



An  
Bord  
Pleanála

## Inspector's Report

### ABP-317609-23

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<b>Development</b>	Change of use to Student Residences and all associated site works. (The former Railway Hotel (Protected Structure - RPS Ref. 6035, NIAH Ref: 21518017))
<b>Location</b>	McEnery's Shop and Railway Hotel, Parnell Street and Davis Street, Limerick
<b>Planning Authority</b>	Limerick City and County Council
<b>Planning Authority Reg. Ref.</b>	221172
<b>Applicant(s)</b>	Signature Trustee Services Ltd and Mark McMahon
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant subject to conditions
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	An Taisce
<b>Observer(s)</b>	None

**Date of Site Inspection**

7<sup>th</sup> March 2024

**Inspector**

Ciara McGuinness

## 1.0 Site Location and Description

- 1.1. The site is located on the corner of Parnell Street and Davis Street, opposite Colbert Station within Limerick city centre. The site consists of the Railway Hotel, McEnerys Shop and a rear service yard which is accessed from Davis Lane. The site has a stated area of 0.08ha. The immediate area is characterised by a mix of residential and commercial uses. The People's Park is located c.50m to the southwest of the site, and the main retail core of Limerick City is located c.300m to the north of the site.
- 1.2. The Railway Hotel is a Protected Structure (RPS Ref 6035 / NIAH Ref 21518017). The Record of Protected Structures (Volume 3a of the Development Plan) described the building as a 'Corner-sited terraced seven-bay three-storey hotel, built c. 1800, and incorporating three two-bay three-storey terrace'. The applicant notes that the Hotel has been vacant for a number of years.
- 1.3. McEnery's Shop is a 3-storey residential over shop terrace type building. It is currently used as a retail unit with associated storage and office space. The applicant has noted that the upper floors have not been in residential use for many years.

## 2.0 Proposed Development

- 2.1. The proposed development will consist of the change of use of the Railway Hotel (RPS Ref 6035 NIAH Ref 21518017) to Student Residences, demolition of McEnery's Shop and erection of a 4-storey building, and the demolition of non-original extensions to the Railway Hotel and erection of a 7-storey building.
- 2.2. The proposed development will effectively provide 3 blocks; Block A – The New Extension, Block B - McEnery's and Block C - The Railway Hotel, around a central courtyard area. The proposed development will provide 111 no. bed spaces within 6 no. studios and 19 no. apartments. A ground floor café (97sqm) will be located on the corner of Parnell Street/ Davis Street. A lobby, laundry, bin store and bike store are also located at ground level. 118 no. bicycle spaces are provided. In addition to the central courtyard area (145sqm), amenity space is also provided at sixth floor (94sqm) and roof level (163sqm) on the new extension.

- 2.3. The total existing floor area is stated as 1,977sqm, with 660sqm to be retained and 1,317sqm to be demolished. The gross area of the proposed development is stated as 3,004sqm.
- 2.4. The application is accompanied by variety of supporting documentation including an Architectural Design Report, Architectural Heritage Impact Assessment, Condition Survey, Engineering Report, Daylighting Analysis and Photomontages.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

- 3.1.1. The Planning Authority issued a Notification of Decision to Grant Permission on 22<sup>nd</sup> June 2023, subject to 15 no. of conditions.

Conditions generally were of a standard nature. Notable conditions include;

Condition 4 – Requires the submission of a Construction Environmental Management Plan to be agreed with the Planning Authority.

Condition 6 – Requires a Student Accommodation Management Plan to be submitted and agreed with the Planning Authority.

Condition 11 – Requires the implementations of measures set out in the Acoustic Report.

Condition 13 – Requires the submission of details of materials and finishes for agreement of the Planning Authority.

Condition 15 – Require the submission of a revised site layout plan indicating the provision of additional cycle storage. Details of access, management and security shall also be submitted.

