



An
Bord
Pleanála

Inspector's Report

ABP-317756-23

Development

Construction of student accommodation block within existing Westbourne Student Residences comprising 22 en-suite bedrooms, alterations to existing car park, re-locate and upgrade vehicular access and provision of new pedestrian access from public road, signage and associated site works.

Location

Westbourne Student Residences, Courtbrack Avenue, Limerick.

Planning Authority

Limerick City and County Council

Planning Authority Reg. Ref.

23/60145

Applicant(s)

Westbourne Student Limited

Type of Application

Permission

Planning Authority Decision

Grant

Type of Appeal

Third Party v. Grant

Appellant(s)

Mary Immaculate College

Observer(s)

None

Date of Site Inspection

15 July 2024

Inspector

Cáit Ryan

1.0 Site Location and Description

- 1.1. The site is located off Dock Road on the southeastern approach to Limerick city, approx. 1km from the city centre. The site is accessed from a cul-de-sac off Courtbrack Avenue, at a point where there is a slight bend. The separate Courtbrack and Westbourne accommodation/student accommodation schemes are accessed off the cul-de-sac, at the south eastern end of which is The Orchards, a small 2-storey housing scheme. The cul-de-sac bounds the grounds of Mary Immaculate College.
- 1.2. In addition to the existing residential and educational uses in the immediate vicinity, there are industrial uses along Dock Road and part of Courtbrack Avenue. The site is bounded:
- To west by the parking area of Student Residence – Brú na Cúirte Courtbrack Accommodation;
 - To north east by College Gate housing estate accessed from Summerville Avenue, off Dock Road;
 - To north by a petrol filling station on Dock Road;
 - To south by its roadside frontage, and to a limited extent to south east by open space at The Orchards.
- 1.3. The subject site contains 3no. 3-storey accommodation blocks, linked at lower ground floor level, which face onto parking areas. Block A is approx. 1.4m from the northern site boundary, and Blocks B and C are approx. 7m from the north eastern boundary. Due to the finished floor levels of these blocks below the adjoining ground levels, they do not present as being of 3-storey scale.

2.0 Proposed Development

- 2.1. The proposed development is for construction of a 3-storey student accommodation block within the existing Westbourne Student Residences development.

The proposed 737.1sqm GFA building comprises

- 22no. en-suite bedrooms, one of which is an accessible bedroom at ground floor level (Apt. 1), containing 2no. bedspaces.
- The 22no. bedrooms are arranged into 6no. apartments, each of which comprises 4no. bedrooms, save for Apt. 1, which has 2no. bedrooms.
- An approx. 18.5sqm kitchen/living/dining area in each apartment
- Reception area at ground floor

Alterations to existing car park and curtilage consist of:

- 7no. car parking spaces, which includes 1no. accessible space
- 18no. cycle parking spaces
- Relocated and upgraded vehicular entrance
- New pedestrian entrance from public road
- Bin store, signage, landscaping, public lighting, roof mounted solar panels, boundary treatments, site services and associated site development works.

Documentation lodged with the application includes Planning Cover Letter, Architectural Design Statement, Student Management Plan, Engineering Planning Report, Outline Mobility Management Plan, Traffic and Transportation Screening Assessment and Article 6(3) Appropriate Assessment Screening Report.

The proposed development was amended by Further Information (FI), whereby the number of cycle spaces was increased from 18no. to 24no.

3.0 Planning Authority Decision

3.1. Decision

Following a request for Further Information, the planning authority granted permission subject to 13no. conditions. Conditions of note are as follows:

Condition 1: Development to be carried out in accordance with plans and particulars lodged with application on 13 March 2023 and further information submitted on 22 June 2023, except as may be required to comply with following conditions.

Condition 2: Financial contribution: €14,742.00

Condition 4: Submit and agree Construction and Environmental Management Plan.

Condition 5: Development only to be occupied as student accommodation in accordance with definition provided under section 13(d) of Planning and Development (Housing) and Residential Tenancies Act 2016 and not be used for any other purpose without prior grant for change of use. Reason is in interests of residential amenity and to limit scope to that for which the application was made.

Condition 6: Submit and agree Finalised Student Accommodation Management Plan.

Condition 7: Submit and agree waste management plan for recovery/disposal of wastes arising from demolition, refurbishment and/or construction related activities.

Condition 8: Provide min. 24 cycle spaces, as indicated on Drg. No. 2006 submitted 22/06/23.

Condition 11(i): All parking spaces shall be ducted for future EV charging.

Condition 13: Prior to commencement applicant shall locate and protect Irish Water services within red line boundary. There shall be no building over watermain, common pipes or sewers. If found applicant must contact IW with proposal for altering.

3.2. Planning Authority Reports

3.2.1. Planning Reports (4 May 2023, 6 July 2023)

Basis for planning authority's decision:

First Executive Planner's report

- States as per *Forward Planning Section report (04/05/23) the site does not have land use zoning. Development proposal should be considered in context of compatibility with adjacent land uses and zonings. Use is compatible with existing student accommodation and can be considered in context of development management standards.

- Considers impacts relating to loss of light and noise to be minimal and student accommodation appropriate at this location.
- Recommends Further Information on 3no. items.

*Note: Forward Planning Section report is not appended to Executive Planner's report.

Second Executive Planner's report notes number of cycle spaces increased from 18no. to 24no. Recommends grant subject to 13no. conditions.

Report counter-signed by Senior Executive Planner on 18 July 2023.

3.2.2. Other Technical Reports

Roads, Traffic and Cleansing | Central Services (17 April 2023): States conditions.

Active Travel (17 April 2023 and 4 July 2023):

First report recommends more robust Mobility Management Plan. Notes cycle parking meets minimum standard and recommends FI for increased cycle parking.

Second report notes increased 24no. cycle parking spaces is above minimum standard and that FI Item 2(i) is addressed.

Environment Section (30 March 2023): Email states no comment in relation to environmental noise.

Fire and Emergency Services (17 April 2023): No objections subject to comments.

Internal correspondence appended to First Planner's report includes PEPM (Planning, Environment and Place-making) has no objections on flood risk grounds. Apply site-specific waste management plan condition for site clearance/construction.

3.3. Prescribed Bodies

Irish Water (IW) in a letter dated 13 April 2023 recommends requesting Further Information. It states that there is no Pre-Connection Enquiry (PCE) in place, and requests applicant to engage with IW through submission of PCE to in order to

determine the feasibility of public water/waste water infrastructure. The Confirmation of Feasibility (COF) must be submitted as the response to this FI request.

Transport Infrastructure Ireland (TII) in a letter dated 31 March 2023 states it has no observations to make.

3.4. **Observations to the Planning Authority**

One observation was received by the planning authority. The main issues can be summarised as density, overlooking, impacts on boundary trees, material contravention of Development Plan and inadequate parking and access.

