the proposed scheme is out of character with the area and is not the optimal design solution for this site as the scale and height of the scheme are excessive at this location.
- 8.5.3. The scheme incorporates 202 no. student bedspaces in 26 no. apartments and internal residential amenity space in 3 no. blocks (Blocks A, B and C) ranging in height

from 2 – 5 storeys. The subject site is generally rectangular in shape and the proposed 3 no. blocks are laid out in a linear pattern. Block C is located at the sites southern boundary with frontage onto the Old Dublin Road, Block B is located in the centre of the site and Block A is located at the rear of the site. The blocks are arranged around areas of communal open space and the internal road network.

- 8.5.4. Block A contains 71 no. bedspaces in 9 no. apartments, Block B contains 79 no. bedspaces in 10 no. apartments and Block C contains 52 no. bedspaces in 7 no. apartments. In general each apartment comprises 8 no. bedspaces and a communal kitchen / living / dining room. With the exception of the ground floor apartments which contains 7 no. bedspaces and the 4th floor level of Block C which contains 5 no. bedspaces. The units do not include any balconies and all communal open space is provided at ground floor level. As noted above, the scheme has been designed in accordance with the Guidelines on Residential Development for Third Level Students (Section 50 guidelines).
- 8.5.5. The proposed blocks range in height from 2 - 5 storeys. Block A is 4 - 5 storey's. Block B is 5 storey in height. Block C ranges in height from 2 – 4 storeys. Section 3.4.2.4 and Volume 6 of the development plan sets out the Building Height Strategy for Limerick city. The development plan does not set out blanket numerical height limits. The Building Height Strategy (volume 6) notes that the surrounding suburban area is predominantly low rise, 1-3 storeys in height and that developments in these areas should be informed by SPPR 4 of the Building Height Guidelines.
- 8.5.6. SPPR 4 of the Building Height Guidelines requires that a greater mix of building heights and typologies be provided in suburban locations with the avoidance of mono-type building typologies. Section 3.4 of the Guidelines states that newer housing development at the suburban edges of towns and cities, typically now include townhouses (2-3 storeys), duplexes (3-4 storeys) and apartments (4 storeys upwards). Having regard to the sites location within the urban area and to the provisions Urban Development and Building Height Guidelines, 2018, it is my view that the provision of 4-5 storey urban blocks are appropriate in this instance, as they provide for a variety of unit types and sizes within the wider environs.

- 8.5.7. Generally, the front (southern) elevation of the blocks would be finished in brick and the remaining elevations finished in render. The design statement notes that Blocks A and C would have a bluff brick finish, which is reflective of the existing apartment development on the opposite side of the Old Dublin Road. This would contrast with Block B which would have a pale red brick finish. I have no objection to the contrasting brick colours and consider that it would be reflective of a contemporary architectural design approach. However the photomontages appear to indicate that all 3 no. blocks are finished in buff brick. I also have concerns regarding the use of render on the highly visible (side) elevations of the blocks. Render is not considered to be a high quality or durability material and it is my opinion that a brick finish would be more appropriate on these highly visible elevations. It is recommended that a condition be attached to any grant of permission that final details of the external materials be agreed with the planning authority, to ensure an appropriate high quality finish is achieved.
- 8.5.8. The site is generally bound by 2-storey residential dwellings and it is acknowledged that the height, bulk and scale of the blocks is greater than the existing properties. The photomontages submitted with the application indicate that the scheme would be highly visible from short and medium distant views. In my opinion the visual impact is generally in keeping with the expanding suburban area along the Old Dublin Road. I am satisfied that the form and massing of the blocks are appropriate at this urban infill site and that the proposed scheme successfully integrates into, and would make a positive contribution to the streetscape. Therefore, it is my opinion that the development would not negatively impact on the visual amenities or character of the area.
- 8.5.9. The applicants Planning Report states that the scheme includes 1,300sqm of open space which equates to c.20% of the total site area. The Design Statement notes that this is communal open space intended for the use of the future residents. Having regard to the proposed student accommodation use there is no requirement in the development plan to provide public open space within the scheme. There are 3 no. individual areas of communal open space which are directly adjacent to each of the blocks. These spaces are connected by footpaths and passively overlooked by the proposed scheme. The Landscape Layout drawing indicates that each area of open space would include seating areas and hard and soft landscaping. I have no objection

to the quantity or quality of the areas of open space. However, it is unclear how these spaces would be enclosed to ensure they are not available to the public. It is my view that this could be addressed by way of condition.

- 8.5.10. With regard to the layout of the scheme, third parties raised concerns that the width of the internal road may not comply with fire safety guidelines. The internal road is designed as a 4.8m wide shared surface and takes a circuitous route around Blocks C and B which provides access to 16 no. surface level car parking spaces and bicycle parking throughout the scheme. The Design Manual for Urban Roads and Streets (DMURS) defines a shared surface as a street where pedestrians, cyclists and vehicles share the main carriageway and where pedestrians have priority of movement over other uses. It recommends a maximum width of 4.8m for a shared surface carriageway. It is noted that this is sufficient to allow for two-way traffic to pass. The auto-track drawings submitted with the application also indicate that the shared surface can accommodate a refuse truck and a fire tender.
- 8.5.11. While the carriageway is indicated on the drawings as being a shared surface it is noted that the layout also includes a separate pedestrian route through the scheme with 2 no. crossing points over the carriageway. I have no objection in principle to the proposed layout. Having regard to the limited number of car parking spaces proposed it is my view that pedestrian and cycle movements would be the priority within the scheme. Notwithstanding this I have some concerns regarding the access arrangements which includes a 1.8m wide footpath on the western side of the carriageway, adjacent to Block C and a c. 3m wide footpath on the eastern side. The c. 3m wide footpath on the eastern side of the carriageway terminates after c. 8m and pedestrians are required to cross the carriageway. It is my opinion that there is no requirement for 2 no. pedestrian entrances to the site from the Old Dublin Road. It is recommended that the c. 3m wide pedestrian access be omitted from the scheme and that the carriageway be relocated c. 2m east. The width of the remaining footpath on the western side of the carriageway should be increased to a minimum of 2m in width. It is my opinion that this could be addressed by way of condition.
- 8.5.12. In conclusion, having regard to the infill nature of this site, to the high quality design and layout of the scheme and the landscaping proposals, the proposed development successfully integrates into the streetscape and would support the consolidation of the

urban environment and is in accordance with the provisions of Section 11.4.4.7 and UCA 02 of the development plan. It is my view that the existing visual amenities would not be negatively impact by the proposed development. In addition, having regard to the Guidelines on Urban Development and Building Heights, I am satisfied that the proposed development represents a reasonable response to its context.