#### **3.2. Planning Authority Reports**

- 3.2.1. Planning Reports

The first Planer's Report (20/12/2022) notes that the proposed use is in line with the city centre land use zoning for the site. It is noted that student accommodation will be assessed as per the criteria set out in Section 11.4.4.7 of the Development Plan. The

increased height is acceptable and to be encourages noting the city centre location close to good public transport routes and providing accommodation intrinsically linked to education provisions. However, more information is required in relation to materials and finishes. The development is viewed as a positive scheme and the repurposing of a long empty protected structure is welcomes and will serve to animate the streetscape at this location. Further Information was requested on the following items;

- A revised approach to façade finishes and detailing and details of a public realm strategy for Davis Lane.
- Clarification of information in regard to ventilation, stairwell exits, demolition area, student management plan and cycle storage.
- Daylight and Sunlight analysis addressing impact on existing adjoining development.
- Submit an acoustic design statement.
- Submit conservation drawings showing demolition, restoration and new build areas.

The applicant responded to the Further Information request and submitted revised plans which included an additional storey on to McEnery's block, resulting in an increase from 3 storeys to 4 storeys. The revised design also reduced height and setback the new extension onto Davis Street. The second Planner's Report (21/06/2022) notes that the revised designed aligns with the Building Height Strategy's localised assessment tool for the Colbert Quarter. The activation of Davis Lane is viewed as a favourable outcome. The submitted Sunlight, Daylight & Shadow Assessment and the Acoustic Design Statement are considered acceptable. Overall, it is considered that the proposed reuse of a vacant protected structure to create a high-quality infill student apartment complex on appropriately zoned lands in the city centre, is in line with national, regional and local planning policy. A grant of permission was recommended.

### 3.2.2. Other Technical Reports

Conservation Officer – Issues of concern regarding materials and finishes have been addressed through the Further Information. Conditions recommended.

Active Travel – Condition recommended enquiring details of cycle storage specification, and the access, management and security of same.

Roads Section – Conditions Recommended.

Fire Authority - No objections to principle of development. Sets out requirements in relation to fire safety, access, building control etc.

Environment Section – Conditions Recommended.

### **3.3. Prescribed Bodies**

HSE – Sets out requirements in relation to services connections, ventilation and pest control.

An Taisce - The issues raised in the submission generally reflect the grounds of appeal. Concerns primarily relate to the scale and design of the development and its integrations with existing environment, including the mews lane to the rear and an under provision of bicycled parking.

### **3.4. Third Party Observations**

None.

## **4.0 Planning History**

PA Reg Ref 14/944 – Permission granted in November 2014 for the change of use of part of existing commercial unit to Post Office, revised elevation, internal alterations, proposed signage and associated site work.

PA Reg Ref 19/6 – Permission granted in August 2019 for the demolition of existing three storey shop building and construction of a four-storey mixed use building (1040sqm), comprising of a retail unit (210sqm), at the ground floor, accessed from Parnell Street, and 10 no apartments, over the 3 upper floors (8 no. 1 bed apartments, 2 no 2 bed apartment) and all associated site works.

## 5.0 Policy Context

### 5.1. Limerick Development Plan 2022-2028

5.1.1. The subject site is zoned 'City Centre' with the following Objective and Purpose;

**Objective:** *To protect, consolidate and facilitate the development of the City Centre commercial, retail, educational, leisure, residential, social and community uses and facilities.*

**Purpose:** *To consolidate Limerick City Centre through densification of appropriate commercial and residential developments ensuring a mix of commercial, recreational, civic, cultural, leisure, residential uses and urban streets, while delivering a high-quality urban environment which will enhance the quality of life of residents, visitors and workers alike. The zone will strengthen retail provision in accordance with the Retail Strategy for the Limerick Shannon Metropolitan Area and County Limerick, emphasise urban conservation, ensure priority for public transport, pedestrians and cyclists, while minimising the impact of private car-based traffic and enhancing the existing urban fabric.*

Student Accommodation is generally permitted on lands zoned 'City Centre'.

5.1.2. 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.