4.0 **Planning History**

Planning history relating to **P.A. Ref. 94/770187**, **PA. Ref. 95/770019** and **P.A. Ref. 95/770337** is outlined in brief in the Planner's Report, the latter two of which also appear to be referenced in the submitted Planning Cover Report, and are outlined below in italics.

P.A. Ref. 94/770187: Permission for 6no. hostel blocks and 6no. student blocks and an administration/leisure building incorporating 2no. tennis courts.

PA. Ref. 95/770019 and **P.A. Ref. 95/770337:** Stated as Conditional.

Separately, the cases outlined above are included in the lodged Planning Cover Report as follows:

***P.A. Ref. 95/019:** Permission granted for alterations to P.A. Ref. 94/187 for hostel/student accommodation and administration/leisure building, regarding arrangements of 6no. hostel units with linkage for common and dining rooms, reception area, caretaker's apartment and facilities.*

***P.A. Ref. 95/337:** Permission granted for alterations to P.A. Ref. 94/187 for administrative leisure centre site and to erect 3no. hostel/student accommodation blocks with link to central block with provision for common and dining room, reception, caretaker's apartment and tennis court.*

***Non-referenced case:** The Architectural Design Statement states an exemption was granted in March 2020 for change of use from hostel to student accommodation for the 3no. existing blocks, and that interior fit out works were carried out to create modern apartments for student use. Refurbishment works were completed in 2022.

Sites in Vicinity:

P.A. Ref. 21/833 and ABP-313096-22: Permission refused for 196 student bedspaces on flood risk grounds. This site is located off Courtbrack Avenue, and is approx. 550m south west of the current site, via Ashdown.

5.0 Policy Context

5.1. Limerick Development Plan 2022-2028

Volume 1:

Chapter 12: Land Use Zoning Strategy

The overall Westbourne accommodation site is zoned **Existing Residential**, whereby it is an objective to provide for residential development, protect and improve existing residential amenity.

This zone is intended primarily for established housing areas. Existing residential amenity will be protected while allowing appropriate infill development. The quality of the zone will be enhanced with associated open space, community uses and where an acceptable standard of amenity can be maintained, a limited range of other uses that support the overall residential function of the area, such as schools, crèches, doctor's surgeries, playing fields etc.

Land Use Zoning Matrix (**at Section 12.4**) indicates that student accommodation is 'generally permitted' on Existing Residential zoning.

The particular area on which is proposed to construct the proposed building is not shown to be zoned, and is coloured white on the zoning map.

Chapter 2: Core Strategy

Table 2.6 Density Assumptions per Settlement Hierarchy indicates that the site,

located within Level 1 Limerick City and Suburbs (in Limerick), Mungret and Annacotty, is within **Density Zone 2: Intermediate Urban Locations/Transport Corridors**. Min. net density of 45+ dph is required at appropriate locations within:

- 800 metres of (i) the University Hospital; (ii) Raheen Business Park; (iii) National Technology Park; (iv) University of Limerick; (v) Technological University of the Shannon; (vi) Mary Immaculate College;
- 500m of high frequency (min. 10-minute peak hour frequency) existing or proposed urban bus services and;
- 400m of reasonably frequent (min. 15-minute peak hour frequency) urban bus services.

Chapter 4: Housing

Objective HO 02 Density of Residential Developments is summarised to: a) Promote, where appropriate, increased residential density in accordance with Table 2.6 Density Assumptions per Settlement Hierarchy and Sustainable Residential Development in Urban Areas Guidelines and accompanying Urban Design Manual, DEHLG, May 2009. b) Encourage increased densities that contribute to town or village enhancement by reinforcing street patterns or assisting in redevelopment of backlands and centrally located brownfield sites.

Objective HO 03 Protection of Existing Residential Amenity is to ensure a balance between the protection of existing residential amenities, the established character of the area and the need to provide for sustainable new development.

Section 4.2.10 states the main third level institutions in Limerick include University of Limerick, Technological University of the Shannon and Mary Immaculate College, all of which are seeking to increase student numbers, which will result in increased demand for high quality student accommodation.

Objective HO 08 Student Accommodation is summarised as to:

a) Support 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. Student accommodation shall be of appropriate design, in accordance with Department of Education and

Science Guidelines on Residential Development for Third Level Students (1999), and (2005) and any updates. Applications for change of use from student housing to any other form of use shall be strongly resisted.

b) Ensure applications for new off campus purpose built student accommodation, change of use to student accommodation in existing residential areas, or extensions to existing dwellings to facilitate student accommodation, include details outlining the presence of any permanent residential occupiers; extent of students renting in private housing market; and presence of any other housing catering primarily for students and short term lets in the area/estate. The application should address 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.

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

Chapter 11: Development Management Standards

11.4.4.7 Student Accommodation is summarised as:

Proposals for student accommodation should comply with Department of Education and Science's Guidelines on Residential Development for Third Level Students (1999), the subsequent supplementary document (2005), the National Student Accommodation Strategy (2017) and Circular PL8/2016. The Council will support provision of on-campus accommodation and purpose built-professionally managed student accommodation off-campus at suitable locations. When assessing applications the Council will have regard to:

- Location of student accommodation: The Council will prioritise student accommodation on campus or within 1km distance from 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;

- Student accommodation will not be permitted where it would have detrimental effect on established residential amenities;
- Provision of on-site facilities, including storage, waste management, cycle parking and showers and lockers, leisure facilities, car parking and amenity areas;
- Architectural quality of the design and integration with the wider streetscape with respect to scale, mass, external finishes and landscaping;
- Number of existing similar facilities in the area (applicable only to off campus accommodation). The Planning Authority will consider cumulative impact of student accommodation, which exists in the locality and will resist over concentration of such schemes in any one area.

5.2. Regional Spatial and Economic Strategy for the Southern Region

Limerick-Shannon is identified as one of three Metropolitan Areas in the RSES for the Southern Region which includes the Limerick-Shannon Metropolitan Area Strategic Plan (LSMASP).

LSMASP Policy Objective 18 includes an objective to support existing educational facilities in Limerick-Shannon Metropolitan Area which includes UL, Mary Immaculate, LIT and the Shannon College of Hotel Management as critical drivers of economic development and the fostering of an innovative, knowledge-based economy for the 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.

5.3. Limerick Shannon Metropolitan Area Transport Strategy 2040

The function of the LSMATS is to provide a long-term strategic framework for the planning and development of transport infrastructure and services for the Limerick Shannon Metropolitan Area. Strategic Transport Objectives of LSMATS include to prioritise investment in sustainable transport in order to reduce the reliance on the

private car, to provide a high level of public transport connectivity to key destinations, and to facilitate higher density housing a part of Transit-Oriented Developments at key points of high public transport accessibility. It outlines that Limerick Metropolitan Cycle Network Study identified Dock Road via Ashbourne Avenue to Rosbrien Road as one of the Key Secondary Routes.