8.6. ***Residential Amenity***

Overlooking and Overbearing Impact

- 8.6.1. The subject site is generally bound to the north by the rear gardens of 2-storey dwellings on Rhebogue Meadows, to the south by the Old Dublin Road, to the east by the gable end of a dwelling that fronts onto the Old Dublin Road and its rear private amenity space and to the west by the gable end of 2 no. dwellings that front onto the Old Dublin Road and their rear private amenity space. Further west are the rear gardens of dwellings on Rhebogue Road. Concerns are raised by third parties that the proposed development would result in overlooking and have an overbearing impact on the adjacent dwellings. The third parties also note that there is a the level difference between the subject site and the surrounding developments, which would exacerbate the impact on surrounding properties. There is a level difference of c. 2m within the site, with the site sloping in a south to north direction. A topographical survey was submitted with the application and the proposed contiguous elevation drawing indicates that the subject site would be levelled to provide a similar finished floor level to the surrounding dwellings.
- 8.6.2. Block A is located to the rear of the site. The 4-storey (13.6m) element of Block A is located c. 13m from the sites northern boundary with the rear gardens of dwellings in Rhebogue Meadows and a minimum of c. 23m from the rear elevation of these dwellings. The 5-storey (16.7m) element of Block A is located c. 32m from the rear elevation of these dwellings. There are no windows to habitable rooms on the northern elevation of Block A. Therefore, the proposed Block would not result in any undue overlooking. While it is acknowledged that the proposed scheme would be highly visible from the rear gardens of these existing dwellings it is my opinion that due to the significant separation distances and relatively limited height it would not result in an overbearing impact.

- 8.6.3. The 4-storey (13.6m) element of Block A is located c. 17m from the sites western boundary and a minimum of c. 43m from the rear elevation of existing dwellings on Rhebogue Road. Having regard to the significant separation distance an I am satisfied that the proposed scheme would not result in undue overlooking. The 5-storey (16.7m) element of Block A is located c. 7m from the sites western boundary and a minimum of c. 31.5m from the rear elevation of dwellings on Rhebogue Road. There are no windows to habitable rooms on this portion of the western elevation of Block A. Therefore, no overlooking would occur. While it is acknowledged that Block A would be highly visible from the rear gardens of these existing dwellings it is my opinion that due to the significant separation distances and relatively limited height it would not result in an overbearing impact.
- 8.6.4. Block B is located in the centre of the site. It is 5-storeys (16.7m) in height. The western elevation of Block B is located c. 12m from the sites western boundary and a minimum of c. 37m from the rear elevation of existing dwellings on Rhebogue Road. There are no windows to habitable rooms on the western elevation of Block B. Therefore, the proposed Block would not result in any undue overlooking. While it is acknowledged that Block B would be highly visible from the rear gardens of these existing dwellings it is my opinion that due to the significant separation distances it would not result in an overbearing impact.
- 8.6.5. Block C is located at the southern portion of the site. It ranges in height from 4 storeys (13m) at its frontage with the Old Dublin Road to 2-storeys (7.5m). To the west the site is bound by the gable end of 2 no. existing dwellings and their associated private open spaces. It is noted that there are no windows on the gable end of these existing dwellings.
- 8.6.6. The 2-storey element of Block C is located c. 13m from the sites western boundary with the gable end of an existing dwelling. This elevation has no windows to habitable rooms and therefore would not result in any undue overlooking.
- 8.6.7. The 3-storey element (10.5m) of Block C is located c. 11m from the sites western boundary with rear private open space associated with an existing dwelling and c. 22m from the gable end of an existing dwelling. There are windows on this elevation,

however, due to the separation distances and relatively limited height of the block I am satisfied that it would not result in any undue overlooking.

- 8.6.8. The 4-storey element is located c. 3.6m from the western boundary with gable end of a existing dwelling. There are no windows to habitable rooms on this elevation, therefore, it would not result in any undue overlooking.
- 8.6.9. While it is acknowledged that Block C would be highly visible from the rear gardens of the adjacent dwellings it is my opinion that due the relatively limited height and separation distances that it would not result in an overbearing impact.
- 8.6.10. To the east the site is generally bound by the rear private open space of existing dwellings. No information has been submitted regarding the ownership of the lands to the east, however, it would appear that 3 no. dwellings that front onto the Old Dublin Road share this rear open space. The blocks are located between 3.5m and 11m from the sites eastern boundary. All blocks contain windows to habitable rooms on the eastern elevation. Therefore, due to the limited separation distances and the height of the blocks there is potential for undue overlooking of the open space associated with the site to the east. There are no directly opposing windows between the existing houses and the proposed blocks. Therefore, I am satisfied that the proposed scheme would not overlook the existing dwellings.
- 8.6.11. It is my opinion that having regard to the size and urban location of the lands to the east that there is potential for this site to be redeveloped in the future. It is acknowledged that the proposed scheme has the potential to overlook the site, however, it is my opinion that it would not impede the future development potential of lands. Having specific regard to the subject sites zoning objective, the urban location, the high-quality design and layout of the scheme, its positive contribution to the built environment and contribution to the consolidation of the urban area it is my opinion that the potential overlooking of private open space it is acceptable in this instance.
- 8.6.12. The separation distances between the proposed blocks range from c.10m to c. 13m. The blocks have been designed to ensure there is no direct overlooking of windows within the scheme. It is my opinion that the proposed separation distances between the blocks and the existing buildings achieves a balance of protecting the residential amenities of future and existing occupants from undue overlooking and overbearing

impact and achieving high quality urban design, with attractive and well connected spaces that ensure a sense of enclosure and passive overlooking of the communal spaces. While the concerns of the third parties are noted it is my view that proposed scheme would not result in undue overlooking or result in an overbearing impact on any existing properties.