**Objective EH O50 Work to Protected Structures** It is an objective of the Council to:

- a) Protect structures included on the RPS from any works that would negatively impact their special character and appearance.
- b) Ensure that any development proposals to Protected Structures, their curtilage and setting, shall have regard to the Architectural Heritage Protection Guidelines for Planning Authorities published by the Department of the Arts, Heritage and the Gaeltacht.
- c) Ensure that all works are carried out under the supervision of a qualified professional with specialised conservation expertise.
- d) Ensure that any development, modification, alteration, or extension affecting a Protected Structure and/ or its setting, is sensitively sited and designed and is appropriate in terms of the proposed scale, mass, height, density, layout and materials.
- e) Ensure that the form and structural integrity of the Protected Structure is retained in any redevelopment and that the relationship between the Protected Structure and any complex of adjoining buildings, designed

landscape features, or views and vistas from within the grounds of the structure are respected.

- f) Respect the special interest of the interior, including its plan form, hierarchy of spaces, architectural detail, fixtures and fittings and materials.
- g) Support the re-introduction of traditional features on protected structures where there is evidence that such features (e.g. window styles, finishes etc.) previously existed.
- h) Ensure that new and adapted uses are compatible with the character and special interest of the Protected Structure.
- i) Protect the curtilage of Protected Structures and to refuse planning permission for inappropriate development within the curtilage and attendant grounds, that would adversely impact on the special character of the Protected Structure.
- j) Protect and retain important elements of built heritage including historic gardens, stone walls, entrance gates and piers and any other associated curtilage features.
- k) Ensure historic landscapes and gardens associated with Protected Structures are protected from inappropriate development.

**Objective EH 053 Architectural Conservation Areas** It is an objective of the Council to:

- a) Protect the character and special interest of an area, which has been designated as an Architectural Conservation Area (ACA) as set out in Volume 3.
- b) Ensure that all development proposals within an ACA be appropriate to the character of the area having regard to the Character briefs for each area.
- c) Ensure that any new development or alteration of a building within an ACA or immediately adjoining an ACA, is appropriate in terms of the proposed design, including scale, height, mass, density, building lines and materials.
- d) Seek a high quality, sensitive design for any new development(s) that are complementary and/or sympathetic to their context and scale, whilst

simultaneously encouraging contemporary design which is in harmony with the area. Direction can also be taken from using traditional forms that are then expressed in a contemporary manner, rather than a replica of a historic building style.

- e) Seek the retention of all features that contribute to the character of an ACA, including boundary walls, railings, soft landscaping, traditional paving and street furniture.
- f) Seek to safeguard the Georgian heritage of Limerick.

**Objective CGR O9 Building Heights** It is an objective of the Council to:

- a) Ensure that all new tall buildings in Limerick City are designed in accordance with the character area objectives, tall building recommendations and criteria set out in the Development Management Standards. All such buildings shall be of an exceptional architectural quality and standard of design and finish.
- b) Focus delivery of tall buildings in the City Centre, in particular the areas that have been identified as having potential for increased building height. In particular, tall building clusters will be encouraged at The Quays, Colbert Station Quarter, Cleeves Site and The Docklands in accordance with the building classification criteria set out in the Building Height Strategy. There shall be a general presumption against tall buildings in other areas, except at designated areas and the gateway locations identified in the Tall Buildings at City Level Map below.
- c) Protect the unique intrinsic character, scale and significant views of Limerick City, the skyline and key landmark buildings in the delivery of increased building heights, through the application of the Tall Building Classifications, Recommendations, High Level Principles and Assessment Tools and Criteria set out in the Building Height Strategy.
- d) Ensure applications for tall buildings are supported by the following assessments and any additional assessments required at the discretion of the Planning Authority - Environmental Assessment, Wind Analysis, Sunlight and Daylight Analysis, Verified View Analysis, Landscape and Visual Impact Assessment, Architectural Design Statement, Traffic Impact Assessment

including a Mobility Management Plan for non- residential uses, Building Services Strategy

- 5.1.3. The Building Height Strategy is set out in Volume 6 of the Limerick Development Plan. The strategy identifies 8 unique Character Areas. The site is located within the Newtown Perry Character Area. Future development in this area should follow Area Objective 1 as outlined below;