5.4. National Planning Framework

The NPF states (at Section 6.6 Housing) that demand for student accommodation exacerbates the demand pressures on the available supply of rental accommodation in urban areas in particular. The location of purpose-built student accommodation needs to be as proximate as possible to the centre of education, as well as being connected to accessible infrastructure such as walking, cycling and public transport. The National Student Accommodation Strategy supports these objectives.

Key future growth enablers for Limerick (at Section 3.4) include continued expansion of the City's third level institutions and integration with the wider City and region.

5.5. National Student Accommodation Strategy (2017)

The National Student Accommodation Strategy is designed to ensure that there is an increased level of supply of purpose built student accommodation (PBSA).

Targets include construction of at least 7,000 PBSA bed spaces by end 2019, and of at least an additional 21,000 PBSA bed spaces places by 2024 over the baseline figure of 33,441 PBSA bed spaces. The most recent progress report (November 2019) states that as of end of Q3, 2019, a total of 8,229 bed spaces have been completed, 5,254 bed spaces on site and plans approved for an additional 7,771 bed spaces, representing a total of 21,254 bed spaces either complete, under construction or granted at end of Q3 2019.

5.6. Guidelines and Circular Letters

The following is a list of guidelines and circular letters of relevance to the proposed development. Specific policies/objectives and content is referenced in the assessment where appropriate:

Section 28 Guidelines:

- Urban Development and Building Heights Guidelines for Planning Authorities
- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities

Other Guidelines:

- Guidelines on Residential Development for 3rd Level Students – Section 50 Finance Act 1999, Department of Education and Science, as amended by Matters arising in relation to the Guidelines on Residential Development for 3rd Level Students – Section 50 Finance Act 1999, July 2005

Circular Letters:

- Circular PL 8/2016 APH 2/2016
- Circular Letter NRUP/05/2021

5.7. Natural Heritage Designations

The site is not located within or adjacent to any European site.

The nearest European sites are:

- Lower River Shannon SAC (002165) is approx. 300m to north.
- River Shannon and River Fergus Estuaries SPA (004077) is approx. 300m to north.

Inner Shannon Estuary – South Shore pNHA (000435) is approx. 300m to north.

Fergus Estuary and Inner Shannon, North Shore pNHA (002048) is approx. 550m to north.

5.8. EIA Screening

See Form 1 and 2. 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, therefore, is not required.

6.0 The Appeal

6.1. Grounds of Appeal

A third party appeal was received on behalf of Mary Immaculate College, who operate the Courtbrack student accommodation to the west. The grounds of appeal may be summarised as follows:

Density:

- Excessive density. Residential Density Zone 2 suggests minimum 45uph. Average house occupation of 2.8 persons per house would give population density of 126 persons at 45uph. 91 persons on 0.25ha gives 364uph.
- Existing site coverage is approx. 40%, and proposal is 60%. Plot ratio will be almost 100%. Incompatible with existing plot ratio and site coverage in area.
- Proposal gives total of 91 residents on 0.21ha site. No account taken of maintenance and administrative personnel.
- No external recreation or socialisation space provided. A 40sqm sunken raingarden will be used primarily for surface water attenuation.
- Open space to rear of Blocks B and C is a buffer zone to residential properties to east and not sufficiently wide for active open space.
- Circular letter PL 8/2016 and 2005 guidelines on residential development for third level students do not give detailed guidance on layout of student accommodation facilities.
- Cites Design Standards for New Apartments Guidelines 2018 including SPPR 9 and Para. 5.5 (Build to Rent) type accommodation
- No communal facilities are indicated.

- Specific area of proposed building is not zoned, and reliance is made on zoning of surrounding areas (existing residential) and Indicative Density Zone.
- Distance between north common room and bedrooms in Block A is 6.4m. Direct overlooking between units.
- Disregard for character of the area.

Amenity of nearby property:

- Proposal at 1.3m from Courtbrack site is barely sufficient for footpath. West side of block will not have fire tender access other than through Courtbrack.
- Foundations for 3-storey building will affect trees along this boundary.
- Building would compromise development potential of area at east of Courtbrack. If no development, it will overlook Courtbrack's amenity space.

Non-compliance with Development Plan

- Site was part of Courtbrack development. Site was subdivided c. 2010. Assessment should take account of original planning permissions granted – P.A. Ref. 94/770187, P.A. Ref. 95/770019 and P.A. Ref. 95/770337. Space between Westbourne and 3no. Courtbrack buildings was to provide separation and sense of identity. Development Plan reflects planning history.
- A grant of permission would be material contravention of Development Plan.

Traffic Congestion/Parking

- Access is a minimal roadway with 7no. car park spaces. Increased car parking demand will be created but parking provision reduced.
- Third party must control vehicular access to Courtbrack because of continuous demand for student parking. This is likely to be exacerbated.
- No turning circle for refuse truck, fire tender, substantial service or articulated vehicles, leading to reversing onto distributor road with traffic safety implications in largely residential area. Autotracking diagram indicates serious road safety situation arising from reversing.
- Inadequate cycle parking provision and failure to provide set-down and drop-off facilities. A single disabled car space to serve 4 blocks is inadequate.

- Planning authority states Roads Section report does not raise issue of vehicular access. This does not mean the issue is not valid.

Drainage:

- Development proposes to access drainage facility through Courtbrack without permission. Without the requested clarification the Board should refuse.

Reason for granting permission

- Planner's report makes no response to proposal breaches Development Plan.

Attached engineer's report includes:

- Autotracking drawing of fire truck/refuse truck shows the only way of servicing the 4no. student accommodation blocks is by driving to end of driveway. It is probable that bins will be parked at top of driveway interfering with circulation.
- Cites Development Plan Objective HO 08 Student Accommodation and Section 11.4.4.7 Student Accommodation

6.2. Applicant Response

The applicant's response to grounds of appeal may be summarised as follows:

Design/Height

- Urban Development and Building Height Guidelines set out new and updated national policy and elaborate on Project Ireland 2040 and NPF.
- Existing blocks were constructed in excavated section with lower ground floor c.1.4m below car park level. Parapet will be c.720mm higher.
- Site is adjacent to 'known areas for height development' in Building Height Strategy for Limerick City (2022). There will be no significant effects due to building's height. Sun Shading Analysis is enclosed.
- Block is c.35m east of Courtbrack Accommodation buildings and c.49m from nearest College Gate dwelling. No overlooking issues.
- Semi courtyard garden will be overlooked by existing and proposed buildings. Seating areas and landscaped rain garden will help manage stormwater and create focal point for gatherings.