Daylight, Sunlight and Overshadowing

- 8.6.13. Section 3.2 of the Urban Development and Building Height Guidelines (2018) states that the form, massing and height of proposed developments should be carefully modulated so as to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light. The Guidelines state that appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision outlined in guides like the BRE 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'.
- 8.6.14. Section 11.4.2.3 of the development plan states that as a standard, all habitable rooms within new residential units shall have access to appropriate levels of natural daylight and be guided by the principles of Site Layout Planning for Daylight and Sunlight, A guide to good practice (Building Research Establishment Report, 2011) and/or any updated guidance.
- 8.6.15. The applicant submitted a Daylight Analysis and Overshadowing Report based on the standards in the following documents:
- BRE Site Layout Planning for Daylight and Sunlight: A guide to good practice - BR 209 (2011)
 - Sustainable Urban Housing: Design Standards for New Apartments;
- 8.6.16. I have considered the reports submitted by the applicant. I note that the Apartment Guidelines do not apply to student accommodation schemes. I also note the publication of the BRE Guide, which replaced the 2011 edition, in June 2022 (in the UK), however, I am satisfied that this updated guidance does not have a material bearing on the outcome of the assessment.

- 8.6.17. In general, Average Daylight Factor (ADF) is the ratio of the light level inside a structure to the light level outside of structure expressed as a percentage. The BS8206 – Part 2 sets out recommended targets for Average Daylight Factor (ADF), these are 2% for kitchens, 1.5% for living rooms and 1% for bedrooms. The applicant has applied a 1% target for the bedrooms and a 2% target for the communal Kitchen / Living / Dining Rooms.
- 8.6.18. The assessment was carried out for a sample of ‘apartments’ within the scheme. The rooms assessed in Block A comprised all rooms in apartments 01 and 02 at ground floor level and all rooms in apartment 07 at third floor level. The rooms assessed in Block B comprise all rooms in apartments 01 and 02 at ground floor level and all rooms in apartment 04 at first floor level. The rooms assessed in Block C comprise all rooms in apartments 01 and 02 at ground floor level and all rooms in apartment 04 at first floor level. I am satisfied that this provides a reasonable representation of the rooms within the scheme and that the ground floor units represent the worst case scenario. The information provided in Tables 3, 4 and 5 of the applicants report indicates that the scheme has an 100% compliance with the recommended target of 2% for KLD rooms and 1% for bedrooms and in some instances significantly exceeds the recommended target. Therefore, I am satisfied that all of the rooms within the apartments would receive adequate daylight.
- 8.6.19. Section 3.3 of the BRE guidelines state that good site layout planning for daylight and sunlight should not limit itself to providing good natural lighting inside buildings. Sunlight in the spaces between buildings has an important impact on the overall appearance and ambience of a development. It is recommended that at least half of the amenity areas should receive at least 2 hours of sunlight on 21st March. Table 7 of the applicants report demonstrates that all areas of communal open space associated with the development would achieve the BRE recommended target. Section 4 of the report states that the massing of the buildings was reduced to avoid unnecessary loss of light to amenity spaces.
- 8.6.20. Concerns are also raised by third parties that the proposed scheme would overshadowing existing properties. The applicants report also assessed the potential impact of the development on the neighbouring properties. The properties assessed are located to the north, south and west of the subject site and are illustrated in Figures

4, 5 and 6 of the report. The report states that 2 no. scenarios were investigated, the original option and the updated (current proposal) scheme with a reduced scale.

- 8.6.21. In general, Vertical Sky Component (VSC) is a measure of the amount of sky visible from a given point (usually the centre of a windows) within a structure. The BRE guidelines state that if the VSC, with the new development in place, is both less than 27% and less than 0.8 times its former value occupants of the existing building would notice the reduction in the amount of skylight.
- 8.6.22. The analysis provided in Tables 8-13 of the applicants report indicates that the proposed development would have no material impact on the VSC for these existing buildings and that all values are in excess of BRE standards.
- 8.6.23. As noted above, the BRE guidelines also recommended that at least half of the amenity areas should receive at least 2 hours of sunlight on 21st March. Section 3 of the report assessed the impact of the scheme on the private amenity spaces of adjacent dwellings. Table 6 of the applicants report demonstrates that all existing areas of private open space achieve the BRE recommended target.
- 8.6.24. In conclusion, I am satisfied that the submitted documentation properly describes the performance of the proposed development in relation to the standards on daylight and sunlight set out in the guidance documents cited in the 2018 Building Height Guidelines and the development plan.

Conclusion

- 8.6.25. Overall, I am satisfied that the proposed student accommodation and associated communal open spaces would have sufficient daylight and sunlight to provide an acceptable standard of residential amenity for their occupants. While the concerns of the third parties are noted I am satisfied that there is no impact on the VSC for existing properties and no overshadowing of private amenity spaces. It is also noted that the planning authority raised no concerns regarding undue overlooking, overshadowing or overbearing impact.

Noise and Nuisance

- 8.6.26. Concerns are raised by third parties that the proposed scheme would result in noise and nuisance for existing residents. A Noise Impact Assessment Report was submitted with the application. It notes that the main source of daytime and night time noise is traffic from the Old Dublin Road. The anticipated operational phase noise impacts would mainly be a result of increased vehicular traffic. However, the increase in traffic associated with the proposed development scheme is not expected to give rise to any significant noise nuisance in the area.
- 8.6.27. The proposed scheme does not include any balconies and all communal open space is located at the ground floor level. It is my view that the operational phase of the development would not give rise to levels of noise that would be inappropriate in a residential context within a suburban area. It is also noted that this scheme would be professionally managed and any concerns regarding noise disturbance from future occupants would be addressed through the Student Accommodation Management Plan.