**Area Objective 1** - *In areas where there is a classical and reasonably consistent parapet /shoulder height, any new interventions to the front of buildings, on street elevation, should respect this height and within reason, match the parapet /shoulder height of the existing street. It is possible that after the parapet /shoulder height, investigations as to roof profiles and set-backs are possible subject to good design, high quality materials and overall townscape considerations. There are opportunities for additional height positioned within the city block where this does not negatively impact on the overall streetscape. The above will preserve and conserve the overall fabric of more classical streets.*

- 5.1.4. The strategy provides assessment tools bespoke to each of the 8 Character Areas. Table 6.1 assesses the Newtown Pery Character Area against the development management principles from the Building Heights Guidelines, providing guidance in relation to each criteria. The Localised Assessment Tool for Tall Buildings set outs questions specific to the Character Area to determine their suitability to accommodate tall buildings.

- 5.1.5. The following Development Management Standard is considered relevant;
- Table DM 9(a): Car and Bicycle Parking Standards Limerick City and Suburbs (in Limerick) Mungret and Annacotty Cycle spaces = 1 space per 5 beds for student accommodation.

## 5.2. National Planning Framework

- 5.2.1. 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.

5.2.2. Section 6.6 of the NPF 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.

5.2.3. Relevant Policy Objectives include: -

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.

### 5.3. **Section 28 Guidelines**

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

- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)
- Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities (2022)
- Design Manual for Urban Roads and Streets (2013)

### 5.4. **Other Relevant Guidance**

5.4.1. Rebuilding Ireland National Student Accommodation Strategy issued by the Department of Education and Skills in 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.

- 5.4.2. 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.
- 5.4.3. Guidelines on Residential Development for Third Level Students, Section 50 Finance Act 1999 (Department of Education and Science, 1999).

## 5.5. **Natural Heritage Designations**

Lower River Shannon SAC (Site Code: 002165) – c.0.6km to the northwest of the site

River Shannon and River Fergus Estuaries SPA (Site Code: 004077) – c.0.6km to the northwest of the site.

## 5.6. **EIA Screening**

See completed Form 2 on file. Having regard to the nature, size and location of the proposed development, and to the criteria set out in Schedule 7 of the Regulations I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, or EIA screening determination, therefore, is not required.

## 6.0 **The Appeal**

### 6.1. **Grounds of Appeal**

- 6.1.1. The appeal is a third-party appeal by An Taisce against Limerick City and County Council's decision to grant permission. The grounds of appeal are summarised as follows;
- Concerns are raised over the lack of amenity space, notwithstanding the site's location beside the People's Park and Colbert Station. A more creative approach to amenity spaces should be considered. The appellant queries whether roof amenity space has been considered.
  - The provision of secure bike parking is welcomed, however the issue of poor connectivity to the adjacent streets remains.

- The proposed development contravenes objective EH O53 Architectural Conservation Areas by virtue of its height and scale. Although not in the Newtown Perry ACA it will set a precedent for buildings of 8 floors on any vacant site therein. The scale of the Georgian Quarter should be respected.
- No objection in principle to the render finish. It is recommended that appropriate window cells and appropriate parapets and coping be used to throw water off of the painted finish and to mitigate against the impacts of weathering. The proposed fenestration is at odds with prevailing Limerick textures and detailing, particularly noting the sites' location in the historic Newtown Perry area.

## 6.2. Applicant Response

None.

## 6.3. Planning Authority Response

None.

## 6.4. Observations

None.

## 7.0 Assessment

7.1. Having examined the application details and all other documentation on file, including the submissions received in relation to the appeal, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows;

- Residential Amenity
- Bicycle/Pedestrian Infrastructure
- Height
- Materials

- Appropriate Assessment

## 7.2. Residential Amenity

- 7.2.1. The appellant has raised concerns over the lack of amenity space within the proposed development. Section 11.4.4.7 of the Development Plan notes that Student accommodation will be assessed with regards to 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 applicant has submitted an Architectural Design Report that outlines the site strategy and the proposed scheme. Drawing No. 3.4\_101 P2 (Proposed Floor Plans) shows that the applicant has provided a shared amenity space in the form of a central courtyard (145sqm) and a café (76sqm) at ground floor level. Roof terrace amenity space has also been provided at 6<sup>th</sup> floor level (94sqm) and roof level (163sqm). I consider that the amenity areas are appropriately sized and provide an acceptable standard of residential amenity for future occupants.