Impact on Residential Amenity

- Operational Management Plan has controls to ensure potential for nuisance are minimised. It will be managed from central reception desk, a control point for safety devices, key fobs and CCTV surveillance.

Connectivity

- Courtbrack Avenue adjoins Dock Road R510. LSMATS notes N69 Dock Road being reclassified as Regional Road in future.
- Proposed development will benefit from Secondary Cycle Network for Dock Road via Ashbourne Avenue to Rossbrien Road. Greenway Cycle Network for Limerick Docks parallel to R510 to be delivered in long term.

Density

- Site is within Density Zone 2: Intermediate Urban Locations/Transport Corridors. Minimum 45+uph net densities are required at appropriate locations including within 800m of Mary Immaculate College.
- Density is appropriate relative to location 0.5km from Mary Immaculate College and 2km from Limerick City Centre.

Separation Distances:

- Development Plan states new housing developments recommend minimum 11m apart rear boundaries, i.e., 22m back to back. Apartments are excluded.
- Within Blocks A to C there is only one bedroom located in front, at first floor level of Block B. 5no. bedrooms in proposed building are at front.
- Proposed building has 2no. living/kitchen rooms and reception facing Block A.
- Block A has living/kitchen rooms facing gable of proposed building. Majority of existing and proposed opposing elevations are kitchen/living rooms.
- Sunlight/Overshadowing Analysis supports view that appropriate separation distances have been provided.

Recreational Space:

- Mary Immaculate College has supporting on-campus infrastructure.

- Proposal is proximate to a number of public open spaces and sports grounds.

Interference with Amenity of Nearby Properties

- Separation distance is 1.3m. It is intended to retain boundary metal fencing and erect 1.8m high paladin type fence. Centres of 2no. Leyland Cypress trees are 1.6m and 2m to boundary. There is no danger to tree roots.
- 1.2m wide path provides sufficient width. Many compact maintenance scissor lifts/booms/MEWPs carry out maintenance in safe manner to this elevation.
- Fire consultant concluded proposal complied with TGD Part B Fire Safety of Building Regulations.

Planning History and Zoning

- Existing standalone open spaces and those that serve existing residential areas are zoned Open Space & Recreation. Site is not subject of this zoning.
- Proposed use does not contravene specific zoning objective and/or represent a land use specifically precluded. No material contravention would occur.
- It is appropriate infill development, compatible with adjacent zoning and uses and will not adversely affect amenities of existing properties.

Parking and Vehicular Access

- Maximum car parking required for overall development is 7no. spaces. Provision of 1no. accessible parking space is in compliance with Part M.

Engineer's Report –

- Proposed development is located on existing impermeable tarmac surface. No changes to impermeable area discharging to pipe are proposed, and letter of consent from Mary Immaculate College is not considered to be required.
- Proposed SuDS measures to reduce surface water volume discharge include a green roof, rain gardens, permeable paving and bioretention areas.
- Refuse bins will not be parked in a manner that will interfere with circulation within the site, and will be positioned as per site layout map.

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 all of the submissions received in relation to the appeal, the reports of the local authority, and having inspected the site, and having regard to the relevant local, regional, national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Land Use Zoning
- Density and Compliance with Development Plan
- Traffic Safety
- Stormwater

7.2. **Land Use Zoning**

7.2.1. A specific land use zoning is not shown on Development Plan mapping for the approximate area of land on which the student accommodation building, Block D, is proposed, as the area is indicated in white colour. The existing Blocks A, B and C on site are zoned Existing Residential. To the west the car parking area at Courtbrack Accommodation and buildings are similarly zoned Existing Residential, and some parts of that site are also zoned Open Space and Recreation.

7.2.2. On site inspection I noted that the building was occupied. While it did not appear to be occupied by students, this was however outside term time. For completeness, I note the Architectural Design Statement states that the buildings were used as

hostel type accommodation for a long period of time, that an exemption for change of use to student accommodation was granted in 2020, and interior fit out works were carried out.

- 7.2.3. Having regard to the Existing Residential land use zoning pertaining to the subject site, and the land use zoning matrix which states that student accommodation is 'generally permitted' on Existing Residential, I consider that a new student accommodation block on the subject site would be acceptable in principle and would not be in conflict with the land use zoning in this regard.

However, this zoning objective also states that existing residential amenity will be protected while allowing appropriate infill development. Having regard to the nature and scale of Block D and its juxtaposition to Block A, specifically its position 6.5m-6.8m forward of much of the western part of this existing accommodation block and due to its serious overshadowing and visual overbearance impacts, I consider that the proposed development would be seriously injurious to existing residential amenities. This matter is discussed in further detail in this report with reference to Section 11.4.4.7 of Development Plan. I consider that the proposed development would not protect existing residential amenity and would not be appropriate infill and would therefore not be in compliance with the Existing Residential land use zoning objective. Refusal of permission is recommended on this basis.

7.3. Density and Compliance with Development Plan

Density

- 7.3.1. The applicant states that there are existing 68no. bedspaces on site. Combined with the 23no. proposed in the current case, this which would result in a total of 91no. bedspaces on the overall 0.25ha site.
- 7.3.2. The site is within Density Zone 2: Intermediate Urban Locations/Transport Corridors which states minimum net densities of 45+uph are required at appropriate locations including within 800m of Mary Immaculate College.
- 7.3.3. For wider planning context, the Sustainable Residential Development and Compact Settlements Guidelines (2024), hereafter referred to as 'Settlements Guidelines' state that when calculating net densities for shared accommodation such as student

housing, 4 bedspaces shall be the equivalent of 1 dwelling. In this case 91no. bedspaces would equate to 22.7 dwellings, resulting in 90.8uph equivalent.

7.3.4. The 90.8uph density would not be in conflict with the minimum 45+uph required within 800m of Mary Immaculate College as set out in the current Development Plan. However, having regard to the adverse impacts of the proposed development on the residential amenities of Block A in terms of serious overshadowing and visual overbearance impacts, as outlined in further detail in the following section, I do not consider that the scale of development proposed is an appropriate form of infill development.

7.3.5. With regard to Settlement Guidelines, I note that Table 3.2 Area and Density Ranges Limerick, Galway and Waterford City and Suburbs states that the City- Urban Neighbourhoods category includes: (i) compact medium density residential neighbourhoods around the city centre that have evolved to include a greater range of land uses, (ii) strategic and sustainable development locations; and (iii) lands around existing or planned high capacity public transport nodes or interchanges – all in the city and suburbs area. It is a policy and objective that residential densities in the 50dph - 200dph (net) range shall generally be applied in urban neighbourhoods.