Vibration Impact

- 8.6.28. Concerns are also raised by third parties that the proposed construction phase could have a negative impact on the structural stability of adjacent houses. Vibrations impacts are likely to occur during the construction phase as a result of ground preparation works and plant and machinery movements. The Noise Impact Assessment Report notes that vibration in relation to construction sites may result in short-term disturbance but rarely cause even cosmetic damage.
- 8.6.29. It is acknowledged that the proposed construction phase would cause some vibrations, however, the works would be temporary. There is nothing unique or particularly challenging about this urban site and I am satisfied that subject to implementation of best practice control measures no significant impacts are predicted.

8.7. *Transportation*

- 8.7.1. The subject site is located in Rhebogue, c. 2km east of Limerick City centre. It is proposed to provide a new vehicular access onto the Old Dublin Road at the sites

southern boundary. There is a high quality footpath and cycle network on the Old Dublin Road, which provides connectivity to the University of Limerick located c. 1.2km east of the site.

- 8.7.2. The site is located within 250m (via the new Texaco garage site) of both an east and west bound bus stop on the Dublin Road. These stops are served by routes 304/A, 323 and 323X. The 304 provides a link between the University of Limerick and Ballycummin via the city centre. This route operates every 15 minutes in the peak periods. The 304A provides a link between Raheen and Monaleen via the University of Limerick. This route operates every 20 minutes in the peak periods. The timetable available on www.buseirann.ie indicates that a bus operates every 10 minutes in the peak period at this stop. The 323 provides a link between Newport (Tipperary) and Nenagh. This is an infrequent service with c. 7 no. buses per day in each direction. The 323X provides a link between Limerick City centre and Birr. This is an infrequent route with 1 no. bus, Monday to Friday only in both directions. The Draft Limerick BusConnects also identifies the Dublin Road as a high frequency route with buses operating every 10 minutes during the week and every 15 minutes at weekends.
- 8.7.3. Having regard to the above, I am satisfied that the site is highly accessible by walking and cycling and that access to high frequency public transport is available within 250m of the site. It is also my view that the site would most likely benefit from improved levels of public transport service provision via Bus Connects in the short to medium term.

Road Capacity

- 8.7.4. The third party appeals and the observations note that there is already traffic congestion on the surrounding road network and that the proposed development would exacerbate the current situation.
- 8.7.5. The proposed scheme includes 16 no. car parking spaces. To ascertain the existing capacity of the surrounding road network a traffic count was carried out during the morning peak on Thursday the 22nd September 2022 at the priority junction of Old Dublin Road / Rhebogue Road, c. 80m west of the subject site. The count was carried out post covid restrictions with a full return to schools. Concerns raised in the observations that the traffic count survey is not reflective of current traffic issues is

noted, however, I am satisfied that the count provides a reasonable representation of traffic movements in the immediate area of the site. The third parties also considered that additional surveys of the wider area would have provided a more realistic representation of traffic congestion. However, having regard to the nature of the scheme and the relatively limited number of vehicular trips potentially generated by the scheme (16 no.) I am satisfied that the impact of the development on the wider road network would be negligible and a detailed traffic assessment is not required.

8.7.6. The traffic count data is provided in Table 1 of the applicants Traffic Assessment. The information submitted indicates that the busiest period is between 8.30am and 8.45am. During this period 36 no. vehicles accessed Rhebogue Road from the Old Dublin Road and 53 no. vehicles exiting Rhebogue Road onto the Dublin Road. The applicants report notes that there was minimal or minor queuing experienced. During this period 108 no. (59 no. east bound and 49 no. west bound) vehicles travelled along the Old Dublin Road. The information submitted also indicates that traffic is free flowing on the Old Dublin Road.

8.7.7. The concerns raised by third parties regarding traffic congestion and the capacity of the surrounding road network are noted. However, it is my view that within any urban area a certain level of congestion is to be expected during peak times and the proposed traffic volumes on the road network are within the norms of a busy urban environment. Having regard to the sites zoning objective, its proximity to the city centre and public transport and overall national, regional, and local policy to consolidate the urban area, it is my view that the potential traffic generated by the proposed development would have a negligible impact on the surrounding road network. It is also noted that the report of the planning authority raised no objections to the impact of the proposed development on the capacity of the road network.

Car Parking

8.7.8. Concerns are raised in the third party appeals and observations that insufficient car parking as has been provided within the scheme which would result overspill car parking onto the surrounding road network.

8.7.9. Table DM 9a of the development plan sets out a car parking standard of 1 no. space per 15 no. bed spaces plus 1 no. car club space for student accommodation schemes

in Zone 2. Section 7.10.4 of the development plan notes that these are maximum standards to support the shift away from car dependency and to support the modal shift to alternative modes of transport. The proposed scheme incorporates 202 no. bedspaces. Therefore, 13 no. spaces are required. It is proposed to provide 16 no. car parking spaces to serve the development, including 1 no. disabled spaces and 2 no. EV spaces. The scheme does not include a car club space, however, as this scheme would be professionally managed it is my opinion that should demand arise for a car club within the scheme this could be arranged and operated by the management company. Therefore, it is not necessary to address this by way of condition.

- 8.7.10. It is noted from the photos submitted within the appeal from Pat Power and during my site visit on the 21st March 2023 that haphazard car parking does occur on Rhebogue Road, with a high turnover of vehicles. This appears to be related to the commercial units on Rhebogue Road. Any concerns regarding parking congestion on the public road is an issue for the local authority and is outside of the remit of this planning application.