## 7.3. Bicycle/Pedestrian Infrastructure

- 7.3.1. The appellant has noted that the provision of secure bike parking is welcomed, however the issue of poor connectivity to the adjacent streets remains. In this regard, I note that the pedestrian/cycle infrastructure in the adjacent streets is outside the scope of this application and is a wider issue to be addressed by the Local Authority. I note that the site is located in the city centre, near Colbert Station, the Peoples' Park and the retail core, and I therefore consider that the site is well connected to surrounding amenities and facilities.
- 7.3.2. With regards to cycle parking, the applicant has provided 118 no. bicycle spaces in accordance with Section 4.17 of the Apartment Guidelines. I note that the Apartment Guidelines do not apply to accommodation forms with a shared or communal element such as student accommodation. In this regard, the Development Plan is the primary document to reference in terms of cycle parking spaces. Table DM 9(a): Car and Bicycle Parking Standards Limerick City states that 1 space per 5 beds should be provided for student accommodation. In this regard, I consider that sufficient cycle parking has been provided. Should the board be minded to grant



permission, I recommend a condition requiring further details in regards to the specification, access and management of the cycle spaces is attached.

#### **7.4. Height**

- 7.4.1. The applicant has raised issues with regards to the height and scale of development and its impact on the nearby Newtown Perry ACA. I note that the application site is not within or directly adjacent to the Newtown Perry ACA, however the ACA does incorporate Georgian houses on northern end of Davis Street c.50m to the northwest of the site. The appellant contends that the development contravenes objective EH O53 Architectural Conservation Areas. I note Part c of this objective seeks to ensure 'any new development or alteration of a building within an ACA or immediately adjoining an ACA, is appropriate in terms of the proposed design, including scale, height, mass, density, building lines and materials.' I do not consider that subject site immediately adjoins the ACA, notwithstanding I have considered the issue of scale and height below.
- 7.4.2. The surrounding area comprises development predominantly in the 3-5 storey range. The proposed development ranges in height from 3-7 storeys, with a maximum ridge height of 39.7m. The Applicant has submitted an Architectural Design Report which includes a site analysis, description of the development proposed and accommodation schedules. A photomontage series booklet is also submitted. In terms of locational context, I note the site is situated within an urban environment of established residential and commercial buildings. The site is on serviced zoned lands, close to public transport nodes, and with a significant offering of services, facilities, educational institutes and recreational amenities in the wider area. I consider that the site has the capacity to absorb a development of the nature and scale proposed.
- 7.4.3. The Urban Development and Building Height Guidelines describe the need to move away from blanket height restrictions and that within appropriate locations, increased height will be acceptable even when established heights in the area are lower. Section 11.1.3 of the Development Plan refers to Building Heights and sets out that all new Developments in the City shall comply with the guidance set out in the Building Heights Strategy, and the criteria set out in Table DM1: Limerick City

Building Height Objectives, Recommendations and Criteria. The Building Height Strategy also sets out a localised assessment toolkit for each Character Area.

7.4.4. I note that the Planner's Report refers to the site being located in the Colbert Quarter, however on review of the mapping in the Building Height Strategy I consider that the subject site falls within the Newtown Perry Character Area. Table 6.1 assesses the Newtown Perry Character Area against the development management principles from the Building Heights Guidelines, providing guidance in relation to each criteria, while the Localised Assessment Tool for Tall Buildings set outs questions specific to the Character Area to determine its suitability to accommodate tall buildings. I have considered the proposal with regards to these questions below;

*1. What justification is there for a tall building in this area, given its distinctive heritage character?* The site is an underutilised plot in a city centre location. The Railway Hotel has been vacant for a number of years. It is located on a corner of a block where Parnell Street and Davis Street intersect. The site is outside of the ACA. The proposed design and layout sensitively integrates the new elements of the proposed development with the existing protected structure on site.

*2. How would a tall building contribute to and not detract from the essential character of the area as set out in this Strategy?* The new building elements have taken account of the historical character and unique features of the heritage assets on site. The architectural expression, materiality and use of the proposed development will enhance the conservation significance of the protected structure and the character of the area.