7.3.6. With regard to connectivity/transportation

- Planning Cover Report states the site is located c. 650m from closest bus stop which is serviced by the 735 bus route, c. 850m from O'Connell Ave. and serviced by 304 and 304a routes, and 2.7km from Colbert Station.
- Transport for Ireland (TFI) website (www.transportforireland.ie) (accessed on 21 October 2024) indicates route 735 is the Limerick to Dublin Airport route, and that route 304 runs at 15minute frequency throughout most of the day, travelling between Raheen and University of Limerick via the city centre.
- Development Plan shows Indicative Cycleways/Walkways along Courtbrack Avenue, extending from Dock Road and continuing southeastwards along Ashbourne Avenue connecting to South Circular Road and other roads.

Given the site's proximity to the city centre, I consider that it comes within the Urban Neighbourhood category, and as such the 90.8uph density proposed in this case would be in compliance with the Settlement Guidelines in this regard.

- 7.3.7. While I note that the proposed overall density on the subject site would be in compliance with both the Development Plan and Settlement Guidelines in terms of the quantum of units on the overall site, I consider that the density calculation is one of a number of criteria under which to assess the suitability of the proposed development at this location.
- 7.3.8. Accordingly, while the quantitative density measurement would comply with the both the Development Plan and the Settlement Guidelines, I consider proposed Block D would result in adverse impacts on the residential amenities of part of Block A in terms of serious overshadowing and visual overbearance impacts, as discussed in further detail with reference to Development Plan Section 11.4.4.7, would represent overdevelopment of the site and would not be acceptable in terms of its impacts on the residential amenities of the area. Refusal of permission is recommended on this basis

Compliance with Development Plan

- 7.3.9. Objective HO O8 Student Accommodation states *inter alia* that it is an objective to support the provision of high quality, professionally managed purpose-built student accommodation in appropriate and accessible locations on public transport or cycle networks, and that all forms of student accommodation shall respect and protect the existing residential amenities of the area in which it is proposed. As outlined further below with reference to Section 11.4.4.7 of Development Plan I consider that the proposed development would not protect the residential amenities of the area and would not be in compliance with Objective HO O8 Student Accommodation. Refusal of permission is recommended on this basis.
- 7.3.10. Section 11.4.4.7 outlines 5no. criteria that the Council will have regard to when assessing applications for student accommodation. The proposed development is assessed against these criteria as follows:
- **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 submitted Planning Cover Letter states that Mary Immaculate College is c.

500m from the proposed development. I consider that the site would be less than this to the boundary, and would in any event be less than 1km distance. In terms of access, the subject site is approx. 220m from the pedestrian and vehicular entrance to Mary Immaculate College on Courtbrack Avenue. The proposed development would comply with this criterion.

- **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;**

Existing Block A is located near the northern site boundary, and faces south east. It has an overall length of approx. 21m. Block A has been constructed at a lower ground level than Block D's proposed finished floor level. Block D is annotated to extend 0.72m above Block A's ridge.

Proposed Block D would be 6.5m-6.8m forward of Block A, over a distance of approx. 8m across Block A's front elevation, i.e., much of the western part of this existing building.

Overshadowing, Visual Overbearance and Overdevelopment

Based on the plans and particulars on file, and particularly due to Block D's position 6.5m-6.8m south of Block A, this proposed building would result in overshadowing of most of the western half of Block A. I note that the Architectural Design Statement lodged with the application contains a typical floor plan of the existing buildings, which indicates that 2no. windows on the front elevation serve a kitchen/living/dining area. Based on this typical floor plan, the 3no. most impacted rooms would be the kitchen/living/dining areas at the front of Block A (western side), i.e., 3no. units would be affected.

The applicant's response to the appeal grounds states that Block A has living/kitchen rooms on the elevation facing the gable of the proposed building, and that the very limited in demonstrating proposed development's overshadowing impacts on existing Block A. The June timeframe is the optimum time of year in terms of shortest shadows. No shadow cast analysis for a September/March timeframe, over the course of the day, has been included.

Having regard to the information on file and having inspected the site, I consider that the provision of Block D in close proximity to Block A would adversely impact on the residential amenities of this existing block, i.e., the approx. western half of this block in terms of serious overshadowing and visual overbearance impacts. I consider that the layout and design of the proposed development would produce a cramped and substandard form of development on this restricted site and would represent overdevelopment of the site.

In addition to this Development Plan criterion, I note also that Specific Planning Policy Requirement (SPPR) 1 of the Settlements Guidelines states that development plans shall not include an objective in respect of minimum separation distances which exceed 16m between opposing windows serving habitable rooms at rear or side of apartment units above ground floor level, and a min. 16m separation distance shall be maintained between opposing windows serving habitable rooms at the rear or side of apartments units. Separation distances below 16m may be acceptable where there are no opposing windows serving habitable rooms and where suitable privacy measures prevent undue overlooking.

While SPPR 1 states there shall be no minimum separation distance at ground level or to the front of apartment units, I consider that it has not been adequately demonstrated that the proposed development will not have a significant negative impact on the amenity of occupiers of Block A. Refusal of permission is recommended on this basis.

There is a 16.6m minimum separation distance between the proposed Block D and existing Block B. This is considered acceptable.

For clarity, in this assessment I note that these adverse impacts arising from overshadowing and visual overbearance on Block A relate to part of an existing residential block within the red line boundary. Having regard to the separation distances to existing residential buildings, such as Courtbrack Accommodation at minimum 35.4m to the west, College Gate to north east and The Orchards to south east, the proposed development would not result in undue overshadowing or visual overbearance impacts on existing residential units.

While the proposed 3-storey Block D would not give rise to adverse impacts on residential amenities on existing units within the Courtbrack Accommodation site, as

there is a surface car park to west of the shared boundary, I note however Block D's limited 1.3m separation distance to the western site boundary, and that windows on its western elevation serve bedrooms (and en-suites) on all 3no. floor levels.

Development Plan mapping indicates that the approximate area at which the car park at Courtbrack Accommodation is located is zoned Existing Residential, as are the existing residential blocks on that site. (In terms of detail, Open Space and Recreation land use zoning applies to the western (Courtbrack Avenue) roadside frontage and the northern part of that site which contains a gated tennis court).

While I note that no specific information relating to a permitted development on the approx. car park area of the Courtbrack Accommodation site has been provided on file, I would have concerns that the proposed Block D, by reason of its very close proximity to the western boundary including the provision of windows to single aspect habitable rooms on the western elevation would be prejudicial to the development potential of the adjoining site which is zoned Existing Residential. In this regard I consider that the proximity of Block D to the western site boundary would represent overdevelopment of the site. Refusal of permission on this basis is recommended.

Daylight

The FI site plan shows Block A's FFL is 4.72 and Block D's is 5.9. I note that the plans and particulars on file do not include a section or contiguous elevation demonstrating the relationship between the northern elevation of proposed Block D to existing Block A. However, Contiguous Elevation – Part 02 (Drawing No. 2005; Rev. P02) shows Block D's front elevation in the context of Block A's front elevation in background. The upper part of windows serving the lower ground floor level units in Block A are marginally visible.