Having regard to the nature the proposed scheme, which is a professional managed student accommodation scheme, the distance (c 1.2km) to the University Limerick and the good quality cycling and pedestrian infrastructure in the area and proximity public transport provision in the form of bus, it is my view that the future occupants are unlikely to generate a significant demand for car parking. Therefore, I am satisfied that the proposed car parking provision is acceptable in this instance. It is also noted that the proposed level of car parking is generally in accordance with the provisions of the development plan and that no concerns regarding car parking were raised by the planning authority.

Cycle Parking

- 8.7.11. Table DM 9a of the development plan also sets out bicycle parking spaces. There is requirement for 1 no space per 5 bedspaces in student accommodation schemes in Zone 2. Therefore, there is a requirement for 40 no. bicycle parking spaces. It is proposed to provide 142 no. spaces which is significantly in excess of the development plan standards. The drawings submitted indicate that 102 no. spaces would be provided in 3 no. separate bicycle storage buildings and the remaining 40 no. spaces

would be covered visitor spaces. While the quantum of cycle parking is welcomed, I have some concerns regarding the quality of the spaces with the bicycle storage areas. The drawings submitted indicated a c. 0.3m width provided between each bicycle storage space. It is my view that insufficient space has been provided to allow for the efficient and effective use of the cycle parking storage areas. If permission is being contemplated it is recommended that a condition be attached that the final details of the cycle parking storage areas be submitted to and agreed in writing with the planning authority. It is noted that this may result in a reduction in the overall number of bicycle parking spaces.

8.8. **Water Services**

- 8.8.1. The proposed development would connect to the existing public water mains and public sewer on the Old Dublin Road. Irish Water acknowledged that a confirmation of feasibility was issued to the applicant for connections to the public network. Storm water would be attenuated within the site and would connect to the public network on Old Dublin Road. The scheme also incorporates a number of SuDS measures including permeable paving, tree pits, rainwater gardens and blue roofs. The planning authority raised no objection to the surface water drainage proposals. Having regard to the information submitted I am satisfied that there are no constraints within the public networks.
- 8.8.2. Concerns are raised in the third parties that the proposed scheme has the potential to negatively impact on an existing water main, which has been incorrectly marked on drawings submitted with the application. The applicants response to the appeal notes that there is a 700mm diameter watermain within the northern portion of the site and that the site was surveyed to identify the location of watermain. The applicant has stated that the location of the main is correctly indicated on the submitted drawings. The information submitted by the applicant also notes the watermain would be protected during construction and that this would be completed in conjunction with Irish Water.
- 8.8.3. From the information submitted I am satisfied that the applicant and Irish Water are aware of the location of the infrastructure within the site and that standard protection measures would be put in place during the construction phase. It is also noted that the proposed buildings are located a minimum of 5m from the underground main. I am

satisfied that there are no infrastructural aspects to the proposed development that present any conflicts or issues to be clarified.

8.9. **Archaeology**

8.9.1. The proposed development area does not include any recorded archaeological sites. An Archaeology and Cultural Heritage Assessment was submitted with the application. It notes that while the site is located outside of the Viking and Medieval City of Limerick there may be unknown archaeological sites or features below the surface. The report recommends that a condition be attached to any grant of permission that archaeological monitoring be carried out to mitigate any potential adverse impact on archaeological remains. Having regard to the undisturbed nature of the site it is my recommendation that if permission is being contemplated that an suitable condition be attached in this regard.

9.0 **Environmental Impact Assessment**

9.1.1. An Environmental Impact Assessment Screening Report has not been submitted with the application. The applicants Planning Report and Statement of Consistency notes that the site is sub-threshold for an EIA and considers that in this instance, due to the nature of the site, its suburban location and the sites residential zoning objective, there is no requirements for an EIA.

9.1.2. Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended and section 172(1)(a) of the Planning and Development Act 2000, as amended provides that an Environmental Impact Assessment (EIA) is required for infrastructure projects that involve:

- Urban Development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.
- Item 15: Any project listed in this Part which does not exceed a quantity, area or other limit specified in this Part in respect of the relevant class of development but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.

- 9.1.3. It is proposed to construct a purpose built student accommodation scheme with a total of 202 no. student bedspaces and 342sqm of internal communal amenity space in 3 no. Blocks (Block A, B and C) ranging in height from 2 – 5 storeys on a site with a stated gross area of c. 0.53ha. The site is located in the urban area (other parts of a built up area). The site is, therefore, below the applicable threshold of 10ha. There are no excavation works proposed. Having regard to the relatively limited size and the location of the development, and by reference to any of the classes outlined above, a mandatory EIA is not required. I would note that the development would not give rise to significant use of natural resources, production of waste, pollution, nuisance, or a risk of accidents. The site is not subject to a nature conservation designation. The proposed development would use the public water and drainage services of Irish Water and Limerick City and County Council, upon which its effects would be marginal. An Appropriate Assessment Screening Report was submitted with the application which notes that the proposed development individually or in combination with other plans and projects would not adversely affect the integrity of the European Sites and that associated environmental impacts on these sites, by reason of loss of protected habitats and species, can, therefore, be ruled out.
- 9.1.4. Having regard to the nature and limited scale of the proposed development and the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded. An EIA - Preliminary Examination form has been completed and a screening determination is not required. It is noted that third parties and the planning authority raised no concerns regarding EIA or the cumulative impact of residential development in the wider area.

10.0 **Appropriate Assessment**

10.1. ***Introduction***

- 10.1.1. The applicant has prepared an AA Screening Report as part of the application. The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, section 177U and section 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section

10.1. ***Compliance with Article 6(3) of the Habitats Directive***

- 10.1.1. The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site before consent can be given. The proposed development is not directly connected to or necessary to the management of any European site and, therefore, is subject to the provisions of Article 6(3).
- 10.1.2. The applicant has submitted a Screening Report for Appropriate Assessment prepared by Noreen Mcloughlin Environmental Consultant. The report provides a description of the proposed development, the site location and surrounding environment and identifies and provides a brief description of European Sites within a possible zone of influence of the development and an assessment of the potential impacts arising from the development. The AA screening report concludes that on the basis of objective information, the proposed development, individually or in combination with other plans or projects, will not have a significant effect on any European site.
- 10.1.3. I am satisfied that the submitted information allows for a complete examination and identification of all the aspects of the project that could have an effect, alone, or in combination with other plans and projects on European sites.