*3. Is the tall building of exceptional architectural character that it would deliver placemaking benefits?* Yes, the reuse of the Railway Hotel, for student accommodation including a café use at ground floor will enliven this area that fronts onto Parnell Street and will be the focal point upon exit from Colbert Station. The passive surveillance of Davis Street is welcomed.

*4. Is the tall building part of the development of a larger opportunity site where such height would not impinge on the overall height markers and landmark buildings or result in an intrusion in views?* The site is not part of a larger opportunity site, however the site is located directly across from Colbert Station quarter. The

proposed development would not have an impact on opportunity sites due to its location and scale.

*5. Does the tall building finish off previously established block structures to make them more legible?* The building is on the corner of a block with Davis Street and Parnell Street. I note the site lies between the Newtown Perry ACA and the more modern Colbert station quarter. The design of the proposed development relates to both the historic Georgian area of the city and transformational Colbert quarter. The transitional height from the historic structure to the modern extension allows for a clearer definition of the block structure at this location and makes it more legible.

*6. Does the tall building take design cues from the character and scale of the streets in the area?* The new building elements have taken account of the historical significant, character and unique features of the heritage assets on site. The modern 7-storey element of the proposal has also sought to continue the rhythm of the fenestration bays of the historic structure. The revised brick colour reflects the more neutral tones of the protected structure.

*7. Does the tall building constitute a minor additional height of 2 storeys or less or a setback storey within the roofscape?* The surrounding area comprises development predominantly in the 3-5 storey range. The proposed development ranges in height from 3-7 storeys. The development comprises of an additional height of 2 storeys within the roofscape. The new extension has also been setback.

*8. Does the additional height respond to the essential character and general scale of existing buildings where there is a mix of elevations and/or it accentuates and improves the existing elevation?* There is a mix of elevations within this block and the area as a whole. The exterior fabric of the protected structure will be restored. The proposed new element of development responds well to the scale of the existing historic building, while balancing the need for an appropriate and viable density for the site.

*9. Is the tall building located within the inner block in an area with a mix of elevations?* The proposed development is located on the corner of a block. See question 5 above.

7.4.5. I consider that the proposed development responds positively to the questions and guidance posed in relation to building height and I consider that the increased height

is acceptable having regard to the city centre location, close to public transport routes and the high-quality accommodation provided. The redevelopment of these lands would be an appropriate intervention at this location. The CGIS of the proposed development illustrate the transition in heights between the proposed development and surroundings. In terms of the physical design of the proposed development, I consider that the proposal would not be significantly out of scale with its surrounding area or present a discordant or an incongruous form of development for the area. Materials proposed have had regard to the Georgian character of the area. See Section 7.5 below for further commentary on materials proposed.

7.4.6. I note that the Planning Authority's Conservation Officer commented on the application and did not object to these proposals, subject to works being supervised by an accredited conservation consultant and adherence to best conservation practice. I would recommend that, should the Board decide to grant permission, a similar condition be attached to the Order.

7.4.7. I conclude that the design, height and scale of the proposed development would not give rise to unacceptable overbearing or domineering impacts on the surrounding vicinity, including that of the Newtown Perry ACA. I do not consider that the proposed development contravenes Objective EH O53 Architectural Conservation Areas. The site is capable of increased height and density, and I consider that the proposal is in accordance with the relevant national, regional and local policy documents.

## 7.5. **Materials**

7.5.1. The appellant has raised concerns with regards to the fenestration proposed, noting the sites' location in the historic Newtown Perry area. As part of the proposed development, the exterior fabric of the protected structure will be restored to best conservation practice. With regard to the replacement of McEnery's Shop, the Architectural Heritage Impact Assessment notes that the architectural expression of proposed building is derived from the Railway Hotel Building with regular bays, cill courses and parapet entablature proposed. It is considered that the replacement building will express itself an extension of late 19<sup>th</sup> century urbanism and will represent a modern enhancement to the protected structure and to the wider urban

setting. The modern 7-storey element of the proposal has also sought to continue the rhythm of the fenestration bays of the protected structure. As part of the design changes made at Further Information, the windows have also been simplified to omit curtain wall glazing with solid infill and spandrel panels. Drawing 3.4\_202 'Proposed Elevations Comparison with the Planning Issue' demonstrates the elevational changes made at Further Information stage. Overall, I consider that the design changes have improved the overall aesthetic of the elevations and I consider the proposed fenestration to be appropriate and sensitive to the protected structure and wider Newtown Perry area.