Having regard to Block D's overall 10.3m height at FFL 5.9m and its proximity to Block A, I would have concerns that the proposed development would adversely impact on the residential amenities of Block A in terms of loss of daylight, particularly for the lower ground floor unit at the western end of Block A.

I consider that the information on file is inadequate to demonstrate that the proposed development would be acceptable in terms of daylight impacts on the existing units in the western side of Block A, specifically the 3no. living rooms/kitchens.

Accordingly, in the event that the Board was minded to grant permission, it may consider that the matter of daylight impacts of the proposed development on Block A would be required to be addressed. However, given the other substantive recommended reasons for refusal it may not be necessary to pursue this matter.

- **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;**

On-site Facilities

Existing Block B contains a laundry containing 4 large commercial type washing machines and dryers, and some apartments will have their own washing machines/dryers, as outlined in the Architectural Design Statement. This is considered acceptable.

Cycle Parking

24 no. cycle spaces are proposed. This quantum complies with Development Plan standards, which requires minimum 18no. spaces to serve the overall 91-bedspace scheme, based on Zone 2 parking requirement of 1no. space per 5 beds (as per Build to Rent incl. Student Accommodation standard).

However, I note also that SPPR 4 – Cycle Parking and Storage of the Settlement Guidelines states a general minimum standard of 1no. cycle space per bedroom should be applied where residential units do not have a ground level open space or have smaller terraces, any deviation shall be at planning authority's discretion, and it will be important to provide a mix of parking types including larger cargo and electric bikes. In this regard I note that SPPR 4 does not specifically refer to cycle parking provision in student accommodation schemes. However, given that reference is made to 1no. cycle space per bedroom, albeit in the context of any deviation being at the planning authority's discretion, I consider it reasonable in this instance that an increased quantum of cycle parking would be appropriate in this case.

I note that the provision of 1no. cycle space per bedspace for the overall scheme, i.e., 91 cycle spaces, would not be easily achievable within the site having regard to site area, site configuration and varying ground levels on site. However, notwithstanding this and while noting that the proposed development exceeds the

minimum Development Plan cycle parking standards, in the event the Board was minded to grant, it may wish to consider the attachment of a condition requiring additional cycle parking to be provided, including for cargo and electric bikes, details of which may be submitted for agreement by the planning authority.

For completeness, I note the inclusion of a such condition may have implications for reduced soft landscaping.

Car Parking

The FI Student Management Plan describes Westbourne residences as being an essentially car-free development. The maximum Development Plan car parking requirement (Table DM 9(a) refers) is 1no. per 15 beds, plus 1no. shared car club, which equates to 6no. spaces plus 1no. shared car club for the overall development. 7no. spaces are proposed, one of which is an accessible space. No car club space is shown. In the event that the Board was minded to grant permission, it may wish to consider the attachment of a condition requiring one of the spaces to be a designated car club space.

I consider that the provision of an accessible space would be acceptable. However, the detail of the location and access to this space is discussed further below.

Separately, SPPR 3 – Car Parking of the Settlement Guidelines states that in urban neighbourhoods of the five cities, car parking provision should be minimised, substantially reduced or wholly eliminated. Maximum parking provision, where justified, shall be 1no. space per dwelling. This does not include car club or accessible spaces, and includes visitor parking. The proposed provision of 7no. parking spaces in the subject case would not be in conflict with SPPR 3.

In terms of detail, the accessible parking space 01 is the most northerly parking space. No access/reversing manoeuvre is shown for this space on Autotrack Simulations drawing (Document No: 221322-PUNCH-XX-XX-DR-C-0600; Revision No: C01). This drawing shows the standard design vehicle to continue forward before reversing into parking space 03. It would appear, based on the information on file, that a similar manoeuvre for space 01 would partially extend into the landscaped area/raingarden.

In the event that the Board was minded to grant permission, it may wish to consider the attachment of a condition requiring revised drawings showing the manoeuvres to access car space 01, and any changes to the overall car parking layout arising from this requirement to be clearly shown. Given that car parking provision outlined at Table DM 9(a) is the maximum, I consider that a consequent reduction in the quantum of parking spaces, if required to comply with the condition, would be acceptable, subject to the inclusion of designated accessible and car club spaces.

The matter of traffic safety regarding larger vehicles is discussed elsewhere in this report.

Amenity Areas

The FI site plan shows the overall layout largely comprises the footprint of existing and proposed Blocks, car and cycle storage, and internal access/non-vehicular circulation routes. An approx. 42sqm roughly square-shaped landscaped area is proposed to east of Block D, south of Block A and west of Block B. It is stated that seating areas and a landscaped rain garden will help manage stormwater and create a focal point for gatherings at this location.

Save for this landscaped area, residual areas comprise mostly perimeter planting. The remaining open space areas are largely to the rear of Blocks B and C, although the area to the rear of these blocks, backing onto College Gate development to north east, is not indicated as a useable/active amenity space. Photo C on the tree and hedgerow drawing (Drawing No. P540-101) shows the linear area to rear of these blocks, facing the more elevated College Gate boundary.

The units do not include balconies.

Having regard to its orientation, I consider that the landscaped area/raingarden would be a pleasant outdoor seating area at certain times of the day/year. However, while it would have the benefit of passive surveillance, given the proximity of existing and proposed blocks on site, it would also be overshadowed at various times of day/year, the extent of which has not been set out.

I consider that this extent of outdoor space is limited in the context of 91no. bedspaces on the overall site. Although the applicant's response to grounds of appeal includes (at Fig. 11) a map showing green spaces and amenities in the wider

area, distances to and names of these public open spaces are not annotated. While one of the nearest public open spaces shown is estimated to be approx. 1km to south east, it is unclear as to what public open space this relates to.

I note the immediate context of the subject site, whereby the irregular-shaped open space associated with The Orchards to south west does not have the appearance of being actively used. This area is zoned Open Space and Recreation on Development Plan mapping, a zoning which also applies to parts of the Courtbrack Accommodation site.

While I note the absence of accessible public open space in the vicinity of the site, the very limited extent of the central open space which is also stated to be an attenuation area, I note also the site's proximity to Mary Immaculate College and to the city centre. In the particular circumstances of this case, I consider the extent of the open space area may be considered acceptable in this instance.

Waste Management

The Student Management Plan lodged with the application states that the fourth Block will allow for provision of an on-site Estate Manager, and that a panel of approved sub-contractors will be required for services to include refuse management. A bin store is proposed along the western site boundary, north of proposed Block D.