10.2. ***Stage 1 AA Screening***

- 10.2.1. The project is not directly connected with or necessary to the management of a European Site and, therefore, it needs to be determined if the development is likely to have significant effects on a European site(s). The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site in view of the conservation objectives of those sites.

10.3. **Brief Description of the Development**

10.3.1. A description of the project is provided in Section 3.1 of the applicants report. The proposed development is also summarised in Section 2 of my report. In summary, the proposed development comprises 202 no. student bedspaces on a c. 0.53 ha site in Rhebogue, c. 2km east of Limerick city centre. The surrounding area is urban in nature with a mix of residential, commercial and retail uses in the immediate vicinity of the site. The site is serviced by public water supply and foul drainage networks. Foul effluent and surface water will drain to the existing public network on the Old Dublin Road to the south of the site. The development site is located in a heavily urbanised environment close to noise and artificial lighting. The site is currently a vacant greenfield site. No flora or fauna species for which Natura 2000 sites have been designated were recorded on the application site.

10.4. **Submissions and Observations**

10.4.1. The submissions and observations from the Local Authority, Prescribed Bodies, and third parties are summarised above.

10.4.2. The planner's report includes an AA Screening which concludes the following:

The proposed development would not have any effects on the Natura 2000 site network and the loss of habitat that would occur would be confined to those on site, which are widespread and of limited ecological potential.

10.5. **Zone of Influence**

10.5.1. The proposed development is not located within or immediately adjacent to any European Site. Appropriate Assessment Guidance (2009) recommends an assessment of European sites within a Zone of Influence of 15km. However, this distance is a guidance only and a potential Zone of Influence of a proposed development is the geographical area over which it could affect the receiving environment in a way that could have significant effects on the Qualifying Interests of a European site. In accordance with the OPR Practice Note, PN01, the Zone of Interest

should be established on a case-by-case basis using the Source-Pathway-Receptor framework and not by arbitrary distances (such as 15km). The Zone of Influence may be determined by connectivity to the proposed development in terms of:

- Nature, scale, timing and duration of works and possible impacts, nature and size of excavations, storage of materials, flat/sloping sites;
- Distance and nature of pathways (dilution and dispersion; intervening ‘buffer’ lands, roads etc.); and
- Sensitivity and location of ecological features.

10.5.2. Table 1 of the applicant’s report considers that the following 6 no. European Sites are within the Zone of Interest.

<i>Lower River Shannon SAC (002165) c. 400m from the subject site</i>	
<i>Conservation Objective</i>	To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.
<i>Qualifying Interests/Species of Conservation Interest</i>	<p>Sandbanks which are slightly covered by sea water all the time [1110]</p> <p>Estuaries [1130]</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Coastal lagoons [1150]</p> <p>Large shallow inlets and bays [1160]</p> <p>Reefs [1170]</p> <p>Perennial vegetation of stony banks [1220]</p> <p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Water courses of plain to montane levels with the <i>Ranuncion fluitantis</i> and <i>Callitricho-Batrachion</i> vegetation [3260]</p> <p>Molinia meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>) [6410]</p> <p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>) [91E0]</p>

	<p>Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]</p> <p>Petromyzon marinus (Sea Lamprey) [1095]</p> <p>Lampetra planeri (Brook Lamprey) [1096]</p> <p>Lampetra fluviatilis (River Lamprey) [1099]</p> <p>Salmo salar (Salmon) [1106]</p> <p>Tursiops truncatus (Common Bottlenose Dolphin) [1349]</p> <p>Lutra lutra (Otter) [1355]</p>
River Shannon and Fergus Estuaries SPA (004077) c. 3km from the subject site	
<i>Conservation Objective</i>	To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.
<i>Qualifying Interests/Species of Conservation Interest</i>	<p>Cormorant (Phalacrocorax carbo) [A017]</p> <p>Whooper Swan (Cygnus cygnus) [A038]</p> <p>Light-bellied Brent Goose (Branta bernicla hrota) [A046]</p> <p>Shelduck (Tadorna tadorna) [A048]</p> <p>Wigeon (Anas penelope) [A050]</p> <p>Teal (Anas crecca) [A052]</p> <p>Pintail (Anas acuta) [A054]</p> <p>Shoveler (Anas clypeata) [A056]</p> <p>Scaup (Aythya marila) [A062]</p> <p>Ringed Plover (Charadrius hiaticula) [A137]</p> <p>Golden Plover (Pluvialis apricaria) [A140]</p> <p>Grey Plover (Pluvialis squatarola) [A141]</p> <p>Lapwing (Vanellus vanellus) [A142]</p> <p>Knot (Calidris canutus) [A143]</p> <p>Dunlin (Calidris alpina) [A149]</p> <p>Black-tailed Godwit (Limosa limosa) [A156]</p> <p>Bar-tailed Godwit (Limosa lapponica) [A157]</p> <p>Curlew (Numenius arquata) [A160]</p> <p>Redshank (Tringa totanus) [A162]</p> <p>Greenshank (Tringa nebularia) [A164]</p> <p>Black-headed Gull (Chroicocephalus ridibundus) [A179]</p>

	Wetland and Waterbirds [A999]
Glenomra Wood SAC (001013) c. 10 km from the subject site	
<i>Conservation Objective</i>	To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.
<i>Qualifying Interests/Species of Conservation Interest</i>	Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]
Glenstal Wood SAC (001432) c. 13.5km from the subject site	
<i>Conservation Objective</i>	To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.
<i>Qualifying Interests/Species of Conservation Interest</i>	Trichomanes speciosum (Killarney Fern) [1421]
Tory Hill SAC (000439) c. 14km from the subject site	
<i>Conservation Objective</i>	To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.
<i>Qualifying Interests/Species of Conservation Interest</i>	Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210] Calcareous fens with Cladium mariscus and species of the Caricion davallianae [7210] Alkaline fens [7230]
Slievefelim to Silvermines Mountains SPA (004165) c. 15km from the subject site	
<i>Conservation Objective</i>	To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.
<i>Qualifying Interests/Species of Conservation Interest</i>	Hen Harrier (Circus cyaneus) [A082]