7.5.2. I consider that the development has been designed to be respectful of the character of the area. I note the appellants concerns with regard to the weathering of the building and I acknowledge that successful delivery of design is dependent on high quality finishes and materials. I am satisfied that specifics pertaining to finishes and materials can be required by condition if the Board is minded to grant permission.

#### **7.6. Appropriate Assessment**

7.7. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended.

7.8. The subject site is located 0.5 km to the southeast of the Lower River Shannon SAC and 0.5 km to the southeast of the River Shannon and River Fergus Estuaries SPA.

7.9. The proposed development relates to the provision of student accommodation. A detailed description of the proposal is outlined in Section 2 of this report.

7.10. No nature conservation concerns were raised in the planning appeal.

7.11. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows:

- Urban Location and lack of connections to the nearest European site
- Taking into account screening report/determination by the Planning Authority

7.12. I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

- 7.13. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

## 8.0 Recommendation

- 8.1. I recommend that permission be GRANTED for the reasons and considerations set out below;

## 9.0 Reasons and Considerations

Having regard to the nature of the proposed development which involves the restoration and redevelopment of the Railway Hotel (Protected Structure RPS Ref 6035), the city centre zoning of the site, the pattern and character of development in the area, and the design, scale and layout of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would provide student accommodation at an acceptable scale and form at a suitable location, would achieve an acceptable standard of urban design, would respect the protected structure status of the property and conservation status of the wider area in accordance with Objective EH O50 and Objective EH O53 of the Development Plan, and would provide an acceptable standard of amenity for future residents in accordance with Objective HO O8 of the Development Plan. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, on the 1<sup>st</sup> day of November 2022 as amended by the further plans and particulars submitted on the 29<sup>th</sup> day of May 2023, as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

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

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

**Reason:** In the interest of visual 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

4. The proposed development shall be implemented as follows:
  - a. The student accommodation and complex shall be operated and managed in accordance with the measures indicated in the Student Accommodation Management Plan submitted with the 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.

5. Prior to the commencement of development, the developer shall enter into water and wastewater connection agreements with Irish Water. No dwelling shall be occupied until water and sewerage services serving the development have been installed and functioning in accordance with the connection agreements made with Irish Water.

**Reason:** To ensure that satisfactory water and wastewater arrangements are in place to serve the development.

6. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

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

7. Site development and building works shall be carried out only between the hours of 0800 to 2000 Mondays to Fridays inclusive, between 0800 and 1600 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.

8. 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 the 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.

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

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



10. 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:** To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.

11. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any units.

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

12. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

13. (a) A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials [and for the ongoing operation of these facilities] for each apartment unit 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.

(b) This plan shall provide for screened communal bin stores, the locations and designs of which shall be included in the details to be submitted.

**Reason:** In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

14. (a) A conservation expert shall be employed to manage, monitor and implement the works on the site and to ensure adequate protection of the retained and historic fabric during the works. In this regard, all permitted works shall cause minimum interference to the retained building and facades structure and/or fabric.

(b) All repair works to the protected structure shall be carried out in accordance with best conservation practice as detailed in the application and the Architectural Heritage Protection Guidelines for Planning Authorities issued by the Department of Arts, Heritage and the Gaeltacht in 2011. The repair works shall retain the maximum amount of surviving historic fabric in situ, including structural elements, plasterwork (plain and decorative) and joinery and shall be designed to cause minimum interference to the building structure and/or fabric. Items that have to be removed for repair shall be recorded prior to removal, catalogued and numbered to allow for authentic re-instatement.

(c) All existing original features, including interior and exterior fittings/features, joinery, plasterwork, features (including cornices and ceiling mouldings) staircases including balusters, handrail and skirting boards, shall be protected during the course of refurbishment.