The bin storage area will be enclosed with a 1.8m high fence and gated, will have capacity for three large (1100 litres) commercial type bins each for mixed recyclables, organic waste and residual waste, as outlined in the Architectural Design Statement. On collection days the management will bring bins to footpath edge adjacent to the accessible parking area, and the refuse truck then reverses in.

I consider that the operational waste management proposals are acceptable. The matter of traffic safety with reference to refuse collection is discussed elsewhere in this report.

- **The architectural quality of the design and integration with the wider streetscape with respect to scale, mass, external finishes and landscaping;**

Due to Block D's overall height and proximity to the roadside frontage, it would be

visually prominent as viewed from the streetscape, i.e., the cul de sac route to The Orchards. External finishes primarily comprise brick finish, with a smooth render finish at second floor level. I consider that the overall design and scale of the proposed building, by itself, is acceptable in terms of its impacts on the visual amenities of the streetscape.

In terms of detail of the proposed development at roof level, I note that in addition to the green roof, solar panels and a lift overrun are also shown on the lodged drawings, which are considered acceptable. In the event that the Board was minded to grant permission, it may wish to consider the attachment of a condition stipulating that no plant or other equipment shall be provided at roof level, unless authorised by a prior grant of planning permission.

- **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 over-concentration of such schemes in any one area, in the interests of sustainable development and residential amenity.**

The Planning Cover Report refers to 109no. bedspaces at Courtbrack Student Residences c.50m to west. No existing similar facilities elsewhere in the wider area are set out, save for the reference to the Ashdown centre being located c. 240m south of Westbourne Student Residences. Fig. 11 shows the approx. location of Ashdown Centre a short distance south of the subject site. I note that the planning authority's online planning search mapping indicates Ashdown Student Village is approx. 400m south west of the subject site, west of Ashdown Shopping Centre.

I note the site context, in terms of the existing development on site, the adjoining Courtbrack Accommodation to the west, the extant 2-storey housing at College Gate and The Orchards, and also the site's proximity to Mary Immaculate College.

I consider that a 33.8% increase from 68no. bedspaces to 91no. bedspaces is a relatively high percentage increase and is indicative of a more intensive use of the site. However, the additional 23no. bedspaces are proposed in the context of a managed student accommodation scheme, which includes provision of an on-site Estate Manager. Based on the information on file and having inspected the site, I do

not consider that the percentage increase alone relating to 23no. additional bedspaces would result in over-concentration of student accommodation schemes in this area.

7.4. Traffic Safety

- 7.4.1. The grounds of appeal include that as there is no turning circle for refuse truck, fire tender or substantial service vehicles, this will lead to reversing onto distributor road to south with traffic safety implications in a largely residential area.
- 7.4.2. The applicant's response refers to access/refuse collection arrangements, including that refuse bins will not be parked in a manner that will interfere with circulation within the site and will be positioned as per site layout map (i.e., north of Block D).
- 7.4.3. The first Planner's report states that the Roads Section report raises no objection to the proposed vehicular entrance.
- 7.4.4. It is proposed to relocate the vehicular entrance slightly further east of that existing. The Autotrack Simulations drawing lodged with the application (Document No: 221322-PUNCH-XX-XX-DR-C-0600; Revision No: C01) shows a refuse vehicle driving forward along much of the site's roadside frontage and reversing into the site. Given the vehicular manoeuvres shown for a refuse truck to access the site in reverse, this would suggest that the vehicle would first need to turn to approach the site from the east, i.e., from The Orchards cul de sac. A similar manoeuvre is proposed for a fire tender.
- 7.4.5. Given the cul de sac nature of this road to The Orchards housing scheme, I consider that traffic speeds would be low. The frequency of refuse collection is a matter to be addressed in the management of the student accommodation scheme. Having regard to the manoeuvres shown on the autotrack drawing, the proposed development is considered to be acceptable in terms of traffic safety.

7.5. Stormwater

- 7.5.1. The grounds of appeal state (in attached report) that it is proposed to connect a stormwater pipe into the existing network under the ownership of Mary Immaculate College, and it is understood that no permission has been granted to facilitate this.
- 7.5.2. The applicant's response include that the proposed development is being located on existing impermeable tarmac, no changes to the impermeable area discharging to

pipe are proposed and therefore a letter of consent from Mary Immaculate College is not considered to be required.

- 7.5.3. The Roads, Traffic and Cleansing | Central Services report does not raise concerns regarding stormwater, save for conditions relating to surface water management/SuDS.
- 7.5.4. The Engineering Planning Report lodged with the application states that the surface water drainage infrastructure located within the vicinity of the site is a 225mm diameter pipe flowing south east to north west through the site.
- 7.5.5. I note that the Proposed Drainage & SuDS Layout (Document No. 221322-PUNCH-XX-XX-DR-C-0100; Revision No. C01) lodged with the application shows separate proposed surface water and foul sewers. This drawing also shows 'existing surface water sewer (to be abandoned)' and 'existing foul sewer (to be abandoned)', which run diagonally on a north west/south east alignment through the footprint of proposed Block D.
- 7.5.6. This drawing shows existing foul and surface water sewers near the northern end of the western site boundary with Courtbrack Accommodation, and indicates that these sewers are connected to those on that adjoining site. This drawing also shows proposed SW sewer S1-0 connected to existing SW S1 on the cul-de-sac road. Proposed surface water sewer SI-03 is located north of Block D, and existing surface water sewer S-2 is a short distance north west of same.
- 7.5.7. On the basis of information on file, I consider that the matter of proposed connections to the existing stormwater sewer would be acceptable.
- 7.5.8. With regard to concerns raised within the appeal that the development proposes to access drainage facility through Courtbrack without permission, I consider that this is, however, a civil matter to be resolved between the parties, having regard to the provisions of s.34(13) of the Planning and Development Act 2000, as amended.

7.6. Conclusion

- 7.6.1. Having inspected the site off Courtbrack Avenue, Limerick, and having regard to the planning context, particularly
- the Existing Residential land use zoning of the subject site,

- Objective HO O8 Student Accommodation which supports provision of high quality, professionally managed purpose built student accommodation, and
- the site's close proximity to a third level institution, namely Mary Immaculate College,

I consider that the provision of additional student bedspaces at this location would comply with the land use zoning objective and Objective HO O8 in principle.

- 7.6.2. However, having regard to the restricted nature of the subject site and the overall site configuration, particularly the proximity of proposed Block D to existing Block A, I consider that the proposed development would result in serious overshadowing and visual overbearance impacts on Block A and due to its proximity to the adjoining Courtbrack Accommodation site to the west, would be prejudicial to the development potential of that adjoining site. In this regard I consider that the proposed development would not be in compliance with Objective HO O8 Student Accommodation which requires that all forms of student accommodation shall respect and protect the existing residential amenities of the area, and that it would represent overdevelopment of a restricted site. Accordingly, refusal of permission is recommended.