- 10.5.3. I agree that the proposed development has no potential source pathway receptor connections to any other European Sites.
- 10.5.4. Table 1 of the applicants report also provides an assessment of the potential impact of the proposed development on the designated sites outlined above. It is concluded that the proposed development would have no impact on the designated sites. However, due to the proximity of the subject site to the Lower River Shannon SAC (002165) and the River Shannon and River Fergus Estuaries SPA (004077) the qualifying interests of these sites would be considered in more detail. I concur with the applicant that further assessment is required for both Lower River Shannon SAC (002165) and River Shannon and River Fergus Estuaries SPA (004077).
- 10.5.5. It is evident from the information before the Board that the proposed development, individually or in combination with other plans or projects, would not be likely to have a significant effect on Glenomra Wood SAC (001013), Glenstal Wood SAC (001432), Tory Hill SAC (000439) and Slievefelim to Silvermines Mountains SPA (004165). I am satisfied, and concur with the applicant, that there is no potential for likely significant effects on these 4 no. designated sites and they can, therefore, be screened out from further assessment.

10.6. ***Screening Assessment***

- 10.6.1. The Conservation Objectives and Qualifying Interests of the Lower River Shannon SAC (002165) and River Shannon and River Fergus Estuaries SPA (004077) are outlined in the table above.

10.7. ***Consideration of Impacts***

- 10.7.1. It is considered that there is nothing unique or particularly challenging about the proposed urban development, either at construction or operational phase.
- 10.7.2. Surface water from the proposed development would discharge to the public network. The habitats and species of Natura 2000 sites are between 400m and 3km downstream of the site and water quality is not a target for the maintenance of any of the QI's within either designated site. The surface water pathway could create the potential for an interrupted and distant hydrological connection between the proposed

development and European sites the public storm network. During the construction phase, standard pollution control measures would be put in place. These measures are standard practices for urban sites and would be required for a development on any urban site in order to protect local receiving waters, irrespective of any potential hydrological connection to Natura 2000 sites. In the event that the pollution control and surface water treatment measures were not implemented or failed I am satisfied that the potential for likely significant effects on the qualifying interests of the Natura 2000 sites from surface water run-off can be excluded given the distant and interrupted hydrological connection within the urban area, the nature and scale of the development and the distance and volume of water separating the application site from Natura 2000 sites (dilution factor).

- 10.7.3. The scheme includes attenuation measures which would have a positive impact on storm water drainage from the subject site. SUDS are standard measures which are included in all projects and are not included to reduce or avoid any effect on a designated site. The inclusion of SUDS is considered to be in accordance with the Greater Dublin Strategic Drainage Study (GSDSDS) and additional elements directed by Limerick City and County Council. They are not mitigation measures in the context of Appropriate Assessment. The proposal includes SUDS / attenuation measures which will restrict surface water run-off into the public sewer on the Old Dublin Road. As such the proposal will not generate significant demands on the existing municipal sewers for surface water.
- 10.7.4. The foul discharge from the proposed development would drain, via the public sewer on the Old Dublin Road, to the Bunlicky WWTP for treatment and ultimately discharge to the River Shannon. There is potential for an interrupted and distant hydrological connection between the subject site and the designated sites in the River Shannon due to the wastewater pathway.
- 10.7.5. The subject site is identified for development through the land use policies of the Limerick City and County Development Plan 2022-2028. This statutory plan was adopted in 2022 and was subject to AA by the planning authority, which concluded that its implementation would not result in significant adverse effects to the integrity of any Natura 2000 areas. I also note the development is for a relatively small residential development providing for 202 no. bed spaces, on serviced lands in an urban area.

As such the proposal will not generate significant demands on the existing municipal sewers for foul water and surface water. The Bunlicky WWTP is designed to treat waste water from Limerick City and environs and has a population equivalent (PE) of 130,000 (www.EPA.ie). It is my view that the foul discharge from the site would be insignificant in the context of the overall licenced discharge at Bunlicky WWTP, and thus its impact on the overall discharge would be negligible. It is also noted that the planning authority and Irish Water raised no concerns in relation to the proposed development.

10.7.6. The site is located in an urban area and has not been identified as an ex-situ site for qualifying interests of a designated site and I am satisfied that the potential for impacts on wintering birds, due to increased human activity, can be excluded due to the separation distances between the European sites and the proposed development site, the absence of relevant qualifying interests in the vicinity of the works and the absence of ecological or hydrological pathway.

10.7.7. No significant flight paths related to protected birds have been identified in this area. There is no reason to believe a bird would not fly over or around the proposed structures.

10.8. ***AA Screening Conclusion***

10.8.1. It is evident from the information before the Board that on the basis of the nature and scale of the proposed development on serviced lands, the nature of the receiving environment which comprises a built-up urban area, the distances to the nearest European sites and the hydrological pathway considerations, submissions on file, the information submitted as part of the applicant's Appropriate Assessment Screening report that, by itself or in combination with other development, plans and projects in the vicinity, the proposed development would not be likely to have a significant effect on Lower River Shannon SAC (002165) and River Shannon and River Fergus Estuaries SPA (004077) or any European Site in view of the conservation objectives of such sites.

10.8.2. In reaching my screening assessment conclusion, no account was taken of measures that could in any way be considered to be mitigation measures intended to avoid or reduce potentially harmful effects of the project on any European Site. In this project,

no measures have been especially designed to protect any European Site and even if they had been, which they have not, European Sites located downstream are so far removed from the subject lands and when combined with the interplay of a dilution affect such potential impacts would be insignificant. I am satisfied that no mitigation measures have been included in the development proposal specifically because of any potential impact to a Natura 2000 site.