**Reason:** To ensure that the integrity of the retained structures is maintained and that the structures are protected from unnecessary damage or loss of fabric.

15. Prior to commencement of development, detailed structural drawings and a construction methodology statement (including the results of detailed structural surveys of the protected structure and all building facades to be retained) indicating the means proposed to ensure the protection of the structural stability and fabric of all these retained structures shall be submitted to and agreed in writing with the planning authority.

**Reason:** In the interest of preserving the architectural integrity and heritage value of the retained structures.

16. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or

on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

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

17. 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, public open space 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

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Ciara McGuinness  
Planning Inspector

30<sup>th</sup> April 2024

**Appendix 1 - Form 1**  
**EIA Pre-Screening**  
**[EIAR not submitted]**

<b>An Bord Pleanála</b>			
<b>Case Reference</b>			
<b>Proposed Development Summary</b>		Change of use to Student Residences and all associated site works. (The former Railway Hotel (Protected Structure - RPS Ref. 6035, NIAH Ref: 21518017)	
<b>Development Address</b>		McEnery's Shop and Railway Hotel, Parnell Street and Davis Street, Limerick	
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	✓
		<b>No</b>	No further action required
<b>2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?</b>			
<b>Yes</b>		Class.....	EIA Mandatory EIAR required
<b>No</b>	✓		Proceed to Q.3
<b>3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?</b>			
		<b>Threshold</b>	<b>Comment (if relevant)</b>
			<b>Conclusion</b>
<b>No</b>		N/A	No EIAR or Preliminary Examination required
<b>Yes</b>	✓	Class 10(b)(iv) Urban Development /Sub-Threshold	Proceed to Q.4

**4. Has Schedule 7A information been submitted?**

<b>No</b>	✓	<b>Preliminary Examination required</b>
<b>Yes</b>		<b>Screening Determination required</b>

**Inspector:** \_\_\_\_\_ **Date:** \_\_\_\_\_

## Appendix 2 - Form 2 EIA Preliminary Examination

An Bord Pleanála Case Reference	317609-23	
Proposed Development Summary	Change of use to Student Residences and all associated site works. (The former Railway Hotel (Protected Structure - RPS Ref. 6035, NIAH Ref: 21518017)	
Development Address	McEnery's Shop and Railway Hotel , Parnell Street and Davis Street , Limerick	
The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations.		
	Examination	Yes/No/ Uncertain
Nature of the Development Is the nature of the proposed development exceptional in the context of the existing environment?  Will the development result in the production of any significant waste, emissions or pollutants?	The nature of the development is not exceptional in the context of the urban environment.  The proposed development will not result in the productions of any significant waste, emissions or pollutants. Localised constructions impacts will be temporary.	No
Size of the Development Is the size of the proposed development exceptional in the context of the existing environment?  Are there significant cumulative considerations having regard to other existing and/or permitted	The size of the development is not exceptional in the context of the existing urban environment.  There is no real likelihood of significant cumulative	No

projects?	effects having regard to existing or permitted projects	
<p>Location of the Development</p> <p>Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?</p>	<p>The nearest European site is 0.6km to the northwest of the site. It is not considered that the proposed development would be likely to have a significant impact on the European site.</p> <p>Given the nature of the development and the site/surroundings, it would not have the potential to significantly affect other significant environmental sensitivities in the area. The Railway Hotel is a Protected Structure (RPS Ref 6035 / NIAH Ref 21518017). It is noted that the conservation officer for LCCC has no objections to the proposal subject to the attachment of conditions.</p>	No
<b>Conclusion</b>		
<p>There is no real likelihood of significant effects on the environment.</p> <p>EIA not required.</p> <p style="text-align: center;">✓</p>	<p>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</p> <p>Schedule 7A Information required to enable a Screening Determination to be carried out.</p>	<p>There is a real likelihood of significant effects on the environment.</p> <p>EIAR required.</p>

**Inspector:**

**Date:**

**DP/ADP:** \_\_\_\_\_

**Date:** \_\_\_\_\_

(only where Schedule 7A information or EIAR required)