8.0 AA Screening

- 8.1. A Screening Report for Appropriate Assessment was submitted with the application documentation. It states that it is concluded beyond reasonable scientific doubt, in view of the best scientific knowledge, on the basis of objective information and in light of the conservation objectives of the relevant European sites, that the proposed development, individually or in combination with other plans and projects, will not have a significant effect on any European site.
- 8.2. I have considered the proposed student accommodation in light of the requirements of S177U of the Planning and Development Act 2000 as amended.
- 8.3. The site is not located within or adjacent to any European site. The nearest European sites are:
- Lower River Shannon SAC (002165) is approx. 300m to north.

- River Shannon and River Fergus Estuaries SPA (004077) is approx. 300m to north.

The proposed development comprises details as set out in Section 2.0 of this report.

No nature conservation concerns were raised in the planning appeal.

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.

8.4. The reason for this conclusion is as follows:

- Distance of the subject site from the nearest European sites and lack of connections
- Location of subject site on serviced lands
- Taking into account the statement of screening for appropriate assessment submitted with the application

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

9.0 Recommendation

It is recommended that permission be refused for the reason set out below.

10.0 Reasons and Considerations

1. Having regard to its overall scale and position in very close proximity to and forward of part of existing Block A on site, the layout and design of the proposed development would produce a cramped and substandard form of development on this restricted site and would represent overdevelopment of the site. The proposed development would adversely impact on the residential

amenities of Block A due to serious overshadowing and visual overbearance impacts, and would also be prejudicial to the development potential of the adjoining site to the west. The proposed development would not be in compliance with Existing Residential land use zoning objective of the Limerick Development Plan 2022-2028. Furthermore, the proposed development would not be in compliance with Objective HO O8 Student Accommodation which states *inter alia* that all forms of student accommodation shall respect and protect the existing residential amenities of the area, and would not be in compliance with Section 11.4.4.7 Student Accommodation of the Development Plan. The proposed development would, therefore, be contrary to the provisions of the current Development Plan and to the proper planning and sustainable development of the area.

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.

Cáit Ryan
Senior Planning Inspector

25 October 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-317756-23		
Proposed Development Summary	Construction of a three-storey student accommodation block comprising 22no. en-suite bedrooms, provision of relocated and upgraded vehicular entrance, new pedestrian entrance, signage and associated works.		
Development Address	Westbourne Student Residences, Courtbrack Avenue, Limerick.		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X
		No	No further action required
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?			
Yes			EIA Mandatory EIAR required
No	X	Class 10(b)(i) Construction of more than 500 dwelling units.	Proceed to Q.3
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]?			
		Threshold	Comment (if relevant)
No		N/A	No EIAR or Preliminary Examination required
Yes	X	Class 10(b)(i) construction of more than 500 dwelling units.	Proceed to Q.4

4. Has Schedule 7A information been submitted?

No	X	Preliminary Examination required
Yes		Screening Determination required

Inspector: _____

Date: _____

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-317756-23	
Proposed Development Summary	Construction of a three-storey student accommodation block comprising 22no. en-suite bedrooms, provision of relocated and upgraded vehicular entrance, new pedestrian entrance, signage and associated works.	
Development Address	Westbourne Student Residences, Courtbrack Avenue, Limerick.	
<p>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.</p>		
	Examination	Yes/No/ Uncertain
<p>Nature of the Development</p> <p>Is the nature of the proposed development exceptional in the context of the existing environment?</p>	<p>There are 3no. 3-storey student accommodation blocks on site. There is a separate student accommodation scheme (Courtbrack) on the adjoining site to the west. The site is bounded by 2-storey housing estates to the north east and south east, and filling station/retail to the north (on Dock Road). The proposed development is not exceptional in context of the existing environment.</p>	No
<p>Will the development result in the production of any significant waste, emissions or pollutants?</p>	<p>The development would result in production of some waste and emissions, but in context of the proposed residential use and location on serviced lands, it is not considered that these would be significant. Localised construction impacts would be temporary.</p>	No
<p>Size of the Development</p> <p>Is the size of the proposed development exceptional in the context of the existing environment?</p>	<p>The size of the proposed development is not considered exceptional in the context of 3 no. existing 3-storey buildings on site, and in context of the Courtbrack Accommodation scheme to the west.</p>	No
<p>Are there significant cumulative</p>	<p>Having viewed the planning authority's online planning search and An Bord Pleanála's website, I</p>	No

<p>considerations having regard to other existing and/or permitted projects?</p>	<p>note the following approvals/permissions in the vicinity:</p> <p><u>P.A. Ref. 20/8007</u>: Part 8 approved in 2021 to upgrade the junctions at Atlas Avenue & Courtbrack Avenue with Dock Road. This site is approx. 80m to west of subject site.</p> <p>Note: <u>ABP Ref. 311782</u> confirmed Compulsory Purchase Order (CPO) 2021 with modifications in 2024 for Dock Road Improvement Scheme - Upgrade of Atlas Avenue & Courtbrack Avenue Junctions.</p> <p><u>P.A.20/580</u>: Permission granted for warehouse/distribution centre on derelict site at Dock Road, Limerick. An Appropriate Assessment Screening Report and Natura Impact Statement were submitted with this application. This site is approx. 135m north west of the subject site (as the crow flies).</p> <p><u>P.A. Ref. 22/340</u>: Permission granted in 2022 for demolition and removal of decommissioned tanks, pipework, pipelines and associated gantries, structures, fixtures and fittings at Former Oil Terminal, Dock Road and Courtbrack Avenue. This site is approx. 120m west of the subject site, on western side of Courtbrack Avenue.</p> <p>I note the nature of the approvals/permissions outlined above. However, having regard to the nature and scale of same and distance to the subject site, and the nature and scale of the proposed development, I do not consider that there are significant cumulative considerations.</p>	
<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>The site is not located within or adjacent to any European site. The nearest European sites are:</p> <ul style="list-style-type: none"> • Lower River Shannon SAC (002165) is approx. 300m to north. • River Shannon and River Fergus Estuaries SPA (004077) is approx. 300m to north. <p>The proposed development does not have the potential to significantly impact on an ecologically sensitive site or location.</p>	<p>No</p>

Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?	Having regard to the nature, scale and location of the subject site, the proposed development does not have the potential to significantly affect other significant environmental sensitivities in the area.	No
Conclusion		
There is no real likelihood of significant effects on the environment. EIA not required.	There is significant and realistic doubt regarding the likelihood of significant effects on the environment. Schedule 7A Information required to enable a Screening Determination to be carried out.	There is a real likelihood of significant effects on the environment. EIAR required.

Inspector: _____

Date: _____

DP/ADP: _____ **Date:** _____

(only where Schedule 7A information or EIAR required)