- 10.8.3. It is reasonable to conclude that on the basis of the information on file, which I consider 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 (002165) and River Shannon and River Fergus Estuaries SPA (004077) or any European site, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

11.0 Recommendation

It is recommended that permission be granted subject to conditions.

12.0 Reasons and Considerations

Having regard to

- a) The site's location on lands with a zoning objective for residential development;
- b) The policies and objectives in the Limerick City and County Development Plan 2022 - 2028
- c) Nature, scale and design of the proposed development;
- d) Pattern of existing development in the area;
- e) The National Student Accommodation Strategy issued by the Department of Education in July 2017
- f) Guidelines on Residential Development for 3rd Level Students (Section 50 Finance Act 1999);
- g) Circular PL 8/2016, APH 2/2016 issued by the Department of Housing, Planning, Community and Local Government in 2016;

- h) The National Planning Framework issued by the Department of Housing, Planning and Local Government in February 2018;
- i) The Urban Development and Building Heights Guidelines for Planning Authorities 2018; and
- j) Submissions and observations received.

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

13.0 **Recommended Order**

Appeal by Daniel Gordon of 64 Rhebogue Meadows Dublin Road, Limerick and Pat Power of Hillcrest, Rhebogue, Dublin Road, Limerick against the decision made on 17th day of January 2023 by Limerick City and County Council to grant subject to conditions a permission to Kearock Investment Limited in accordance with plans and particulars lodged with the said Council.

Proposed Development:

The proposed development comprises 26 no. student accommodation apartments with a total of 202 no. student bedspaces and 342sqm of internal communal amenity space in 3 no. Blocks (Block A, B and C) ranging in height from 2 – 5 storeys. Access to the site is proposed from a 4.8m wide shared surface and dedicated footpath from the old Dublin Road. The proposed development also includes 1,519 sqm of open space, 16 no. car parking spaces, 142 no. bicycle parking spaces, boundary treatments, bin storage, public lighting, EV charging bays, electrical infrastructure including 1 no. electrical supply sub-station, water supply and foul and surface water drainage infrastructure and all associated and ancillary site and development works.

Decision:

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

Matters Considered:

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

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

- a) The site's location on lands with a zoning objective for residential development;
- b) The policies and objectives in the Limerick City and County Development Plan 2022 - 2028
- c) Nature, scale and design of the proposed development;
- d) Pattern of existing development in the area;
- k) The National Student Accommodation Strategy issued by the Department of Education in July 2017;
- l) Guidelines on Residential Development for 3rd Level Students (Section 50 Finance Act 1999)
- m) Circular PL 8/2016, APH 2/2016, issued by the Department of Housing, Planning, Community and Local Government in 2016
- e) The National Planning Framework issued by the Department of Housing, Planning and Local Government in February 2018;
- f) The Urban Development and Building Heights Guidelines for Planning Authorities 2018;
- g) Submissions and observations received; and
- h) The inspectors report

Appropriate Assessment:

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on European Sites, taking into account

the nature and scale of the proposed development on serviced lands, the nature of the receiving environment which comprises a built-up urban area, the distances to the nearest European sites, and the hydrological pathway considerations, submissions on file, the information submitted as part of the applicant's Appropriate Assessment Screening documentation and the Inspector's report. In completing the screening exercise, the Board agreed with and adopted the report of the Inspector and that, by itself or in combination with other development, plans and projects in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

Conclusions on Proper Planning and Sustainable Development:

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

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

2. The proposed development shall be amended as follows: -

- a. The approx. 3m wide footpath on the eastern side of the site entrance shall be omitted. The vehicular access shall be relocated approx. 2 meters

east. The width of the footpath on the western side of the carriageway shall be increased to a minimum of 2.5 meters.

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

Reason: In the interest of privacy and residential amenity

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

The 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.

Reason: In the interests of the proper planning and sustainable development of the area

3. The proposed development shall be implemented as follows:
 - a. The student accommodation and complex shall be operated and managed in accordance with the measures indicated in the Student Accommodation Management Plan submitted with the application,
 - b. Student units / apartments shall not be amalgamated or combined.

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

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

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

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

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

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

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

7. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall –
- a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
 - b) All ground reduction should be subject to a programme of archaeological monitoring, under licence, by a suitably qualified archaeologist

- c) where archaeological material is shown to be present, avoidance, preservation in situ, or preservation by record (excavation) may be required. Works may be halted pending receipt of advice from the National Monuments Service, Department of Housing, Local Government and Heritage who will advise the applicant / developer with regard to these matters
- d) on completion of monitoring of ground reduction and any archaeological excavations arising, the archaeologist shall submit a written report to the planning authority and to the Department of Housing, Local Government and Heritage for consideration.
- e) In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

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

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

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

9. A minimum of 10% of all car parking spaces shall be provided with functioning electric vehicle charging stations/points, and ducting shall be provided for all remaining car parking spaces, facilitating the installation of electric vehicle charging points/stations at a later date. Where proposals relating to the

installation of electric vehicle ducting and charging stations/points have not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the planning authority prior to the occupation of the development.

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

10. Electric charging facilities shall be provided for bicycle parking within the scheme. Plans and particulars showing compliance with this requirement shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of sustainable travel and residential amenity.

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

Reason: In the interests of amenity and public safety.

12. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless agreed in writing with the planning authority.

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

13. Proposals for an apartment naming / numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and apartment numbers, shall be provided in accordance with the agreed

scheme. The proposed names shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

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

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

Reason: In the interests of visual and residential amenity.

15. The developer shall enter into water and waste water connection agreement(s) with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

16. Drainage arrangements, including the disposal and attenuation of surface water, shall comply with the requirements of the planning authority for such works and services.

Prior to commencement of development the developer shall submit to the Planning Authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit.

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

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

17. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400

hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

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

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

19. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006.

Reason: In the interest of sustainable waste management.

20. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

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

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

22. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Elaine Power
Senior Planning Inspector

13th April 2023